

Notice of Decision and Reasons for Decision

Applicant:	'EW6'
Agency:	Development Victoria
Decision date:	8 November 2022
Exemptions considered:	Sections 30(1), 33(1), 35(1)(a), 35(1)(b), 25
Citation:	'EW6' and Development Victoria (Freedom of Information) [2022] VICmr 234 (8 November 2022)

FREEDOM OF INFORMATION – text messages – SMS – information communicated in confidence – internal working documents – personal affairs information of Agency officers

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.

While I am satisfied certain information in the documents is exempt from release under sections 33(1) and 35(1)(b), I have determined to release additional information where I am not satisfied it is exempt information under sections 30(1), 33(1), 35(1)(a) and 35(1)(b).

As I am satisfied it is practicable to provide the Applicant with an edited copy of the documents with 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.

My reasons for decision follow.

Joanne Kummrow
Public Access Deputy Commissioner
8 November 2022

Reasons for Decision

Background to review

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

...for the period [date range]:

Copies of any texts to or from [position title], [named Agency officer], personal mobile telephone number [specific number] relating to any Development Victoria matter or to the [named] proposal.

My request limited to relevant texts held on [named Agency officer's] personal mobile device or held by [their] telecommunications service provider and also relevant texts that may exist on the mobile devices of the [position titles].
2. The Applicant also advised that personal affairs information relating to the following individuals could be removed from the scope of their FOI request:
 1. Private sector individuals below executive level (being those who are not on an executive contract, not a Board member or Partner).
 2. State government individuals below executive level (being those who are not on an executive contract and not a Board member).
 3. Minister's office staff who hold EA, DLO or clerical positions (ministerial advisers, senior ministerial advisers, chiefs of staff and ministers should be included in scope).
3. The Agency identified 66 documents falling within the terms of the Applicant's request and granted access to 59 documents in full, four documents in part and refused access to three documents in full under sections 30(1), 33(1), 35(1)(a) and 35(1)(b). 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. During the review, the Applicant advised they do not seek access to information in Document 60 to which the Agency refused access. Accordingly, this information is irrelevant information for the purpose of section 25, which is discussed below.
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. I have considered all communications and submissions received from the parties.
9. 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.
10. 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 35(1)(a) – Information communicated in confidence

11. The Agency refused access to information in Document 8 under section 35(1)(a).
12. 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 a government to an agency or a Minister; and
 - (b) the information would be exempt matter if it were generated by an agency or Minister.
13. The Agency advised OVIC it did not consult with the relevant third party to seek their views as to whether the information was communicated in confidence to the Agency and its disclosure, as required under section 35(1A).

Was the information communicated in confidence to the Agency?

14. Having reviewed Document 8, I accept the third party would have communicated the information in confidence to the Agency.
15. Therefore, I am satisfied the first condition of section 35(1)(a) is met.

Would the information be exempt from release if it were generated by the Agency?

16. The second condition requires that I be satisfied, had the information in Document 8 been generated by an agency, it would be exempt from release under the FOI Act.
17. The Agency submits that if this information had been generated by the Agency, it would be exempt from release under section 30(1). I note the Agency refused access to information in other documents under section 30(1). Therefore, I will first consider the application of section 30(1) to all information, including in Document 8, before determining whether section 35(1)(a) applies to Document 8.

Section 30(1) – Internal working documents

18. 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.
19. Section 30(3) provides that the exemption under section 30(1) does not apply to purely factual material in a document.

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?

20. It is not necessary for a document to be in the nature of opinion, advice or recommendation. Rather, it is enough that release of the document would disclose matter of that nature.¹
21. The documents subject to review are text messages between [position title] and other Agency officers.
22. From my review of the documents, I am satisfied they contain information in the nature of opinion, advice and recommendations prepared by Agency officers or consultation between Agency officers.

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

23. The term ‘deliberative process’ is interpreted broadly and includes any of the processes of deliberation or consideration involved in the functions of an agency, Minister or government.²
24. In *Re Waterford and Department of Treasury (No.2)*,³ 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.

25. I am satisfied the documents were created in the course of the Agency’s deliberative processes in relation to the [named] proposal and other Agency matters.

