

Notice of Decision and Reasons for Decision

Applicant:	'EP2'
Agency:	The Royal Children's Hospital
Decision date:	16 June 2022
Exemptions considered:	Sections 30(1), 32(1), 33(1) 35(1)(b)
Citation:	'EP2' and <i>The Royal Children's Hospital</i> (Freedom of Information) [2022] VICmr 165 (16 June 2022)

FREEDOM OF INFORMATION – medical records – parent seeking access to child’s medical records – personal affairs information of third parties – information communicated in confidence – disclosure contrary to the public interest – legal professional privilege – internal working documents

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.

I am satisfied information in the documents is exempt under sections 30(1), 32(1), 33(1) and 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 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

16 June 2022

Reasons for Decision

Background to review

1. The Applicant made a request to the Agency seeking access to their child's medical record.
2. The Agency identified 117 documents falling within the terms of the Applicant's request and refused access to certain documents in part and in full under sections 32(1), 33(1) and 35(1)(b). The Agency's decision letter sets out the reasons for its decision.

Review application

3. The Applicant sought review by the Information Commissioner under section 49A(1) of the Agency's decision to refuse access.
4. I have examined a copy of the documents subject to review.
5. The Applicant and the Agency were invited to make a written submission under section 49H(2) in relation to the review.
6. I have considered all communications and submissions received from the parties.
7. 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.
8. 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.
9. In conducting a review under section 49F of the FOI Act, section 49P requires that I make a new or 'fresh decision'. Therefore, my review does not involve determining whether the Agency's decision is correct, but rather requires my fresh decision to be the 'correct or preferable decision'.¹ This involves ensuring my decision is correctly made under the FOI Act (including consideration of different exemptions than those claimed by the Agency) and any other relevant applicable law in force at the time of making my fresh decision.

Review of exemptions

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

10. 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 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.

¹ *Drake v Minister for Immigration and Ethnic Affairs* (1979) 24 ALR 577 at 591.

Was the information obtained in confidence?

11. Whether information communicated by an individual to an agency was communicated in confidence is a question of fact.²
12. 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.³
13. The information provided to an agency does not need to be truthful or accurate in order to be communicated in confidence and exempt under this provision.⁴
14. The Agency consulted with certain third parties who confirmed the information they provided to the Agency was provided on a confidential basis, and they objected to the disclosure of the information under the FOI Act.
15. Based on the information before me, I am satisfied, at the time of the communication, the third parties had an expectation of confidentiality.
16. Accordingly, I am satisfied certain information was communicated in confidence by third parties to the Agency.

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

17. I must also 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.
18. The chances of future disclosure being impaired must be more than merely fanciful. Disclosure must be likely to significantly inhibit the provision of information from third parties in the future. It involves more than just involving a person responding with slightly less candour than they otherwise would have.⁵
19. There is an essential public interest in individuals being able to provide sensitive and confidential information about a patient to medical staff in a public health service. Where this occurs, members of the public should feel confident information they provide to an agency, including their identity or any identifying information, will be held in confidence by the agency.
20. Further, there is a public interest in patients being able to provide information about themselves to assist with their treatment. In its capacity as a healthcare provider, the Agency relies on individuals to voluntarily provide confidential information in order to diagnose and treat patients efficiently and effectively. It would be detrimental to the interests of patients if individuals were unable to speak freely and provide information to hospital and medical staff.
21. If individuals were aware information they provide to a healthcare provider would be disclosed in response to an FOI request, they would be less likely to communicate similar information to the Agency in the future. This would be a significant and detrimental outcome for the Agency, which relies on the provision of information of this nature to provide timely and effective medical treatment and healthcare services to patients.

² *Ryder v Booth* [1985] VR 869 at 883; *XYZ v Victoria Police* [2010] VCAT 255 at [264].

³ *XYZ v Victoria Police* [2010] VCAT 255 at [265].

⁴ *Marke v Victoria Police (General)* [2006] VCAT 1364 at [56].

⁵ *Ryder v Booth* [1985] VR 869 at 872.

22. I acknowledge the Applicant's personal interest in seeking full access to the documents. However, the public interest in third parties being able to provide confidential information to a healthcare provider, in particular in the best interests of a child, outweigh the Applicant's personal interest in obtaining the information.
23. Accordingly, I am satisfied certain information in the documents is exempt from release under section 35(1)(b).
24. My decision in relation to section 35(1)(b) is set out in the Schedule of Documents in **Annexure 1**.

Section 33(1) – Personal affairs information of a third party

25. A document is exempt from release 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**);⁶ and
 - (a) such disclosure would be 'unreasonable'.

Do the documents contain personal affairs information of individuals other than the Applicant?

26. 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.⁷
27. A document will disclose a third party's personal affairs information if it is capable, either directly or indirectly, of identifying that person.⁸ 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.⁹
28. A third party's opinion or observations about another person's conduct can constitute information related to the third party's personal affairs.¹⁰
29. The scope of 'personal affairs information' is broadly interpreted to include matters relating to health, private behaviour, home life or personal or family relationships of individuals.¹¹
30. The documents contain the names, contact details, signatures, description of events and information regarding the health and personal relationships of individuals. I consider this information could be used (including with other information) to identify third parties. Therefore, I am satisfied it constitutes personal affairs information for the purposes of section 33(1).
31. I acknowledge the documents also contain the personal affairs information of the Applicant. However, in most documents, this information is intertwined with the personal affairs information of third parties.

