

Notice of Decision and Reasons for Decision

Applicant: 'EL6'
Agency: Department of Health
Decision date: 19 May 2022
Exemptions considered: Sections 33(1), 34(1)(b), 35(1)(b)
Citation: 'EL6' and Department of Health (*Freedom of Information*) [2022] VICmr 133 (19 May 2022)

FREEDOM OF INFORMATION – *Food Act 1984* (Vic) – *Public Health and Wellbeing Act 2008* (Vic) – investigation – media coverage – publicly available information – personal affairs information – disclosure not unreasonable – disclosure not contrary to the public interest – business undertaking – disadvantage – information obtained in confidence

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 determined to release additional information in the documents to the Applicant.

I am satisfied section 33(1) applies to certain personal affairs information in the documents. However, I am not satisfied the documents are exempt from release under sections 34(1)(b) or 35(1)(b).

As I am satisfied it is practicable to provide the Applicant with an edited copy of the documents with irrelevant and exempt information deleted in accordance with section 25, access to the documents is granted in part.

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 that I am satisfied is exempt has been provided to the Agency with this decision for its reference.

My reasons for decision follow.

Joanne Kummrow
Public Access Deputy Commissioner
19 May 2022

Reasons for Decision

Background to review

1. The Applicant made a request to the Agency seeking access to the following documents:

A copy of all correspondence received by the Department of Health and Human Services from [another Agency] or employees thereof in relation to [a business] between [date] and [date] and correspondence sent by the Department of Health and Human Services in response.

2. The Agency identified 433 pages falling within the terms of the Applicant's request and refused access to certain information under sections 33(1), 34(1)(b) and 35(1)(b). The Agency's decision letter sets out the reasons for its decision.
3. [Redacted background information].

Review application

4. The Applicant sought review by the Information Commissioner under section 49A(1) of the Agency's decision to refuse access.
5. The Applicant seeks review of the exempted information on pages 1, 85, 86 and 87 of the documents released to them by the Agency only. Accordingly, the remaining pages fall outside of the scope of my review.
6. I have examined a copy of the documents subject to review.
7. The Applicant and the Agency were invited to make a written submission under section 49H(2) in relation to the review.
8. During the review, there was information before OVIC to suggest that certain documents falling within the scope of the Applicant's request may not have been provided to them through the Agency's decision. OVIC staff made enquiries with the Agency and having considered the Agency's response, I am satisfied it conducted a thorough and diligent search for relevant documents based on the terms of the Applicant's request prior to the decision.
9. I have considered all communications and submissions received from the parties.
10. 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.
11. 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 exemption

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

12. A document is exempt under section 33(1) if two conditions are satisfied:

- (a) disclosure of the document 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'.

Do the documents contain personal affairs information of a third party?

- 13. 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
- 14. A document will disclose a third party's personal affairs information if it is capable, either directly or indirectly, of identifying that person. As the FOI Act does not place any restrictions on an applicant's use or dissemination of documents obtained under FOI, this is to be interpreted by reference to the capacity of any member of the public to identify a third party.³
- 15. The Agency relies on section 33(1) to refuse access to the names, position titles and contact details of Agency officers and officers from another agency. The Agency also relies on section 33(1) to refuse access to the name and contact details of other third parties as well as other information from which their identity could reasonably be determined.
- 16. I am satisfied this information is the personal affairs information of third parties for the purpose of section 33.

Would disclosure of the personal affairs information be unreasonable?

- 17. 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 third party in the particular circumstances.
- 18. In *Victoria Police v Marke*,⁴ the Victorian Court of Appeal held there is 'no absolute bar to providing access to documents which relate to the personal affairs of others'. Further, 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'.⁵ The Court further held, '[t]he protection of privacy, which lies at the heart of [section] 33(1), is an important right that the FOI Act properly protects. However, an individual's privacy can be invaded by a lesser or greater degree'.⁶
- 19. Whether or not an agency officer's personal affairs information is exempt under section 33(1) must be considered in the context of the particular circumstances of each matter.⁷
- 20. In determining whether disclosure of the personal affairs information would be unreasonable in the circumstances, I have considered the following factors:

¹ Sections 33(1) and 33(2).