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

26. In determining if disclosure of a document would be contrary to the public interest, 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. In doing so, I have given weight to the following relevant factors:⁴
 - (a) the degree of sensitivity of the issues discussed in the documents and the broader context giving rise to the creation of the documents;
 - (b) the right of every person to gain access to documents under the FOI Act;
 - (c) the stage of a decision or status of policy development or a process being undertaken at the time the communications were made;
 - (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;

¹ *Mildenhall v Department of Education* (1998) 14 VAR 87.

² *Brog v Department of Premier and Cabinet* (1989) 3 VAR 201 at 208.

³ [1984] AATA 67; (1984) 5 ALD 588; 1 AAR 1 at [58].

⁴ *Hulls v Victorian Casino and Gambling Authority* (1998) 12 VAR 483.

- (e) whether disclosure of the documents 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;
- (f) the impact of disclosing documents in draft form, including disclosure not clearly or accurately representing a final position or decision reached by the Agency at the conclusion of a decision or process; and
- (g) 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.

27. The Agency's decision letter states disclosure of the documents would be contrary to the public interest for the following reasons:

- Officer's off-the-cuff opinion or internal deliberation, provided in informal text messages, is quite different to Development Victoria's informed position or formal communication on a matter. If such informal communications were to be made public, it would most definitely alter the way our officers communicate and prevent them on taking early, efficient and effective action on matters.
- Disclosure of informal opinion and deliberation could have a detrimental impact on identifiable individuals, which would be unwarranted in the circumstances.
- Disclosure of internal deliberations and opinions could impact on Development Victoria's productive and long-term relationships with our external stakeholders. These relationships are integral to Development Victoria and other agencies delivering the best outcomes for the wider community.
- The release of the information, in such an abbreviated form, would be misleading and lead to possible confusion and likely misinterpretation.

28. Having reviewed the documents and considered their content and context, I am not satisfied their disclosure would be contrary to the public interest for the following reasons:

- (a) A text message sent between agency officers in their capacity as either a public sector executive or officer in relation to matters involving the agency is a 'document' for the purpose of the FOI Act, just as an email, memorandum or briefing is also a 'document'.
- (b) I acknowledge that agency documents can be drafted in a formal or less formal nature. Regardless, all agency documents are 'documents' for the purpose of the FOI Act. When communicating with each other, agency officers are aware, or should be aware that their communications in whatever form or format used may be the subject of an FOI request. As such, I am not persuaded by the Agency's submission concerning 'informal text messages' being 'different to Development Victoria's informed position or formal communication on a matter'.
- (c) I do not accept disclosure of such communications would be contrary to the public interest on grounds it would 'alter the way our officers communicate and prevent them on taking early, efficient and effective action on matters'. Where agency officers are engaged in agency-related activities and communications there is a reasonable expectation that they should create a written record of any such communication through which the undertaking of their public sector duties is documented and open to appropriate public scrutiny. For example, I note public inquiries in which text messages exchanged between public sector executives and officers have been produced and examined despite the fact they may feature informal language.

- (d) It is also clear from the *Public Administration Act 2004* (Vic) and the Victorian public sector values (the **Values**) in the *Code of Conduct for Victorian Public Sector Employees* that public sector agency executives and officers are required to reflect and embody the Values in carrying out their public sector duties, including:
- i. **Responsiveness**: by providing frank, impartial and timely advice to the Government;
 - ii. **Integrity**: by being honest, open and transparent in their dealings; and
 - iii. **Accountability**: submitting themselves to appropriate scrutiny; and
 - iv. **Leadership**: public officials should demonstrate leadership by actively implementing, promoting and supporting these values.
- (e) The documents record communications between Agency executive officers regarding staffing availability and a project involving the Agency. While I acknowledge the documents contain informal and frank opinions exchanged between Agency executive officers, I do not agree their disclosure would have a detrimental or lasting impact upon the Agency's relationships with other agency contacts or external stakeholders.
- (f) Should the Agency consider disclosure of the documents would lead to any misunderstanding by the Applicant or the general public, it is open to the Agency to release the documents with any necessary additional information to minimise any concern about the documents being misunderstood or taken out of context, should this be required.