⁶ Sections 33(1) and 33(2).

⁷ Section 33(9).

⁸ *Beauchamp v Department of Education* [2006] VCAT 1653 at [42].

⁹ *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].

¹⁰ *Richardson v Business Licensing Authority* [2003] VCAT 1053 at [25], cited in *Davis v Victoria Police* [2008] VCAT 1343 at [43] and *Pritchard v Victoria Police* [2008] VCAT 913 at [24] and *Mrs R v Ballarat Health Services* [2007] VCAT 2397 at [13].

¹¹ *Re F and Health Department* (1988) 2 VAR 458 as quoted in *RFJ v Victoria Police FOI Division* [2013] VCAT 1267 at [103].

Would the disclosure of the personal affairs information be unreasonable?

32. The concept of 'unreasonable disclosure' involves balancing the public interest in the disclosure of official information with the interest in protecting an individual's personal privacy in the particular circumstances.
33. In *Coulson v Department of Premier and Cabinet*,¹² the Victorian Civil and Administrative Tribunal (VCAT) held 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.
34. 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 important right that the FOI Act properly protects. However, an individual's privacy can be invaded by a lesser or greater degree'.¹⁵
35. In determining whether disclosure of the personal affairs information would be unreasonable in the circumstances, I have considered the following factors:

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

The information relates to the health and personal lives of third parties and was gathered by the Agency in the course of providing medical treatment to the Applicant's child.

While I acknowledge certain information in the documents is administrative in nature and could be considered less sensitive, I am satisfied there is a sufficient connection to the patient and their ongoing medical treatment.

I note the Agency previously released information of a similar nature to the Applicant. However, I do not consider this reduces the sensitivity of the information where it relates to the health and safety of third parties.

I acknowledge the Applicant's relationship with certain third parties whose personal information appears in the documents. However, even where an applicant claims to know the identity of a third party, disclosure of that person's personal affairs information under the FOI Act may still be unreasonable.¹⁶

(b) 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 in the circumstances.¹⁷

I have considered information provided by the Applicant in support of their review application, including their submission. I acknowledge the Applicant's interest in seeking full access to the information to gain a further understanding of their child's mental health issues.

¹² (Review and Regulation) [2018] VCAT 229.

¹³ [2008] VSCA 218 at [76].

¹⁴ Ibid.

¹⁵ Ibid at [79].

¹⁶ *AB v Department of Education and Early Childhood Development* [2011] VCAT 1263 at [58].

¹⁷ *Victoria Police v Marke* [2008] VSCA 218 at [104].

I understand the Applicant is currently provided with quarterly summaries of their child's medical progress and diagnosis.

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

While I acknowledge the Applicant's personal interest in seeking access to the documents, I do not consider any public interest would be promoted by the release of the third parties' personal affairs information.

Rather, I consider the public interest lies in protecting the privacy of the third parties whose sensitive personal information is contained in the documents. As noted above, there is also a public interest in the Agency being able to receive information from patients and third parties to inform their medical treatment and management of patients, and their dealings with a patient's family members.

(d) The likelihood of disclosure of information, if released

The FOI Act does not place any restrictions on an applicant's use or further dissemination of a document obtained under FOI.¹⁸

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

On the information before me, I consider the Applicant intends to access the information for themselves. While there is no evidence before me to suggest that further disclosure is intended, given the sensitive nature of the document I must consider the potential effects of this further disclosure.

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

The Agency consulted with certain third parties. One third party objected to the release of their personal affairs information. The Agency did not consult with the other third parties as it was considered unreasonable in the circumstances. Having considered the circumstances of this matter, I am satisfied those individuals would be likely to object to the release of their personal affairs information.

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

I am required to consider whether disclosure of the third parties' personal affairs information would, or would be reasonably likely to, endanger the life or physical safety of any person.¹⁹ Having considered the information before me, I am satisfied this is a relevant factor in this matter.

(g) Whether disclosure would increase the risk to a primary person's safety from family violence²⁰

In determining whether disclosure of information relating to the personal affairs of any person in a document would be unreasonable, section 33(2AB) requires if:

¹⁸ *Victoria Police v Marke* [2008] VSCA 218 at [68].

¹⁹ Section 33(2A).

²⁰ Section 33(2AB).

- (a) the request is made to an agency that is an information sharing entity or an authorised Hub entity, or to a Minister for access to an official document of an agency that is an information sharing entity or an authorised Hub entity; and
- (b) the document contains information relating to the personal affairs of the person making the request; and
- (c) the person making the request is a person of concern, or a person who is alleged to pose a risk of committing family violence—

in deciding whether the disclosure would involve the unreasonable disclosure of information relating to the personal affairs of any person, the agency or Minister must also take into account whether the disclosure would increase the risk to a primary person's safety from family violence.

Accordingly, I must consider whether disclosure of the documents would increase the risk to the safety of a 'primary person'²¹ from family violence. I am satisfied this is a relevant factor in this matter.

- 36. Having weighed up the above factors, I am satisfied disclosure of certain third parties' personal affairs information would be unreasonable in the circumstances and is exempt from release under section 33(1).
- 37. However, I am not satisfied disclosure of the Applicant's personal affairs information would be unreasonable where it is not intertwined with other third parties' personal affairs information. Further, I am not satisfied disclosure of an Agency officer's name and position title would be unreasonable where the Agency has released this information in the same document directly below. Accordingly, this information is not exempt from release under section 33(1).
- 38. My decision in relation to section 33(1) is set out in the Schedule of Documents in **Annexure 1**.