² Section 33(9).

³ *O'Sullivan v Department of Health and Community Services (No 2)* [1995] 9 VAR 1 at [14]; *Beauchamp v Department of Education* [2006] VCAT 1653 at [42].

⁴ [2008] VSCA 218 at [76].

⁵ *Ibid.*

⁶ *Ibid* at [79].

⁷ *Coulson v Department of Premier and Cabinet (Review and Regulation)* [2018] VCAT 229.

- (a) The nature of the personal affairs information and the circumstances in which the information was obtained

The documents were created as part of a food safety investigation. The Agency has a variety of powers and responsibilities under the Food Act and the *Public Health and Wellbeing Act 2008* (Vic) (**Public Health and Wellbeing Act**) to respond to food safety and public health concerns. In these circumstances, I consider certain information in the documents is sensitive in nature.

- (b) The extent to which the information is available publicly and the likelihood of disclosure of information, if 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.⁸

Accordingly, I have considered the likelihood of the personal affairs information in the document being further disseminated, if disclosed, and the effects broader disclosure of this information would have on the personal privacy of the relevant third parties.

There has been media coverage and [background information] concerning the circumstances that led to the closure of the business specified in the Applicant's request. This has resulted in the names, position titles and contact information of several third parties named in the documents being publicly available.

I also acknowledge the names of certain third parties were published in the [named] Reports and [background information] into the closure of the business. I also acknowledge the name and contact details of some third parties are publicly available. This factor weighs in favour of disclosure of the names, position titles and contact details of certain third parties who have already been named publicly.

I consider the effect of further dissemination of the personal information would have a greater impact on the personal privacy of those who have not been publicly named in the above online sources arising from the inquiry.

- (c) The Applicant's interest in the information

The FOI Act provides a general right of access that can be exercised by any person, regardless of their motive or purpose for seeking access to a document. However, the reasons why an applicant seeks access to a document is a relevant consideration in determining whether disclosure would be unreasonable under section 33(1).⁹

[Redacted information regarding the Applicant].

- (d) Whether any public interest would be promoted by release of the personal affairs information

Where an applicant's motivation for seeking access to personal affairs information of a third party is more closely related to an applicant's personal interest or curiosity in obtaining the information without a broader public interest, access is more likely to be unreasonable.¹⁰

I consider granting access to the documents would promote the public interest in providing transparency concerning the Agency's role in carrying out its regulatory functions under the

⁸ Ibid at [68].

⁹ *Victoria Police v Marke* [2008] VSCA 218 at [104].

¹⁰ *Gunawan v Department of Education* [1999] VCAT 665.

Food Act. I acknowledge there is significant public interest in the subject matter of the Applicant's FOI request, which is demonstrated by [background information].

However, I am not satisfied a broader public interest would be promoted by releasing certain personal information of third parties, which I consider is sensitive in nature.

Accordingly, I have considered the likelihood of the personal information in the documents being further disseminated, if disclosed, and the effects broader disclosure of this information would have on the personal privacy of the relevant third parties.

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

In determining whether disclosure of a document would involve the unreasonable disclosure of a third party's personal affairs information, an agency must notify that person that an FOI request has been received for documents containing their personal affairs information and seek their view as to whether disclosure of the document should occur.¹¹ However, this obligation does not arise in certain circumstances, including where it is not practicable to do so.¹²

The Agency determined it was not practicable to consult with some third parties. Where consultation was conducted, the third parties objected to the release of their personal affairs information. The fact a person does not agree to the disclosure of their personal affairs information is a relevant consideration, but is not a determinative factor.¹³

(f) Whether disclosure of the information would or would be reasonably likely to endanger the life or physical safety of any person¹⁴

There is no information before me to suggest this is a relevant factor in this matter.

