

Notice of Decision and Reasons for Decision

Applicant:	'EH8'
Agency:	Mornington Peninsula Shire
Decision date:	4 March 2022
Exemptions considered:	Sections 30(1), 33(1), 35(1)(a), 38 in conjunction with section 125 of the <i>Local Government Act 2020</i> (Vic)
Citation:	'EH8' and Mornington Peninsula Shire (<i>Freedom of Information</i>) [2022] VICmr 99 (4 March 2022)

FREEDOM OF INFORMATION – council documents – resident complaint about Agency officer – complaint sent to multiple Agency officers – complaint handling by Agency – emails between Agency officers – personal affairs information – secrecy provision – *Local Government Act 2020* (Vic)

All references to legislation in this document are to the *Freedom of Information Act 1982* (Vic) (**FOI Act**) unless otherwise stated.

Notice of Decision

I have conducted a review under section 49F of the Agency's decision to refuse access to documents requested by the Applicant under the FOI Act.

My decision on the Applicant's request differs from the Agency's decision in that I have decided to release a small amount of additional information in the documents.

I am satisfied certain information in the documents is exempt from release under sections 30(1), 33(1), and 38 in conjunction with section 125 of the *Local Government Act 2020* (Vic) (**LG Act**). However, I am not satisfied the exemption under section 35(1)(a) applies.

Where I am satisfied it is practicable to provide the Applicant with an edited copy of a document with exempt information deleted in accordance with section 25, access is granted in part. Where it is not practicable to do so, access is refused in full.

The Schedule of Documents in **Annexure 1** sets out my decision in relation to each document.

A marked-up copy of the documents showing information exempt from release will be provided to the Agency with this decision for its reference. My reasons for decision follow.

Joanne Kummrow
Public Access Deputy Commissioner

4 March 2022

Reasons for Decision

Background to review

1. The Applicant made a request to the Agency seeking access to certain documents arising from a complaint the Applicant sent to multiple Agency officers about another Agency officer.
2. Following consultation with the Agency, the Applicant agreed to amend the terms of their request to:

All correspondence to and from [Agency officer name] and [Agency officer name] between [date] and [date] mentioning my name or is related to me personally.
3. In its decision, the Agency identified eight documents falling within the terms of the Applicant's request and granted access to one document in full, and refused access to three documents in part and four documents in full under sections 30(1), 35(1)(a), and 38 in conjunction with section 125 of the LG Act. The Agency's decision letter sets out the reasons for its decision.

Review application

4. The Applicant sought review by the Information Commissioner under section 49A(1) of the Agency's decision to refuse access.
5. I have examined a copy of the documents subject to review.
6. The Applicant and the Agency were invited to make a written submission under section 49H(2) in relation to the review.
7. I have considered all communications and submissions received from the parties.
8. In undertaking my review, I have had regard to the object of the FOI Act, which is to create a general right of access to information in the possession of the Government or other public bodies, limited only by exceptions and exemptions necessary to protect essential public interests, privacy and business affairs.
9. I note Parliament's intention the FOI Act must be interpreted so as to further the object of the Act and any discretions conferred by the Act must be exercised, as far as possible, so as to facilitate and promote the disclosure of information in a timely manner and at the lowest reasonable cost.

Review of exemptions

Section 38 – Document to which a secrecy provision applies

10. A document is exempt under section 38 if the following three requirements are met:
 - (a) there is an enactment in force;
 - (b) the enactment applies specifically to the kind of information in a document; and
 - (c) the enactment prohibits persons, referred to in the enactment, from disclosing that type of specific information
11. For section 38 to apply to a document, an enactment must be framed with such precision that it specifies the exact information sought to be prohibited from disclosure.

Is there an enactment in force?