Section 30(1) – internal working documents

- 39. 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.
- 40. The Agency relies on section 30(1) to refuse access to one document.

Does the document contain information in the nature of opinion, advice, recommendations, consultation or deliberation?

- 41. For section 30(1) to apply, 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.
- 42. 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.²²

²¹ Section 33(9) provides 'primary person' has the meaning given in section 144E of the *Family Violence Protection Act 2008* (Vic). Section 144E of the *Family Violence Protection Act 2008* (Vic) provides 'a person is a *primary person* if an information sharing entity reasonably believes that the person may be subjected to family violence'.

²² *Mildenhall v Department of Education* (1998) 14 VAR 87 at 90.

43. I am satisfied the document contains recommendations prepared by an Agency officer for the purpose of section 30(1).

Was the document made in the course of, or for the purpose of, the deliberative processes involved in the functions of the Agency?

44. 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.²³

45. In *Re Waterford and Department of Treasury (No.2)*,²⁴ 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.

46. I am satisfied the recommendations expressed by an Agency officer were provided in the course of and for the purpose of the Agency's deliberative processes with respect to managing the medical treatment and care of the Applicant's child.

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

47. In determining whether 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 factors:²⁵

- (a) the right of every person to gain access to documents under the FOI Act;
- (b) the degree of sensitivity of the issues discussed in the documents and the broader context giving rise to the creation of the documents;
- (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;
- (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

²³ *Brog v Department of Premier and Cabinet* (1989) 3 VAR 201 at 208; *Re Waterford v Department of Treasury (No 2)* [1984] 1 AAR 1 at [58].

²⁴ [1984] AATA 67; (1984) 5 ALD 588; 1 AAR 1 at [58].

²⁵ *Hulls v Victorian Casino and Gambling Authority* (1998) 12 VAR 483 at 488.

- (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.
48. Having reviewed the document, I am satisfied disclosure of certain information in the documents would be contrary to the public interest for the following reasons:
- (a) Medical information is personal and sensitive in nature. In this matter, the information is particularly sensitive as it relates to a child's medical care.
 - (a) I acknowledge the Applicant's personal interest for seeking full access to the documents, where they seek clarity in relation to their child's medical treatment and care. However, I am not satisfied there is a broader public interest in the release of certain information in the document where it relates to the wellbeing of a child.
 - (b) I acknowledge as public sector employees, Agency officers are required to provide impartial and accurate advice and opinions in carrying out their professional duties in accordance with the *Public Administration Act 2004* (Vic) and the *Code of Conduct for Victorian Public Sector Employees*.²⁶ However, I am of the view there is a public interest in Agency officers being able to raise concerns regarding a child's welfare without concern such information will be disclosed to family members under the FOI Act. Therefore, I am satisfied the impact of routinely disclosing information of this nature would undermine the robustness of the Agency's processes relating to patient care.
49. Accordingly, I am satisfied certain information in Document 67 is exempt under section 30(1).
50. My decision in relation to section 30(1) is set out in the Schedule of Documents in **Annexure 1**.

Section 32(1) – Legal privilege

51. Section 32(1) provides a document is an exempt document 'if it is of such a nature that it would be privileged from production in legal proceedings on the ground of legal professional privilege or client legal privilege' (**legal privilege**).
52. A document will be subject to legal privilege and exempt under section 32(1) where it contains a confidential communication:²⁷
- (a) between the client (or the client's agent) and the client's professional legal advisers, that was made for the dominant purpose of obtaining or providing legal advice or is referable to pending or contemplated litigation;
 - (b) between the client's professional legal advisers and third parties, that was made for the dominant purpose of pending or contemplated litigation; or
 - (c) between the client (or the client's agent) and third parties that was made for the purpose of obtaining information to be submitted to the client's professional legal advisers for the dominant purpose of obtaining advice on pending or contemplated litigation.
53. The purpose of legal privilege ensures a client can openly and candidly discuss legal matters with their legal representative and seek legal advice:

²⁶ Victorian Public Sector Commission, *Code of Conduct for Victorian Public Sector Employees* at <https://vpssc.vic.gov.au/resources/code-of-conduct-for-employees/>.

²⁷ *Graze v Commissioner of State Revenue* [2013] VCAT 869 at [29]; *Elder v Worksafe Victoria* [2011] VCAT 1029 at [22]. See also *Evidence Act 2008* (Vic), section 119.