21. In balancing the above factors, I have determined disclosure of certain personal information in the documents would not be unreasonable where it appears in the context of an individual's professional role, is not sensitive, and in many instances is publicly available information, including information released in the [named] Reports. I also consider the public interest in disclosure outweighs an individual's right to privacy in the particular circumstances of this matter. Accordingly, I am not satisfied this information is exempt from release under section 33(1).
22. However, I have determined disclosure of certain direct contact information for third parties would be unreasonable in the particular circumstances of this matter where it is not already publicly available. Accordingly, I am satisfied this information is exempt from release under section 33(1).
23. The Schedule of Documents in **Annexure 1** outlines my decision in relation to section 33(1).

Section 34(1)(b) – Business, commercial or financial information of an undertaking

24. Section 34(1)(b) provides a document is an exempt document if its disclosure under the FOI Act would disclose information acquired by an agency from a business, commercial or financial undertaking and:

- (a) the information relates to matters of a business, commercial or financial nature; and

¹¹ Section 33(2B).

¹² Section 33(2C).

¹³ *Marke v Victoria Police* (2007) 28 VAR 84; [2007] VSC 522 at [45], *Marke v Victoria Police* [2007] VCAT 747 at [22].

¹⁴ Section 33(2A).

- (b) disclosure of the information would be likely to expose the business undertaking unreasonably to disadvantage.

25. The information exempted under section 34(1)(b) is the names of businesses in emails between the Agency and another agency (page 1), and a Food Safety Audit Report tendered from a third-party undertaking (page 87) (**Audit Report**).

Was the information acquired from a business, commercial or financial undertaking?

26. In *Thwaites v Department of Human Services*,¹⁵ the Victorian Civil and Administrative Tribunal (**VCAT**) observed the phrase 'information acquired' in section 34(1) signifies the need for some positive handing over of information in some precise form.
27. Although there are third party undertakings mentioned in the email correspondence on page 1, I do not consider this is information acquired by the Agency from the business undertakings. Rather it is correspondence between agencies in which the business undertakings are mentioned. Therefore, as I do not consider information in the email correspondence is exempt from release under section 34(1)(b) the first limb of the exemption is not satisfied.
28. I am satisfied the Audit Report was acquired from a business undertaking, specifically the company that prepared the report (**First Business Undertaking**). Given the subject of the Audit Report is a private hospital, I accept the Agency's submission the hospital is a business undertaking (**Second Business Undertaking**).

Does the information relate to matters of a business, commercial or financial nature?

29. The words 'business, commercial or financial nature' have their ordinary meaning.¹⁶
30. I am satisfied the Audit Report broadly concerns matters of a business nature, as it concerns an audit of food safety at a [location] and was conducted by a business undertaking, presumably for a fee.

Would disclosure of the information be likely to expose the undertaking unreasonably to disadvantage?

31. Section 34(2) provides that in determining whether disclosure of information would expose a business undertaking unreasonably to disadvantage, for the purposes of section 34(1)(b), an agency or Minister may take account of any of the following considerations:
- (a) whether the information is generally available to competitors of the undertaking;
 - (b) whether the information would be exempt matter if it were generated by an agency or a Minister;
 - (c) whether the information could be disclosed without causing substantial harm to the competitive position of the undertaking; and
 - (d) whether there are any considerations in the public interest in favour of disclosure which outweigh considerations of competitive disadvantage to the undertaking, for instance, the public interest in evaluating aspects of government regulation of corporate practices or environmental controls—
- and of any other consideration or considerations which in the opinion of the agency or Minister is or are relevant.
32. I consider the phrase 'expose the undertaking unreasonably to disadvantage' in section 34(1)(b), contemplates disclosure of documents under the FOI Act may expose a business undertaking to a

¹⁵ (1999) 15 VAR 1.