29. Therefore, on balance, I am not satisfied certain information in the documents is exempt from release under section 30(1).
30. As I am not satisfied information in Document 8 is exempt from release under section 30(1), I am also not satisfied this information would be exempt from release under section 35(1)(a).
31. My decision in relation to each document and sections 30(1) and 35(1)(a) is set out in the Schedule of Documents in **Annexure 1**.

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

32. A document is exempt 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 Minister; and
 - (b) disclosure would be contrary to the public interest as it would reasonably likely impair the ability of an agency or a Minister to obtain similar information in the future.

Would disclosure of the document divulge information or matter communicated in confidence by or on behalf of a person or a government to the Agency?

33. Whether information was communicated in confidence to an agency is a question of fact.⁵
34. When determining whether information was communicated in confidence, it is necessary to consider the position from the perspective of the communicator.⁶

⁵ *Ryder v Booth* [1985] VR 869 at 883; *XYZ v Victoria Police* [2010] VCAT 255 at [264].

⁶ *Ibid*; *XYZ* at [265].

35. Confidentiality can be expressed or implied from the circumstances of a matter.⁷
36. The Agency applied section 35(1)(b) to the same information in Document 8, which was communicated to the Agency by a third party [circumstances redacted].
37. As noted above, the Agency did not consult with the relevant third party to seek their views as to whether the information was communicated in confidence and disclosure as required under section 35(1)(b).
38. I have carefully considered the confidential information in the documents and the context in which it was provided to the Agency. I consider it is reasonably likely the third party who communicated the information to the Agency did so with an expectation it would remain confidential.
39. Accordingly, I am satisfied information in the documents was communicated to the Agency in confidence by a third party.

Would disclosure of the document be contrary to the public interest as it would be reasonably likely to impair the ability of the Agency to obtain similar information in the future?

40. Section 35(1)(b) also requires consideration of whether the Agency would be impaired from obtaining similar information in the future if the document were to be disclosed under the FOI Act.
41. This means I must be satisfied others in the position of the communicator would be reasonably likely not to provide similar information to the Agency in the future if the information were to be disclosed.
42. The exemption under section 35(1)(b) will not be made out if the evidence goes no further than the people involved would be somewhat less candid than they otherwise might be in providing information in the future.⁸
43. The Agency's decision letter states:

This document has also been exempted under s35(1)(b) of the Act as if such information were to be disclosed, it would be likely to impact on Development Victoria's ability to receive and readily respond to similar information in the future. This would impact on the effective and efficient collaboration between agencies who are responsible for delivering the best outcomes for the wider community.
44. I accept that agency executive officers from different agencies are often required to communicate and collaborate on different matters and projects to ensure they are delivering on their core government functions for the wider community. Further, I acknowledge that this will involve open communication between agency officers.
45. However, I do not accept that disclosure of the text messages in this document would reasonably result in an agency executive officer refraining from communicating similar information to another agency executive officer or would have a negative effect on collaboration between the agencies and their officers in future. As stated above, where agency officers are engaged in agency-related activities and communications, there is a reasonable expectation that they will create a written record of any such communication, whether that communication is by email, text message, or other form of correspondence.

⁷ Ibid.

⁸ *Smeaton v Victorian WorkCover Authority* [2012] VCAT 1549 approving *Birnbauer v Inner and Eastern Health Care Network* (1999) 16 VAR 9.

46. Accordingly, I am not satisfied disclosure of the relevant information would be reasonably likely to impair the ability of the Agency to obtain information of a similar nature in the future. Therefore, I have determined the document is not exempt from release under section 35(1)(b).
47. My decision in relation to 35(1)(b) is set out in the Schedule of Documents in **Annexure 1**.

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

48. 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**);⁹ and
 - (b) such disclosure would be ‘unreasonable’.

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

49. 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.¹⁰
50. 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 nature of disclosure under the FOI Act is without restrictions or conditions, this is to be interpreted by reference to the capacity of any member of the public to identify a third party.¹¹
51. A third party’s opinion or observations about another person’s conduct can constitute information related to the third party’s personal affairs.¹²
52. The documents contain the names, home address and the opinions of third parties. I am satisfied this information would either identify the relevant third parties or could be used in conjunction with other information to identify them.
53. Accordingly, I am satisfied the documents contain the personal affairs information of third parties.

Would disclosure of the personal affairs information be unreasonable?