The rationale of this head of privilege, according to traditional doctrine, is that it promotes the public interest because it assists and enhances the administration of justice by facilitating the representation of clients by legal advisers, the law being a complex and complicated discipline. This it does by keeping secret their communications, thereby inducing the client to retain the solicitor and seek his advice, and encouraging the client to make a full and frank disclosure of the relevant circumstances to the solicitor.²⁸

54. The dominant purpose for which a confidential communication was made will determine whether the exemption applies.²⁹ Where mixed purposes exist, the paramount purpose of the communication will be relevant.³⁰
55. In establishing a document is subject to litigation privilege, for a proceeding to be ‘anticipated or pending’ for the purposes of section 119 of the *Evidence Act 2008* (Vic), there must be more than a mere possibility of litigation. As a general rule, there must be a real prospect of litigation, but it does not have to be more likely than not.³¹
56. Part of a document may be subject to legal privilege. As such, the fact a document contains non-privileged material does not mean the document, in its entirety, ceases to be subject to privilege.³² In this respect, the High Court of Australia has held:

If a communication satisfies the description of a document brought into existence for the sole purpose of enabling a confidential professional communication between a client and his legal adviser in connexion with pending or anticipated legal proceedings then in our opinion it follows that it is an exempt document within the meaning of s. 42 of the Act. In such a case it is not to the point that the document may contain advice which relates to matters of policy as well as of law. It is the connexion between the document and legal proceedings that establishes its character and thus attracts the privilege.³³

57. Having reviewed the documents, I am satisfied they contain emails between the Agency’s inhouse lawyers and other Agency staff.
58. On the information before me, I am satisfied the requisite lawyer-client relationship exists between the Agency and its inhouse lawyers.
59. I am satisfied Documents 103 and 111 contain confidential communications between the Agency’s in-house lawyers and Agency staff made for the dominant purpose of providing legal advice.
60. Accordingly, I am satisfied those documents are exempt under section 32(1).
61. My decision in relation to section 32(1) is set out in the Schedule of Documents in **Annexure 1**.

Section 25 – Deletion of exempt or irrelevant information

62. 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.
63. Determining what is ‘practicable’ requires consideration of the effort and editing involved in making the deletions ‘from a resources point of view’³⁴ and the effectiveness of the deletions. Where

²⁸ *Grant v Downs* (1976) 135 CLR 674 at 685.

²⁹ *Esso Australia Resources Ltd v Federal Commissioner of Taxation* (1999) 201 CLR 49.

³⁰ *Martin v Melbourne Health (Review and Regulation)* [2019] VCAT 1190 at [35].

³¹ *Mitsubishi Electric Australia Pty Ltd v Victorian Workcover Authority* [2002] VSCA 59 at [3] and [19].

³² *Waterford v Commonwealth* (1987) 71 ALR 673 at 680-681.

³³ *Ibid* at 681.

³⁴ *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].

deletions would render a document meaningless, they are not 'practicable', and release of the document is not required under section 25.³⁵

64. I have considered whether it is practicable to provide the Applicant with an edited copy of the documents with exempt and irrelevant information deleted from the documents. Where I am satisfied it is practicable to do so, I have granted access to the document in part. Where it is not practicable to do so, access to the document is denied in full.

Conclusion

65. On the information before me, I am satisfied certain information in the documents is exempt from release under section 30(1), 32(1), 33(1) and 35(1)(b).
66. 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 to the document is granted in part. Where it is not practicable to do, access to the document is refused in full.

Review rights

67. If either party to this review is not satisfied with my decision, they are entitled to apply to VCAT for it to be reviewed.³⁶
68. The Applicant may apply to VCAT for a review up to 60 days from the date they are given this Notice of Decision.³⁷
69. The Agency may apply to VCAT for a review up to 14 days from the date it is given this Notice of Decision.³⁸
70. 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.
71. 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.³⁹

Third party review rights

72. As I have determined to release documents that contain third parties' personal affairs information, if practicable, I am required to notify those individuals of their right to seek review by VCAT of my decision within 60 days from the date they are given notice.⁴⁰
73. In the circumstances, I have decided notifying the relevant parties of their review rights is not practicable as I am of the view to do so would be an unnecessary instruction given the nature of the information to be released; and the fact the information was released to the Applicant previously by the Agency.

³⁵ *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].

³⁶ The Applicant in section 50(1)(b) and the Agency in section 50(3D).

³⁷ Section 52(5).

³⁸ Section 52(9).

³⁹ Sections 50(3F) and 50(3FA).

⁴⁰ Sections 49P(5), 50(3) and 52(3).

When this decision takes effect

74. My decision does not take effect until the Agency's 14 day review period expires.
75. If a review application is made to VCAT, my decision will be subject to any VCAT determination.

Annexure 1 – Schedule of Documents

Document No.	Date of Document	Document Description	No. of pages	Agency Decision	OVIC Decision	OVIC Comments
1.	[Date]	Clinic/Practice Visit in Mental Health - [location]	29	Refused in full Section 35(1)(b)	Refuse in full Sections 33(1), 35(1)(b)	<p>Section 33(1): I am satisfied the personal affairs information in this document is exempt under section 33(1) for the reasons outlined in the Notice of Decision.</p> <p>Section 35(1)(b): I am satisfied this document is exempt under section 35(1)(b) for the reasons outlined in the Notice of Decision above.</p> <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.</p>
2.	[Date]	Clinic/Practice Visit in Mental Health - [location]	14	Refused in full Section 35(1)(b)	Refuse in full Sections 33(1), 35(1)(b)	Sections 33(1), 35(1)(b) and 25: See comments for Document 1.
3.	[Date]	Clinic/Practice Visit in Mental Health -	8	Refused in full	Refuse in full	Sections 33(1), 35(1)(b) and

Document No.	Date of Document	Document Description	No. of pages	Agency Decision	OVIC Decision	OVIC Comments
		[location] The Children's Communication		Section 35(1)(b)	Sections 33(1), 35(1)(b)	25: See comments for Document 1.
4.	[Date]	Goals	1	Released in part Sections 33(1), 35(1)(b)	Release in part Sections 33(1), 25 The document is to be released with the information the Agency exempted from release under section 33(1), deleted in accordance with section 25.	Section 33(1): See comments for Document 1. As I have determined the information to which the Agency refused access under section 35(1) is exempt from release under section 33(1), it is not necessary for me to also consider section 35(1)(b) in relation to the information. 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.
5.	[Date]	Telephone in mental Health Service	1	Released in part Sections 33(1), 35(1)(b)	Release in part Sections 33(1), 25 The document is to be released with the information the Agency	Section 33(1): See comments for Documents 1 and 4. Section 25: See comments for Document 4.