¹⁶ *Gibson v Latrobe CC* [2008] VCAT 1340 at [25].

certain measure of disadvantage. The question is whether any such disclosure would expose the undertaking unreasonably to disadvantage. By introducing the word 'unreasonably' in section 34(1)(b), Parliament determined this exemption applies where an undertaking would be exposed 'unreasonably' to disadvantage only, rather than where disclosure would result in any measure of exposure to disadvantage.

33. In determining whether disclosure of commercially sensitive information in a document would expose an undertaking unreasonably to disadvantage, if practicable, an agency must notify an undertaking and seek its views on disclosure.¹⁷
34. The Agency submits the Second Business Undertaking, which provided substantive information about their operations to the auditor for the preparation of the Audit Report, would be exposed unreasonably to disadvantage if the report were to be released as it contains commercially sensitive information that is not available publicly or to its competitors. The Agency did not consult with this business undertaking as to its views on disclosure of the relevant information.
35. The Agency consulted with the First Business Undertaking, which objected to release of the relevant information. While the view of a business undertaking is a relevant factor to be considered, it is not determinative.
36. I have also had regard to the decision in *Dalla Riva v Department of Treasury and Finance*,¹⁸ in which VCAT held documents are exempt under section 34(1)(b) if their disclosure would:
 - (a) give competitors of a business undertaking a financial advantage;
 - (b) enable competitors to engage in destructive competition with a business undertaking; and
 - (c) lead to the drawing of unwarranted conclusions as to a business undertakings' financial affairs and position with detrimental commercial and market consequences.
37. In relation to the Auditing Report, having considered the potential impacts on both the auditor and the subject of the audit, I am not satisfied disclosure of the documents would expose either of the business undertakings involved in its preparation unreasonably to disadvantage for the following reasons:
 - (a) The name and contact details of the business undertakings are publicly available.
 - (b) The business undertakings operate in a highly regulated environment and the instruments which auditing activities are based upon, the Australia New Zealand Food Standards Code and the Food Act, are publicly available.
 - (c) Where the business undertaking conducting the audit has produced the information, I am satisfied it is their factual observations and recommendations made in the course of applying these instruments. I do not consider this information to be commercially sensitive and therefore do not accept its disclosure would expose the business undertaking unreasonably to disadvantage.
 - (d) While I acknowledge the Audit Report contains information related to systems, externally engaged businesses and infrastructure specific to the subject of the audit, I do not consider this information is detailed enough such that its disclosure would expose them unreasonably to disadvantage if their competitors were to gain access to it.

¹⁷ Section 34(3).

¹⁸ [2007] VCAT 1301 at [33].

- (e) In these circumstances, while the nature of disclosure under the FOI Act is without conditions on its use by an applicant, the Applicant in this matter is a Member of Parliament and is not a commercial competitor of the business undertakings. As such, I consider the risk of the business undertakings being exposed unreasonably to disadvantage should the documents be disclosed is relatively low.
- (f) Given the information in the documents relates to the Agency's management of a public health incident, there is a public interest in disclosure of information that concerns the Agency's exercise of statutory regulatory and enforcement functions and powers.

38. Accordingly, I am not satisfied the documents are exempt from release under section 34(1)(b).

39. The Schedule of Documents in **Annexure 1** outlines my decision in relation to section 34(1)(b).

Section 35(1)(b) – Information obtained in confidence

40. The Agency refused access to the body of one email under section 35(1)(b).

41. A document is exempt from release under section 35(1)(b) if two conditions are satisfied:

- (a) disclosure would divulge information or matter communicated in confidence by or on behalf of a person or a government to an agency or a Minister; and
- (b) disclosure would be contrary to the public interest as it would be reasonably likely to impair the ability of an agency or a Minister to obtain similar information in the future.

Was the information obtained in confidence?