12. Section 125 of the LG Act came into force on 24 October 2020 and provides:

125 Confidential information

- (1) Unless subsection (2) or (3) applies, a person who is, or has been, a Councillor, a member of a delegated committee or a member of Council staff, must not intentionally or recklessly disclose information that the person knows, or should reasonably know, is confidential information.
Penalty: 120 penalty units.
- (2) Subsection (1) does not apply if the information that is disclosed is information that the Council has determined should be publicly available.
- (3) A person who is, or has been, a Councillor, a member of a delegated committee or a member of Council staff, may disclose information that the person knows, or should reasonably know, is confidential information in the following circumstances—
 - (a) for the purposes of any legal proceedings arising out of this Act;
 - (b) to a court or tribunal in the course of legal proceedings;
 - (c) pursuant to an order of a court or tribunal;
 - (d) in the course of an internal arbitration and for the purposes of the internal arbitration process;
 - (e) in the course of a Councillor Conduct Panel hearing and for the purposes of the hearing;
 - (f) to a Municipal Monitor to the extent reasonably required by the Municipal Monitor;
 - (g) to the Chief Municipal Inspector to the extent reasonably required by the Chief Municipal Inspector;
 - (h) to a Commission of Inquiry to the extent reasonably required by the Commission of Inquiry;
 - (i) to the extent reasonably required by a law enforcement agency.

13. I am satisfied the LG Act is an enactment in force for the purposes of section 38.

Does the enactment apply specifically to the kind of information in the documents, and does it prohibit persons, referred to in the enactment, from disclosing the requested information?

14. The documents subject to review include a copy of the Applicant's complaint, which the Applicant sent by email to multiple Agency officers, and subsequent emails exchanged between Agency officers in relation to the complaint and any proposed steps or action to be taken.
15. The Agency relies on section 38 in relation to all information exempted from release in the documents.
16. 'Confidential information' in section 125 of the LG Act is defined in section 3(1)(f) of that Act to relevantly include:
 - (f) personal information, being information which if released would result in the unreasonable disclosure of information about any person or their personal affairs.

17. In its decision letter, the Agency states:

The documents contain names, email addresses, telephone numbers, titles, and personal opinions which I am satisfied is information about a person and their personal affairs, the disclosure of which would be unreasonable.

18. The definition of 'confidential information' in the LG Act overlaps with the exemption under section 33(1) of the FOI Act, which concerns 'personal affairs information' and provides a document is exempt from release if:
 - (a) its disclosure under the FOI Act would 'involve' the disclosure of information relating to the 'personal affairs' of a person other than the Applicant (a **third party**);¹ and
 - (b) such disclosure would be 'unreasonable'.
19. Having reviewed information in the documents, I am satisfied section 125 of the LG Act applies specifically to certain information in the documents and prohibits persons referred to in the LG Act from disclosing this information.

Do the documents contain 'personal information' for the purposes of section 125 of the LG Act 2020?

20. In determining whether the documents contain 'personal information' of a third party, I have had regard to similar considerations that arise under section 33(1) of the FOI Act.
21. Information relating to a person's 'personal affairs' includes information that identifies any person or discloses their address or location. It also includes any information from which such information may be reasonably determined.²
22. I accept 'personal information' may encompass a broad range of information concerning an individual, for example, their name, address and telephone number. Such information can also encompass a record of a person's opinion or response to information or an event.
23. The documents contain the following 'personal information' of third parties, including Agency officers, for the purposes of section 3(1)(f) of the LG Act: their names, email addresses, position titles, telephone numbers, business addresses and other information capable of identifying the third parties.
24. Accordingly, I am satisfied the general nature of the information subject to review comprises 'personal information' for the purposes of section 125 of the LG Act 2020.

Would disclosure of the 'personal information' be unreasonable in the circumstances?

25. The concept of 'unreasonable disclosure' involves balancing the public interest in the disclosure of official information with the interest in protecting the personal privacy of a person in the particular circumstances.³
26. I consider this approach is also relevant when determining whether information in a document constitutes 'confidential information' for the purposes of section 125 of the LG Act.
27. I adopt the view expressed by the Victorian Court of Appeal in *Victoria Police v Marke*,⁴ in which it was held there is 'no absolute bar to providing access to documents which relate to the personal affairs of others', and the exemption under section 33(1) 'arises only in cases of unreasonable disclosure' and '[w]hat amounts to an unreasonable disclosure of someone's personal affairs will necessarily vary from case to case'.

¹ Sections 33(1) and (2).

² Section 33(9).

³ *Re Page v Metropolitan Transit Authority* (1988) 2 VAR 243 at 245-6.

⁴ [2008] VSCA 218 at [76].