Document No.	Date of Document	Document Description	No. of pages	Agency Decision	OVIC Decision	OVIC Comments
					exempted from release under section 33(1), deleted in accordance with section 25.	
6.	[Date]	Clinical Notes	3	Released in part Sections 33(1), 35(1)(b)	Release in part Sections 33(1), 25 The document is to be released with the information the Agency exempted from release under section 33(1), deleted in accordance with section 25.	Section 33(1): See comments for Documents 1 and 4. Section 25: See comments for Document 4.
7.	[Date]	Telephone in Mental Health Service	1	Refused in full Sections 33(1), 35(1)(b)	Release in part Sections 33(1), 35(1)(b), 25 The document is to be released with the information the Agency exempted from release under sections 33(1) and 35(1)(b), deleted in accordance with section 25.	Sections 33(1) and 35(1)(b): See comments for Document 1. Section 25: See comments for Document 4.
8.	[Date]	Documentation in mental Health Service	2	Refused in full Sections 33(1), 35(1)(b)	Release in part Sections 33(1), 35(1)(b), 25	Sections 33(1) and 35(1)(b): See comments for Document 1.

Document No.	Date of Document	Document Description	No. of pages	Agency Decision	OVIC Decision	OVIC Comments
					The document is to be released with information the Agency exempted from release under sections 33(1) and 35(1)(b), deleted in accordance with section 25.	Section 25: See comments for Document 4.
9.	[Date]	Telemedicine in Mental Health – [location]	6	Released in part Sections 33(1), 35(1)(b)	Release in part Sections 33(1), 35(1)(b), 25 The document is to be released with information the Agency exempted from release under sections 33(1) and 35(1)(b), deleted in accordance with section 25.	Sections 33(1) and 35(1)(b): See comments for Document 1. Section 25: See comments for Document 4.
10.	[Date]	Documentation in Mental Health Service	2	Refused in full Sections 33(1), 35(1)(b)	Refuse in full Sections 33(1), 35(1)(b)	Sections 33(1), 35(1)(b) and 25: See comments for Document 1.
11.	[Date]	Telemedicine in Mental Health - [location]	2	Released in part Sections 33(1), 35(1)(b)	Release in part Sections 33(1), 35(1)(b), 25 The document is to be released with information the Agency exempted from release under	Sections 33(1) and 35(1)(b): See comments for Document 1. Section 25: See comments for Document 4.

Document No.	Date of Document	Document Description	No. of pages	Agency Decision	OVIC Decision	OVIC Comments
					sections 33(1) and 35(1)(b), deleted in accordance with section 25.	
12.	[Date]	Documentation in Mental Health Service	2	Released in part Sections 33(1), 35(1)(b)	Release in part Sections 33(1), 35(1)(b), 25 The document is to be released with information the Agency exempted from release under sections 33(1) and 35(1)(b), deleted in accordance with section 25.	Sections 33(1) and 35(1)(b): See comments for Document 1. Section 25: See comments for Document 4.
13.	[Date]	Telephone in Mental Health Service	1	Refused in full Sections 33(1), 35(1)(b)	Refuse in full Sections 33(1), 35(1)(b)	Sections 33(1), 35(1)(b) and 25: See comments for Document 1.
14.	[Date]	Telephone in Mental Health Service	1	Refused in full Sections 33(1), 35(1)(b)	Refuse in full Sections 33(1), 35(1)(b)	Sections 33(1), 35(1)(b) and 25: See comments for Document 1.
15.	[Date]	Telemedicine in Mental Health - [location]	2	Refused in full Sections 33(1), 35(1)(b)	Refuse in full Sections 33(1), 35(1)(b)	Sections 33(1), 35(1)(b) and 25: See comments for Document 1.

Document No.	Date of Document	Document Description	No. of pages	Agency Decision	OVIC Decision	OVIC Comments
16.	[Date]	Telephone in Mental Health Service	1	Refused in full Sections 33(1), 35(1)(b)	Refuse in full Sections 33(1), 35(1)(b)	Sections 33(1), 35(1)(b) and 25: See comments for Document 1.
17.	[Date]	Clinic/Practice Visit in Mental Health – [location]	1	Released in part Sections 33(1), 35(1)(b)	Release in part Sections 33(1), 35(1)(b), 25 The document is to be released with information the Agency exempted from release under sections 33(1) and 35(1)(b), deleted in accordance with section 25.	Sections 33(1) and 35(1)(b): See comments for Document 1. Section 25: See comments for Document 4.
18.	[Date]	Clinic/Practice Visit in Mental Health - [location]	1	Refused in full Sections 33(1), 35(1)(b)	Refuse in full Sections 33(1), 35(1)(b)	Sections 33(1), 35(1)(b) and 25: See comments for Document 1.
19.	[Date]	Clinic/Practice Visit in Mental Health - [location]	1	Refused in full Sections 33(1), 35(1)(b)	Refuse in full Sections 33(1), 35(1)(b)	Sections 33(1), 35(1)(b) and 25: See comments for Document 1.
20.	[Date]	Telephone in Mental Health Service	1	Released in part	Release in part	