- 42. Whether information communicated by an individual to an agency was communicated in confidence is a question of fact.¹⁹
- 43. In doing so, it is necessary to consider the position from the perspective of the communicator, noting confidentiality can be expressed or implied from the circumstances of a matter.²⁰
- 44. The Agency advised it has consulted with the relevant third party who confirmed that they intended to communicate this information in confidence.
- 45. Given the documents were provided to the Agency as part of its management of a public health incident, I am satisfied the information was provided in circumstances in which confidentiality can reasonably be implied.

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

- 46. Section 35(1)(b) also requires I consider whether the Agency would be impaired from obtaining similar information in the future if the information were to be disclosed under the FOI Act. This involves considering whether others in the position of the communicator would be reasonably likely to be inhibited or deterred from providing similar information to the Agency in the future should the information be disclosed.
- 47. The public interest test in section 35(1)(b) is narrow in that it is directed toward the impact release would have on an agency's ability to obtain the same type of information in the future. The

¹⁹ *Ryder v Booth* [1985] VR 869 at [883]; *XYZ v Victoria Police* [2010] VCAT 255 at [264].

²⁰ *XYZ v Victoria Police* [2010] VCAT 255 at [265].

exemption will not be made out if an agency's impairment goes no further than showing potential communicators of the information may be less candid than they would otherwise have been.²¹

48. The information exempted from release under section 35(1)(b) is an exchange between agencies and a third party, where information is followed up and a status update is provided.
49. The Agency submits a third party involved in this email exchange advised they would be reluctant to provide similar information in the future. The third party stated there was additional information in the email that was provided with the intention it would be viewed by senior Agency employees only, for the purpose of providing a more fulsome update in relation to the audit.
50. I consider that these exchanges are procedural in nature and occur as a matter of routine. I do not consider disclosure of this information would be reasonably likely to impair the Agency's ability to obtain similar information in the future as third party organisations engaged by the Agency have a professional obligation to provide status updates. Further, information which describes this email exchange is publicly available in the Second Report.
51. In summary, due to the nature of the exchange as discussed above, I am satisfied disclosure of this information would not be reasonably likely to inhibit the Agency from obtaining similar information in the future. Accordingly, I am not satisfied the information is exempt from release under section 35(1)(b).
52. The Schedule of Documents in **Annexure 1** outlines my decision in relation to section 35(1)(b).

Section 25 – Deletion of exempt or irrelevant information

53. 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 receiving such a copy.
54. Determining what is 'practicable' requires consideration of the effort and editing involved in making the deletions 'from a resources point of view'²² and the effectiveness of the deletions. Where deletions would render a document meaningless, they are not 'practicable', and release of the document is not required under section 25.²³
55. I have considered the effect of deleting irrelevant or exempt information from the documents.
56. The Agency submits that release of the cover page of the Audit Report without the remaining pages would render the document meaningless, therefore editing the document is not practicable.
57. In my view, the cover page of the Audit Report, which summarises key details in relation to the report, is meaningful as a standalone page.
58. In relation to all other documents, I am satisfied it remains practicable to provide the Applicant with an edited copy of the documents with irrelevant and exempt information deleted in accordance with section 25.

²¹ *Smeaton v Victorian WorkCover Authority* [2012] VCAT 1549 at [69], approving *Birnbauer v Inner and Eastern Health Care Network* [1999] 16 VAR 9.

²² *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].

²³ *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].

Conclusion

- 59. On the information before me, I am satisfied section 33(1) applies to certain personal affairs information in the documents. However, I am not satisfied the documents are exempt from release under sections 34(1)(b) or 35(1)(b).
- 60. As I am satisfied it is practicable to provide the Applicant with an edited copy of the documents with irrelevant and exempt information deleted in accordance with section 25, access to the documents is granted in part.
- 61. The Schedule of Documents in **Annexure 1** sets out my decision in relation to each document.
- 62. A marked-up copy of the documents showing information that I am satisfied is exempt has been provided to the Agency with this decision for its reference.