28. As also stated in *Victoria Police v Marke*, '[t]he protection of privacy, which lies at the heart of s 33(1), is an important right that the FOI Act properly protects. However, an individual's privacy can be invaded to a lesser or greater degree'.⁵

29. In determining whether disclosure of the information would be unreasonable in these circumstances, I have had regard to the following factors:

(a) The nature of the personal information and the circumstances under which it was obtained by the Agency

The information in the emails was obtained and generated by the Agency following a complaint made by the Applicant in relation to an Agency officer. The Applicant sent their complaint by email to various officers within the Agency.

The documents contain a copy of an email sent to the Agency setting out the Applicant's complaint and internal correspondence between Agency officers who received the complaint either from the Applicant directly or in the usual course of the Agency's consideration of the complaint and discussions in relation to the Agency's appropriate handling of the complaint.

I consider the sensitivity attached to the various emails, many of which include repeated copies of emails, varies between the correspondence.

In my view, there is a general expectation that correspondence created using a Council email address is of an official nature. In this instance, I am satisfied the personal information was recorded in the course of and in connection with the professional duties and responsibilities of the relevant Agency officers. However, due to the nature of the Applicant's complaint, which concerns a named Agency officer, I consider certain correspondence also relates to their personal information and is sensitive in nature in the context of this matter.

(b) The Applicant's interest in the information, including their purpose or motive in seeking access to the documents

The Applicant submits in their review application that they have a right to know what Agency officers said about them following making their complaint to the Agency.

The Applicant is also concerned that their complaint was circulated within the Agency to the person the subject of the complaint contrary to the intention of the Applicant.

I consider the Applicant has a personal interest in obtaining access to the documents in full having sent their complaint to multiple Agency officers, the Applicant seeks to know what correspondence was exchanged between those officers in relation to the complaint.

(c) Whether any public interest would be promoted by disclosure

I consider there is a public interest in ensuring an Agency's complaint handling processes are fair and comply with all relevant processes and legal obligations. As such, having reviewed the documents, I am satisfied the disclosure of certain information in the documents that concerns the Agency's handling of the complaint would serve this public interest.

However, having carefully reviewed each of the documents and taking into consideration the nature of the Applicant's complaint made to the Agency and the context of this matter, I consider disclosure of the documents in full would be contrary to the public interest in that it is reasonable for the Agency officers, to whom the Applicant sent a copy of their complaint, to

⁵ Ibid at [79].

respond to the complaint by way of internal correspondence. Having reviewed the correspondence, I consider no public interest would be promoted by its disclosure given it appears to be a reasonable and proportionate response to the Applicant's complaint.

(d) The likelihood of further disclosure if the information is released

The nature of disclosure under the FOI Act is unconditional and unrestricted, which means an applicant is free to disseminate widely or use a document as they choose once it is released.⁶

On the information before me, I consider that further disclosure of the information would be likely if released under the FOI Act and this would impact on the personal privacy of certain third parties.

(e) Whether the individuals to whom the information relates object or would be likely to object to the disclosure of the information

Given the documents concern a complaint made by the Applicant to the Agency, I consider certain third parties to whom the information relates or concerns would object to disclosure of their personal information under the FOI Act in the circumstances of this matter.

(f) Whether disclosure would cause the individuals stress, anxiety or embarrassment

I consider it is likely disclosure of certain information in the documents would cause certain third parties to whom the information relates stress and anxiety in the circumstances of this matter.

(g) Whether the disclosure of information relating to the personal affairs of any person would, or would be likely to, endanger the physical life and safety of any person

There is information before me to indicate this could be a relevant factor in the circumstances of the matter. As such, I am not able to discount that a person would not suffer a measure of personal harm should the documents be released in full.

30. Having weighed up the above factors, on balance, I am satisfied disclosure of certain personal information in the documents would be unreasonable in the circumstances given the sensitive circumstances of this matter which underpin the personal information in the documents. However, I am not satisfied disclosure of position titles of Agency officers would be unreasonable having regard to roles of the recipients of the Applicant's complaint.

31. Accordingly, I am satisfied certain information in the documents is exempt from release under section 38 of the FOI Act in conjunction with section 125 of the LG Act.