Document No.	Date of Document	Document Description	No. of pages	Agency Decision	OVIC Decision	OVIC Comments
				Sections 33(1), 35(1)(b)	Sections 33(1), 35(1)(b), 25 The document is to be released with the information the Agency exempted from release under sections 33(1) and 35(1)(b), deleted in accordance with section 25.	Sections 33(1) and 35(1)(b): See comments for Document 1. Section 25: See comments for Document 4.
21.	[Date]	Documentation in Mental Health Service	2	Released in part Sections 33(1), 35(1)(b)	Release in part Sections 33(1), 35(1)(b), 25 The document is to be released with information the Agency exempted from release under sections 33(1) and 35(1)(b), deleted in accordance with section 25.	Sections 33(1) and 35(1)(b): See comments for Document 1. Section 25: See comments for Document 4.
22.	[Date]	Telephone in Mental Health Service	1	Refused in full Sections 33(1), 35(1)(b)	Refuse in full Sections 33(1), 35(1)(b)	Sections 33(1), 35(1)(b) and 25: See comments for Document 1.
23.	[Date]	Telemedicine in Mental Health - [location]	2	Released in part Sections 33(1), 35(1)(b)	Release in part Sections 33(1), 35(1)(b), 25 The document is to be released with information the Agency	Sections 33(1) and 35(1)(b): See comments for Document 1. Section 25: See comments for Document 4.

Document No.	Date of Document	Document Description	No. of pages	Agency Decision	OVIC Decision	OVIC Comments
					exempted from release under sections 33(1) and 35(1)(b), deleted in accordance with section 25.	
24.	[Date]	Telephone in Mental Health Service	2	Refused in full Sections 33(1), 35(1)(b)	Refuse in full Sections 33(1), 35(1)(b)	Sections 33(1), 35(1)(b) and 25: See comments for Document 1.
25.	[Date]	Documentation in Mental Health Service	3	Refused in full Sections 33(1), 35(1)(b)	Refuse in full Sections 33(1), 35(1)(b)	Sections 33(1), 35(1)(b) and 25: See comments for Document 1.
26.	[Date]	Documentation in Mental Health Service	2	Released in part Sections 33(1), 35(1)(b)	Release in part Sections 35(1)(b), 25 The document is to be released with information the Agency exempted from release under sections 33(1) and 35(1)(b), deleted in accordance with section 25.	Section 35(1)(b): See comments for Document 1. As I have determined the information to which the Agency refused access under section 35(1) is exempt from release under section 33(1), it is not necessary for me to also consider the application of section 35(1)(b) to the information. Section 25: See comments for Document 4.

Document No.	Date of Document	Document Description	No. of pages	Agency Decision	OVIC Decision	OVIC Comments
27.	[Date]	Telemedicine in Mental Health - [location]	2	Released in part Sections 33(1), 35(1)(b)	Release in part Sections 33(1), 35(1)(b), 25 The document is to be released with information the Agency exempted from release under sections 33(1) and 35(1)(b), deleted in accordance with section 25.	Sections 33(1) and 35(1)(b): See comments for Document 1. Section 25: See comments for Document 4.
28.	[Date]	Telemedicine in Mental Health - [location]	2	Refused in full Sections 33(1), 35(1)(b)	Refuse in full Sections 33(1), 35(1)(b)	Sections 33(1), 35(1)(b) and 25: See comments for Document 1.
29.	[Date]	Clinic/Practice Visit in Mental Health - [location]	2	Refused in full Sections 33(1), 35(1)(b)	Refuse in full Sections 33(1), 35(1)(b)	Sections 33(1), 35(1)(b) and 25: See comments for Document 1.
30.	[Date]	Documentation in Mental Health Service	3	Released in part Sections 33(1), 35(1)(b)	Release in part Sections 33(1), 35(1)(b), 25 The document is to be released with information the Agency exempted from release under sections 33(1) and 35(1)(b), deleted in accordance with	Sections 33(1) and 35(1)(b): See comments for Document 1. Section 25: See comments for Document 4.

Document No.	Date of Document	Document Description	No. of pages	Agency Decision	OVIC Decision	OVIC Comments
					section 25.	
31.	[Date]	Clinic/Practice Visit in Mental Health - [location]	1	Refused in full Sections 33(1), 35(1)(b)	Refuse in full Sections 33(1), 35(1)(b)	Sections 33(1), 35(1)(b) and 25: See comments for Document 1.
32.	[Date]	Clinic/Practice Visit in Mental Health - [location]	2	Refused in full Sections 33(1), 35(1)(b)	Refuse in full Sections 33(1), 35(1)(b)	Sections 33(1), 35(1)(b) and 25: See comments for Document 1.
33.	[Date]	Documentation in Mental Health Service	3	Released in part Sections 33(1), 35(1)(b)	Release in part Sections 33(1), 25 The document is to be released with information the Agency exempted from release under sections 33(1) and 35(1)(b), deleted in accordance with section 25.	Section 33(1): See comments for Documents 1 and 4. Section 25: See comments for Document 4.
34.	[Date]	Clinic/Practice Visit in Mental Health - [location]	2	Released in part Sections 33(1), 35(1)(b)	Release in part Sections 33(1), 35(1)(b), 25 The document is to be released with information the Agency	Sections 33(1) and 35(1)(b): See comments for Document 1. Section 25: See comments for Document 4.