Review rights

- 63. If either party to this review is not satisfied with my decision, they are entitled to apply to VCAT for it to be reviewed.²⁴
- 64. The Applicant may apply to VCAT for a review up to 60 days from the date they are given this Notice of Decision.²⁵
- 65. The Agency may apply to VCAT for a review up to 14 days from the date it is given this Notice of Decision.²⁶
- 66. 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.
- 67. 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.²⁷

Third party review rights

- 68. As I have determined to release documents that contain the personal affairs information of persons other than the Applicant, information of a business, financial, commercial nature relating to a business undertaking and documents claimed to be exempt from release under section 35(1)(b), 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.²⁸
- 69. In this case, I am satisfied it is practicable to notify the relevant third parties of their review rights and confirm they will be notified of my decision on the date of decision.

When this decision takes effect

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

²⁴ The Applicant in section 50(1)(b) and the Agency in section 50(3D).

²⁵ Section 52(5).

²⁶ Section 52(9).

²⁷ Sections 50(3F) and 50(3FA).

²⁸ Sections 49P(5), 50(3), 50(3A), 50(3AB) and 52(3).

Annexure 1 – Schedule of Documents

Page No.	Date of Document	Document Description	No. of Pages	Agency Decision	OVIC Decision	OVIC Comments
1.	[date]	Email	1	Released in part Sections 33(1), 34(1)(b), 25	Release in part Sections 33(1), 25 This document is to be released, except for information which is exempt from release under section 33(1) 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 33(1): I am satisfied personal affairs information which is publicly available, and names of third parties acting in their professional capacity, would not be unreasonable to release, for the reasons outlined in my Notice of Decision above. However, it would be unreasonable to release direct contact details, such as telephone numbers and email addresses.</p> <p>Section 34(1)(b): I am not satisfied this document contains information obtained from third party business undertaking for the purposes of section 34(1)(b). Accordingly, information in this document is not exempt under section 34(1)(b).</p> <p>Section 25: I am satisfied it is practicable to provide the Applicant with an edited copy of the document. Accordingly, access is granted in part.</p>

Page No.	Date of Document	Document Description	No. of Pages	Agency Decision	OVIC Decision	OVIC Comments
85-86	[date]	Email	2	<p>Released in part</p> <p>Sections 33(1), 35(1)(b), 25</p>	<p>Release in part</p> <p>Sections 33(1), 25</p> <p>This document is to be released, except for information which is exempt from release under section 33(1) 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>Section 33(1): See comments for Document 1.</p> <p>Section 35(1)(b): I am not satisfied information in this document is exempt under section 35(1)(b) for the reasons provided in the Notice of Decision above.</p> <p>Section 25: See comments for Document 1.</p>

Page No.	Date of Document	Document Description	No. of Pages	Agency Decision	OVIC Decision	OVIC Comments
86	[date]	Food Safety Audit Report	11	<p>Refuse in full</p> <p>Sections 34(1)(b), 33(1), 25</p>	<p>Release in part</p> <p>Sections 33(1), 25</p> <p>This document is to be released, except for information which is exempt under section 33(1) 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 33(1) and 25: See comments for Document 1.</p> <p>Section 34(1)(b): I am not satisfied that release of this information would unreasonably expose a third party business undertaking to disadvantage for the reasons outlined in my Notice of Decision above. Accordingly, I am not satisfied the document is exempt under section 34(1)(b).</p>

Page No.	Date of Document	Document Description	No. of Pages	Agency Decision	OVIC Decision	OVIC Comments
87	[date]	Email	1	Released in part Sections 33(1), 25	Released in part Sections 33(1), 25 This document is to be released, except for information which is exempt under section 33(1) 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.	Sections 33(1) and 25: See comments for Document 1.