32. My decision in relation to section 38 is set out in the Schedule of Documents at **Annexure 1**.

Section 33(1) – Documents affecting the personal privacy of third parties

33. Given the similarity in wording between section 3(1)(f) of the LG Act and section 33(1), I am satisfied the information exempt from release under section 38 in conjunction with section 125 of the LG Act is also exempt under section 33(1).

34. My decision in relation to sections 33(1) is set out in the Schedule of Documents at **Annexure 1**.

⁶ *Victoria Police v Marke* [2008] VSCA 218 at [104].

Section 35(1)(a) – Information communicated in confidence to an agency

35. A document is exempt under section 35(1)(a) if two conditions are satisfied:
- (a) disclosure would divulge information or matter communicated in confidence by or on behalf of a person or government to an agency or a Minister; and
 - (b) the information would be exempt matter if it were generated by an agency or Minister.
36. The Agency's submits the information it exempted from release under section 35(1)(a) was communicated in confidence between internal Agency officers and would be exempt under section 30(1) if it were generated by the Agency.
37. I am not satisfied this exemption applies in this case based on the nature of the information subject to review and the first condition above not being met.
38. Accordingly, I am not satisfied the documents are exempt from release under section 35(1)(a).
39. My decision in relation to section 35(1)(a) is set out in the Schedule of Documents at **Annexure 1**.

Section 30(1) – Internal working documents

40. Section 30(1) has three requirements:
- (a) the document must disclose matter in the nature of opinion, advice or recommendation prepared by an officer or Minister, or consultation or deliberation that has taken place between officers, Ministers or an officer and a Minister;
 - (b) such matter must be made in the course of, or for the purpose of, the deliberative processes involved in the functions of an agency or Minister or of the government; and
 - (c) disclosure of the matter would be contrary to the public interest.
41. This section specifically applies to documents prepared by members of a Council.⁷

Do the documents disclose matter in the nature of opinion, advice or recommendation prepared by an officer or Minister, or consultation or deliberation that has taken place between officers, Ministers or an officer and a Minister?

42. In order to meet the requirements of section 30(1), a document must contain matter in the nature of opinion, advice or recommendation prepared by an agency officer, or consultation or deliberation between agency officers.
43. It is not necessary for a document to be in the nature of opinion, advice or recommendation. Rather, the issue is whether release of the document would disclose matter of that nature.⁸
44. The Agency relies on this exemption in relation to Documents 2, 4, and 8. I am satisfied these documents contain matter in the nature of opinion, deliberation and consultation between Agency officers in response to the Applicant's complaint.

⁷ Section 30(1A).

⁸ *Mildenhall v Department of Education* (1998) 14 VAR 87.

45. While the Agency does not rely on section 30(1) in relation to other documents subject to review, I am satisfied Documents 1, 3, 6 and 7 also contain matter in the nature of opinion, deliberation and consultation between Agency officers in relation to the Applicant's complaint.

Were the documents made in the course of, or for the purpose of, the deliberative processes involved in the functions of an agency or Minister or of the government?

46. The term 'deliberative process' is interpreted widely and includes any of the processes of deliberation or consideration involved in the functions of an agency, Minister or government.⁹

47. In *Re Waterford and Department of Treasury (No.2)*,¹⁰ the former Victorian Administrative Appeals Tribunal held:

... "deliberative processes" [is] wide enough to include any of the processes of deliberation or consideration involved in the functions of an agency... In short, ...its thinking processes — the processes of reflection, for example, upon the wisdom and expediency of a proposal, a particular decision or a course of action.

48. I am satisfied the documents were made in the course of and record the deliberative and consultative processes of Agency officers in relation to the Applicant's complaint.

Would disclosure of the documents be contrary to the public interest?

49. Determining whether disclosure of the opinion, deliberation and consultation recorded in the documents would be contrary to the public interest requires a 'process of the weighing against each other conflicting merits and demerits'.¹¹

50. In doing so, I must consider all relevant facts and circumstances remaining mindful the object of the FOI Act is to facilitate and promote the disclosure of information.

51. I have considered the following relevant factors in the circumstances of this matter:¹²

(a) The right of every person to gain access to documents under the FOI Act

I acknowledge the Applicant's right to access documents under the FOI Act in relation to the handling of their complaint made to the Agency.