Document No.	Date of Document	Document Description	No. of pages	Agency Decision	OVIC Decision	OVIC Comments
					exempted from release under sections 33(1) and 35(1)(b), deleted in accordance with section 25.	
35.	[Date]	Clinic/Practice Visit in Mental Health - [location]	1	Released in part Sections 33(1), 35(1)(b)	Release in part Sections 33(1), 35(1)(b), 25 The document is to be released with information the Agency exempted from release under sections 33(1) and 35(1)(b), deleted in accordance with section 25.	Sections 33(1) and 35(1)(b): See comments for Document 1. Section 25: See comments for Document 4.
36.	[Date]	Documentation in Mental Health Service	2	Released in part Sections 33(1), 35(1)(b)	Release in part Sections 33(1), 25 The document is to be released with information the Agency exempted from release under section 33(1), deleted in accordance with section 25.	Section 33(1): See comments for Documents 1 and 4. Section 25: See comments for Document 4.
37.	[Date]	Clinic/Practice Visit in Mental Health - [location]	1	Released in part Sections 33(1), 35(1)(b)	Release in part Sections 33(1), 25	Section 33(1): See comments for Documents 1 and 4.

Document No.	Date of Document	Document Description	No. of pages	Agency Decision	OVIC Decision	OVIC Comments
					The document is to be released with information the Agency exempted from release under section 33(1), deleted in accordance with section 25.	Section 25: See comments for Document 4.
38.	[Date]	Documentation in Mental Health Service	1	Released in part Sections 33(1), 35(1)(b)	Release in part Sections 33(1), 25 The document is to be released with information the Agency exempted from release under section 33(1), deleted in accordance with section 25.	Section 33(1): See comments for Documents 1 and 4. Section 25: See comments for Document 4.
39.	[Date]	[Location] (RCH Mental Health)	1	Released in part Sections 33(1), 35(1)(b)	Release in part Sections 33(1), 25 The document is to be released with information the Agency exempted from release under section 33(1), deleted in accordance with section 25.	Section 33(1): See comments for Documents 1 and 4. Section 25: See comments for Document 4.
40.	[Date]	Telephone in Mental Health Service	1	Refused in full	Refuse in full	

Document No.	Date of Document	Document Description	No. of pages	Agency Decision	OVIC Decision	OVIC Comments
				Sections 33(1), 35(1)(b)	Sections 33(1), 35(1)(b)	Sections 33(1), 35(1)(b) and 25: See comments for Document 1.
41.	[Date]	Documentation in Mental Health Service	8	Refused in full Sections 33(1), 35(1)(b)	Refuse in full Sections 33(1), 35(1)(b)	Sections 33(1), 35(1)(b) and 25: See comments for Document 1.
42.	[Date]	Documentation in Mental Health Service	2	Refused in full Sections 33(1), 35(1)(b)	Refuse in full Sections 33(1), 35(1)(b)	Sections 33(1), 35(1)(b) and 25: See comments for Document 1.
43.	[Date]	Clinic/Practice Visit in Mental Health - [location]	1	Refused in full Sections 33(1), 35(1)(b)	Refuse in full Sections 33(1), 35(1)(b)	Sections 33(1), 35(1)(b) and 25: See comments for Document 1.
44.	[Date]	Case Conference in Mental Health Service	1	Refused in full Sections 33(1), 35(1)(b)	Refuse in full Section 33(1)	Section 33(1): See comments for Documents 1 and 4. Section 25: See comments for Document 1.
45.	[Date]	Telephone in Mental Health Service	1	Refused in full Sections 33(1), 35(1)(b)	Refuse in full Sections 33(1), 35(1)(b)	Sections 33(1), 35(1)(b) and 25: See comments for Document 1.

Document No.	Date of Document	Document Description	No. of pages	Agency Decision	OVIC Decision	OVIC Comments
46.	[Date]	Documentation in Mental Health Service	5	Refused in full Sections 33(1), 35(1)(b)	Refuse in full Sections 33(1), 35(1)(b)	Sections 33(1), 35(1)(b) and 25: See comments for Document 1.
47.	[Date]	Telemedicine in Mental Health - [location]	2	Refused in full Sections 33(1), 35(1)(b)	Refuse in full Section 33(1)	Section 33(1): See comments for Documents 1 and 4. Section 25: See comments for Document 1.
48.	[Date]	Documentation in Mental Health Service	1	Refused in full Sections 33(1), 35(1)(b)	Refuse in full Section 33(1)	Section 33(1): See comments for Documents 1 and 4. Section 25: See comments for Document 1.
49.	[Date]	Clinic/Practice Visit in Mental Health - [location]	2	Refused in full Sections 33(1), 35(1)(b)	Refuse in full Sections 33(1), 35(1)(b)	Sections 33(1), 35(1)(b) and 25: See comments for Document 1.
50.	[Date]	Sensitive Encounter in Mental Health Service	1	Refused in full Sections 33(1), 35(1)(b)	Refuse in full Sections 33(1), 35(1)(b)	Sections 33(1), 35(1)(b) and 25: See comments for Document 1.