54. 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.
55. In *Victoria Police v Marke*,¹³ 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’.¹⁴ The Court further held, ‘[t]he protection of privacy, which lies at the heart of [section] 33(1), is an

⁹ Sections 33(1) and 33(2).

¹⁰ Section 33(9).

¹¹ *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].

¹² *Richardson v Business Licensing Authority* [2003] VCAT 1053, cited in *Davis v Victoria Police* [2008] VCAT 1343 at [43]; *Pritchard v Victoria Police* [2008] VCAT 913 at [24]; *Mrs R v Ballarat Health Services* [2007] VCAT 2397 at [13].

¹³ [2008] VSCA 218 at [76].

¹⁴ *Ibid*.

important right that the FOI Act properly protects. However, an individual's privacy can be invaded by a lesser or greater degree'.¹⁵

56. Whether or not an agency officer's personal affairs information is exempt from release under section 33(1) must be considered in the context of the particular circumstances of each matter.¹⁶
57. In determining whether disclosure of the third parties' personal affairs information would be unreasonable in this matter, I have given consideration to the following factors:¹⁷
 - (a) the nature of the personal affairs information;
 - (b) the circumstances in which information was obtained by the Agency;
 - (c) the Applicant's interest in the information;
 - (d) whether any public interest would be promoted by the release of the information;
 - (e) whether any individuals to whom the information relates object, or would be likely to object to the release of the information;
 - (f) the likelihood disclosure would cause distress or anxiety to individuals it relates to; and
 - (g) whether disclosure of the information or would be reasonably likely to endanger the life or physical safety of any person.
58. Generally speaking, I consider there is nothing particularly sensitive about disclosing the identity of Victorian public sector employees where their personal affairs information concerns or arises in the context of them performing their ordinary professional duties, is already known to an applicant or is publicly available. However, it is necessary to look at the context within which a person's personal affairs information is recorded.
59. Having reviewed the relevant information recorded in the text messages, I note it is recorded in the context of public sector employees, including agency executive officers, communicating with each other as part of carrying out their usual duties in connection with their agency's functions. Accordingly, I am not satisfied disclosure of the names of three third parties and the opinion of another third party would be unreasonable in the circumstances.
60. However, I am satisfied it would be unreasonable to disclose the home address of a third party as this information is sensitive and would not assist the Applicant in gaining a better understanding of the documents or matters the subject of their FOI request.
61. Accordingly, I am satisfied this information is exempt under section 33(1).
62. My decision in relation to 33(1) is set out in the Schedule of Documents in **Annexure 1**.

¹⁵ Ibid at [79].

¹⁶ *Coulson v Department of Premier and Cabinet* (Review and Regulation) [2018] VCAT 229.

¹⁷ Ibid.

Section 25 – Deletion of exempt or irrelevant information

63. 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.
64. Determining what is ‘practicable’ requires consideration of the effort and editing involved in making the deletions ‘from a resources point of view’¹⁸ 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 25.¹⁹
65. I am satisfied certain information deemed irrelevant by the Agency is not relevant to the terms of the Applicant’s request.
66. However, I am not satisfied that certain information in Document 8 is irrelevant to the terms of the Applicant’s request given the broad nature of the request which seeks access to ‘any Development Victoria matter’. The relevant information in Document 8 includes matters relating to the Agency’s resourcing and staffing arrangements. I note similar information was released in Document 12. Accordingly, I have considered this information in Document 8 above in relation to sections 35(1)(a) and 35(1)(b).
67. I have considered the effect of deleting irrelevant and exempt information from the documents. I am satisfied it is practicable to delete such information from the documents as the remaining documents would retain sufficient meaning.

Conclusion

68. On the information before me, I am satisfied certain information in the documents is exempt from release under section 33(1) and 35(1)(b). However, I have determined to release additional information where I am not satisfied it is exempt under sections 30(1), 33(1), 35(1)(a) and 35(1)(b).
69. As I am satisfied it is practicable to provide the Applicant with an edited copy of the documents with information deleted in accordance with section 25, access to the documents is granted in part.
70. The Schedule of Documents in **Annexure 1** sets out my decision in relation to each document.