(b) The degree of sensitivity of the issues discussed in the documents and the broader context giving rise to the creation of the documents

Having reviewed the documents and considered the context in which the documents were created, I consider the Agency's opinions, deliberation and consultation in response to the Applicant's complaint are sensitive in nature. In doing so, however, I consider they appear to be a reasonable and proportionate response to the Applicant's complaint.

Further, I consider that where the content of a document would disclose information more closely connected to the circumstances of a third party than the Applicant, the degree of sensitivity associated with the information is higher and its disclosure would be contrary to the public interest.

⁹ *Brog v Department of Premier and Cabinet* (1989) 3 VAR 201 at 208.

¹⁰ [1984] AATA 67; (1984) 5 ALD 588; 1 AAR 1 at [58].

¹¹ *Sinclair v Maryborough Mining Warden* [1975] HCA 17; (1975) 132 CLR 473 at [485], adopted in *Department of Premier and Cabinet v Hulls* [1999] VSCA 117 at [30].

¹² *Hulls v Victorian Casino and Gambling Authority* (1998) 12 VAR 483.

- (c) The stage of a decision or status of policy development or a process being undertaken at the time the communications were made

I consider the opinions, deliberation and consultation recorded in the documents, a number of which were exchanged [at a time] following the Applicant making their complaint to multiple Agency officers, is evidence of the Agency's response to the Applicant's complaint being at a preliminary stage.

For example, the emails of [date] and [date] reflect responses provided by Agency officers shortly after the complaint was made and are preliminary in nature in comparison to other correspondence in the chain sent at a later point.

- (d) Whether disclosure of the documents would be likely to inhibit communications between Agency officers, essential for the Agency to make an informed and well-considered decision or participate fully and properly in a process in accordance with the Agency's functions and other statutory obligations

I consider there is a public interest in ensuring Agency officers, who receive a copy of a complaint (in this case from the complainant directly) are able to discuss, deliberate and record relevant issues, opinions and related information. This includes being able to make a written record of information gathered relating to sensitive matters without concern such information will be released under the FOI Act.

Having considered the sensitivity of this matter, which concerns a complaint made by the Applicant against an Agency officer, I consider disclosure of certain information in the documents could inhibit Agency officers from recording their reasonable discussions, responses and opinions regarding such a complaint out of concern such deliberative information could be released to the parties involved.

- (e) Whether disclosure of a document would give merely a part explanation, rather than a complete explanation for the taking of a particular decision or the outcome of a process, which the agency would not otherwise be able to explain upon disclosure of the documents

Given the Applicant's existing knowledge of circumstances arising from their complaint made to the Agency, I consider two emails within Document 1 provide an explanation as to one aspect of the Agency's handling of the Applicant's complaint.

- (f) The public interest in the community being better informed about the way in which the Agency carries out its functions, including its deliberative, consultative and decision-making processes and whether the underlying issues require greater public scrutiny

I consider there is a public interest in the disclosure of information about the way in which the Agency responds to complaints made by members of the public about Agency officers. However, I consider most of the information exempted from release by the Agency would not provide useful information in relation to the Agency's decision making processes in response to the Applicant's complaint.

I acknowledge the Applicant's interest in obtaining full access to the documents subject to review. However, I do not consider their personal interest outweighs the public interest in Agency officers being able to reasonably communicate between themselves in relation to the Applicant's complaint following their receipt of the complaint.

However, as discussed in paragraph (e) above, I consider two emails within Document 1 may assist the Applicant with their intended purpose for seeking access to the documents without

disclosing sensitive deliberative information that would otherwise be contrary to the public interest.

I also consider there is a limited public interest in the disclosure of information in the documents that is merely administrative in nature in the circumstances of this matter.

52. On the balance, I consider it would be contrary to the public interest to disclose most information in the documents, given the sensitive circumstances of this matter. Further, I am satisfied disclosure would be reasonably likely to inhibit Agency officers from recording their reasonable deliberations in response to a complaint made to the Agency in the future. I also consider there is limited public interest in disclosing administrative matters not directly related to the complaint and, on balance, consider disclosure would be contrary to the public interest. Accordingly, I am satisfied this information is exempt under section 30(1).
53. However, I am satisfied disclosure of certain information in Document 1 would not be contrary to the public interest as it does not reveal the sensitive deliberations of Agency officers and would provide information to the Applicant that she seeks regarding the Agency's handling of their complaint.
54. My decision in relation to section 30(1) is set out in the Schedule of Documents at **Annexure 1**.