Review rights

71. If either party to this review is not satisfied with my decision, they are entitled to apply to VCAT for it to be reviewed.²⁰
72. The Applicant may apply to VCAT for a review up to 60 days from the date they are given this Notice of Decision.²¹
73. The Agency may apply to VCAT for a review up to 14 days from the date it is given this Notice of Decision.²²
74. 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.

¹⁸ *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].

¹⁹ *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].

²⁰ The Applicant in section 50(1)(b) and the Agency in section 50(3D).

²¹ Section 52(5).

²² Section 52(9).

75. 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.²³

Third party review rights

76. As I have determined to release documents that contain the personal affairs information of persons other than the Applicant and information communicated in confidence 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.²⁴
77. In this case, I am satisfied it is practicable to notify certain third parties of their review rights and confirm they will be notified of my decision on the date of decision.
78. However, I am not satisfied it is practicable to notify other third parties, where the Agency was unable to contact this third party and OVIC does not have their details, or where the person has previously consented to the release of their name.

When this decision takes effect

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

²³ Sections 50(3F) and 50(3FA).

²⁴ Sections 49P(5), 50(3), 50(3AB) 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. – 7.	Various dates	Text messages	N/A	Released in full	Not subject to review	
8.	[Date]	Text message	N/A	<p>Refused in full</p> <p>Sections 35(1)(a), 35(1)(b), 25</p>	<p>Released in part</p> <p>Section 25</p> <p>The document is to be released with irrelevant information, being the first line under the salutation, the first paragraph and the third party names in the fourth line of the second paragraph deleted in accordance with section 25.</p>	<p>Section 25: I am satisfied certain information in the document is irrelevant. However, I am not satisfied that other information is irrelevant for the reasons outlined in the Notice of Decision. I am satisfied it is practicable to provide the Applicant with an edited copy of this document with irrelevant information deleted in accordance with section 25.</p> <p>Section 35(1)(a): I am not satisfied information in this document is exempt from release under section 35(1)(a) for the reasons outlined in the Notice of Decision above.</p> <p>Section 35(1)(b): I am not satisfied information in this document is exempt from release under section 35(1)(b) for the reasons outlined in the Notice of Decision above.</p> <p>Section 33(1): I am not satisfied information in this document is exempt from release under section</p>

Document No.	Date of Document	Document Description	No. of pages	Agency Decision	OVIC Decision	OVIC Comments
						33(1) for the reasons outlined in the Notice of Decision above.
9. – 10.	[Date]	Text messages	N/A	Released in full	Not subject to review	
11.	[Date]	Text message	N/A	Refused in full Section 30(1)	Release in full	Section 30(1): I am not satisfied information in this document is exempt from release under section 30(1) for the reasons outlined in the Notice of Decision above. Section 33(1): See comments for Document 8.
12.	[Date]	Text message	N/A	Released in part Section 30(1)	Released in part Section 25 The document is to be released with irrelevant information deleted in accordance with section 25.	Section 30(1): See comments for Document 11. Section 25: See comments for Document 8.
13. – 31.	Various dates	Text messages	N/A	Released in full	Not subject to review	
32.	[Date]	Text message	N/A	Released in part Section 33(1)	Release in part Section 33(1) No further information is to be released.	Section 33(1): I am satisfied certain information in this document are exempt from release under section 33(1) for the reasons outlined in the Notice of Decision above.

Document No.	Date of Document	Document Description	No. of pages	Agency Decision	OVIC Decision	OVIC Comments
						Section 25: See comments for Document 8.
33. – 42.	Various dates	Text messages	N/A	Released in full	Not subject to review	
43.	[Date]	Text message	N/A	Released in part Section 33(1)	Release in full	Section 33(1): See comments for Document 8.
44. – 47.	Various dates	Text messages	N/A	Released in full	Not subject to review	
48.	[Date]	Text message	N/A	Refused in full Sections 30(1), 33(1)	Release in full	Section 30(1): See comments for Document 11. Section 33(1): See comments for Document 8. Section 25: See comments for Document 8.
49. – 59.	Various dates	Text messages	N/A	Released in full	Not subject to review	
60.	[Date]	Text message	N/A	Released in part Section 35(1)(b)	Not subject to review	Applicant advised during the review they do not seek access to the information exempt from release by the Agency in this document.
61. – 66.	Various dates	Text messages	N/A	Released in full	Not subject to review	