Section 25 – Deletion of exempt or irrelevant information

55. Section 25 requires an Agency to grant access to an edited copy of a document where it is practicable to delete exempt or irrelevant information and the Applicant agrees to receive such a document.
56. Determining what is 'practicable' requires consideration of the effort involved in making the deletions from a resources point of view.¹³ Where deletions would render the document meaningless, they are not 'practicable' and not required under section 25.¹⁴
57. I have considered if it is practicable to provide the Applicant with an edited copy of the documents with exempt information deleted in accordance with section 25. Where I am satisfied to do so would not require substantial time and effort and the documents would retain meaning, access is granted in part. Where I am satisfied it is not practicable to do so, access is refused in full.

Conclusion

58. On the information before me, I am satisfied certain information in the documents is exempt under sections 30(1), 33(1), and 38 in conjunction with section 125 of the LG Act. However, I am not satisfied the exemption under section 35(1)(a) applies.
59. Where I am satisfied it is practicable to provide the Applicant with an edited copy of the documents with exempt information deleted in accordance with section 25, access is granted in part. Where it is not practicable to do so, access is refused in full.
60. The Schedule of Documents in **Annexure 1** sets out my decision in relation to each document.
61. A marked-up copy of the documents showing information exempt from release will be provided to the Agency with this decision for its reference.

¹³ *Mickelborough v Victoria Police (General)* [2009] VCAT 2786 at [31]; *The Herald and Weekly Times Pty Limited v The Office of the Premier (General)* [2012] VCAT 967 at [82].

¹⁴ *Honeywood v Department of Human Services* [2006] VCAT 2048 at [26]; *RFJ v Victoria Police FOI Division (Review and Regulation)* [2013] VCAT 1267 at [140] and [155].

Review rights

62. If either party to this review is not satisfied with my decision, they are entitled to apply to the Victorian Civil and Administrative Tribunal (**VCAT**) for it to be reviewed.¹⁵
63. The Applicant may apply to VCAT for a review up to 60 days from the date they are given this Notice of Decision.¹⁶
64. The Agency may apply to VCAT for a review up to 14 days from the date it is given this Notice of Decision.¹⁷
65. Information about how to apply to VCAT is available online at www.vcat.vic.gov.au. Alternatively, VCAT may be contacted by email at admin@vcat.vic.gov.au or by telephone on 1300 018 228.
66. The Agency is required to notify the Information Commissioner in writing as soon as practicable if either party applies to VCAT for a review of my decision.¹⁸

Third party review rights

67. As I have determined to release documents that contain the personal affairs information of third parties, if practicable, I am required to notify those persons of their right to seek review by VCAT of my decision within 60 days from the date they are given notice.¹⁹
68. In this case, I am satisfied it is practicable to notify the relevant third parties of their review rights.

When this decision takes effect

69. My decision does not take effect until the third parties' 60 day review period expires.
70. If a review application is made to VCAT, my decision will be subject to any VCAT determination.

¹⁵ The Applicant in section 50(1)(b) and the Agency in section 50(3D).

¹⁶ Section 52(5).

¹⁷ Section 52(9).

¹⁸ Sections 50(3F) and 50(3FA).

¹⁹ Sections 49P(5), 50(3) and 52(3).

Annexure 1 – Schedule of Documents

Document No.	Date of Document	Document Description	No. of Pages	Agency Decision	OVIC Decision	OVIC Comments
1.	[date]	Email chain	9	Released in part Section 38	Release in part Sections 30(1), 33(1), 38, 25 The document is to be released, except for exempt information as recorded in the marked-up version of the document provided to the Agency with this decision, which is to be deleted in accordance with section 25.	<p>Section 30(1): I am satisfied this email chain contains the opinions and deliberations of Agency officers in relation to a complaint made by the Applicant to multiple Agency officers. I am satisfied it would be contrary to the public interest to disclose certain information for the reasons outlined in the Notice of Decision above.</p> <p>However, I am satisfied it would not be contrary to the public interest to disclose the emails dated [date] and [date] for the reasons outlined in the Notice of Decision above.</p> <p>Section 33(1): I am satisfied the document contains information that is exempt from release under section 33(1) for the reasons outlined in the Notice of Decision above.</p> <p>Section 38: I am satisfied the document contains information that is exempt from release under section 38 of the FOI Act in conjunction with section 125 of the LG Act, for the reasons outlines in the Notice of Decision above.</p>

Document No.	Date of Document	Document Description	No. of Pages	Agency Decision	OVIC Decision	OVIC Comments
						<p>Section 25: I am satisfied it is practicable to provide the Applicant with an edited copy of this document with exempt information deleted in accordance with section 25. Accordingly, access to this document is granted in part.</p>
2.	[date]	Email chain	1	<p>Refused in full</p> <p>Sections 30(1), 35(1)(a), 38</p>	<p>Refuse in full</p> <p>Sections 30(1), 33(1), 38</p>	<p>Section 30(1): I am satisfied this email chain contains a record of opinions, deliberations and consultation between Agency officers in response to the Applicant's complaint. I am also satisfied disclosure of this information would be contrary to the public interest for the reasons outlined in the Notice of Decision above. Accordingly, I am satisfied this document is exempt from release under section 30(1).</p> <p>Sections 33(1) and 38: See comments for Document 1.</p> <p>Section 35(1)(a): I am not satisfied this document is exempt from release under section 35(1)(a) for the reasons outlined in the Notice of Decision above.</p>

Document No.	Date of Document	Document Description	No. of Pages	Agency Decision	OVIC Decision	OVIC Comments
						<p>Section 25: I am not satisfied it is practicable to provide the Applicant with an edited copy of this document with exempt information deleted in accordance with section 25. Accordingly, access to this document is refused in full.</p>
3.	[date]	Email chain	9	<p>Released in part</p> <p>Section 38</p>	<p>Release in part</p> <p>Sections 30(1), 33(1), 38, 25</p> <p>My decision is the same as the Agency's in that no further information is to be released. However, my decision on the application of the exemptions differs.</p> <p>The document is to be released, except for exempt information as recorded in the marked-up version of the document provided to the Agency with this decision, which is to be deleted in accordance with section 25.</p>	<p>Sections 30(1): See comments for Document 2.</p> <p>Sections 25, 33(1), 38: See comments for Document 1.</p>

Document No.	Date of Document	Document Description	No. of Pages	Agency Decision	OVIC Decision	OVIC Comments
4.	[date]	Email chain	2	Refused in full Sections 30(1), 35(1)(a), 38	Refuse in full Sections 30(1), 33(1), 38	Sections 25, 30(1): See comments for Document 2. Sections 33(1), 38: See comments for Document 1.
5.	Multiple dates	Email chain	9	Released in full	Not subject to review	
6.	[date]	Email	1	Refused in full Section 38	Refuse in full Sections 30(1), 33(1), 38	Sections 25, 30(1): See comments for Document 2. Sections 33(1), 38: See comments for Document 1.
7.	[date]	Email chain	9	Released in part Section 38	Release in part Sections 30(1), 33(1), 38, 25 My decision is the same as the Agency's in that no further information is to be released. However, my decision on the application of the exemptions differs from the Agency's decision. The document is to be released, except for the	Section 30(1): See comments for Document 2. Sections 33(1), 38, 25: See comments for Document 1.

Document No.	Date of Document	Document Description	No. of Pages	Agency Decision	OVIC Decision	OVIC Comments
					<p>exempt information as recorded in the marked-up version of the document provided to the Agency with this decision, which is to be deleted in accordance with section 25.</p>	
8.	[date]	Email	1	<p>Refused in full</p> <p>Sections 30(1), 35(1)(a), 38</p>	<p>Refuse in full</p> <p>Sections 30(1), 33(1), 38, 25</p>	<p>Sections 25, 30(1), 35(1)(a): See comments for Document 2.</p> <p>Section 33(1), 38: See comments for Document 1.</p>