Document No.	Date of Document	Document Description	No. of pages	Agency Decision	OVIC Decision	OVIC Comments
51.	[Date]	Clinic/Practice Visit in Mental Health - [location]	1	Refused in full Sections 33(1), 35(1)(b)	Refuse in full Section 33(1)	Section 33(1): See comments for Documents 1 and 4. Section 25: See comments for Document 1.
52.	[Date]	Documentation in Mental Health Service	1	Refused in full Sections 33(1), 35(1)(b)	Refuse in full Section 33(1)	Section 33(1): See comments for Documents 1 and 4. Section 25: See comments for Document 1.
53.	[Date]	Documentation in Mental Health Service	1	Refused in full Sections 33(1), 35(1)(b)	Refuse in full Sections 33(1), 35(1)(b)	Sections 33(1), 35(1)(b) and 25: See comments for Document 1.
54.	[Date]	Clinic/Practice Visit in Mental Health - [location]	3	Refused in full Sections 33(1), 35(1)(b)	Refuse in full Sections 33(1), 35(1)(b)	Sections 33(1), 35(1)(b) and 25: See comments for Document 1.
55.	[Date]	Clinic/Practice Visit in Mental Health - [location]	4	Refused in full Sections 33(1), 35(1)(b)	Refuse in full Sections 33(1), 35(1)(b)	Sections 33(1) and 35(1)(b): See comments for Document 1.

Document No.	Date of Document	Document Description	No. of pages	Agency Decision	OVIC Decision	OVIC Comments
						Section 25: See comments for Document 4.
56.	[Date]	Clinic/Practice Visit in Mental Health - [location]	2	Released in part Sections 33(1), 35(1)(b)	Release in part Sections 33(1), 35(1)(b), 25 The document is to be released with information the Agency exempted from release under sections 33(1) and 35(1)(b), deleted in accordance with section 25.	Sections 33(1) and 35(1)(b): See comments for Document 1. Section 25: See comments for Document 4.
57.	[Date]	Clinic/Practice Visit in Mental Health - [location]	2	Released in part Sections 33(1), 35(1)(b)	Release in part Sections 33(1), 35(1)(b), 25 The document is to be released with information the Agency exempted from release under sections 33(1) and 35(1)(b), deleted in accordance with section 25.	Sections 33(1) and 35(1)(b): See comments for Document 1. Section 25: See comments for Document 4.
58.	[Date]	Clinic/Practice Visit in Mental Health - [location]	2	Released in part Sections 33(1), 35(1)(b)	Release in part Sections 33(1), 35(1)(b), 25	Sections 33(1) and 35(1)(b): See comments for Document 1.

Document No.	Date of Document	Document Description	No. of pages	Agency Decision	OVIC Decision	OVIC Comments
					The document is to be released with information the Agency exempted from release under sections 33(1) and 35(1)(b), deleted in accordance with section 25.	Section 25: See comments for Document 4.
59.	[Date]	Clinic/Practice Visit in Mental Health - [location]	1	Released in part Sections 33(1), 35(1)(b)	Release in part Sections 33(1), 35(1)(b), 25 The document is to be released with information the Agency exempted from release under sections 33(1) and 35(1)(b), deleted in accordance with section 25.	Sections 33(1) and 35(1)(b): See comments for Document 1. Section 25: See comments for Document 4.
60.	[Date]	Clinic/Practice Visit in Mental Health – [location]	2	Refused in full Sections 33(1), 35(1)(b)	Refuse in full Sections 33(1), 35(1)(b)	Sections 33(1), 35(1)(b) and 25: See comments for Document 1.
61.	[Date]	Documentation in Mental Health Service	1	Refused in full Sections 33(1), 35(1)(b)	Refuse in full Sections 33(1), 35(1)(b)	Sections 33(1), 35(1)(b) and 25: See comments for Document 1.
62.	[Date]	Documentation in Mental Health Service	2	Refused in full	Refuse in full	

Document No.	Date of Document	Document Description	No. of pages	Agency Decision	OVIC Decision	OVIC Comments
				Sections 33(1), 35(1)(b)	Sections 33(1), 35(1)(b)	Sections 33(1), 35(1)(b) and 25: See comments for Document 1.
63.	[Date]	Documentation in Mental Health Service	2	Refused in full Sections 33(1), 35(1)(b)	Refuse in full Sections 33(1), 35(1)(b)	Sections 33(1), 35(1)(b) and 25: See comments for Document 1.
64.	[Date]	Documentation in Mental Health Service	1	Released in part Sections 33(1), 35(1)(b)	Release in part Sections 33(1), 25 The document is to be released with information the Agency exempted from release under section 33(1), deleted in accordance with section 25.	Section 33(1): See comments for Documents 1 and 4. Section 25: See comments for Document 4.
65.	[Date]	Documentation in Mental Health Service	4	Refused in full Sections 33(1), 35(1)(b)	Refused in full Section 33(1)	Section 33(1): See comments for Documents 1 and 4. Section 25: See comments for Document 1.
66.	[Date]	Documentation in Mental Health Service	1	Refused in full Sections 33(1), 35(1)(b)	Refuse in full Sections 33(1), 35(1)(b)	Sections 33(1), 35(1)(b) and 25: See comments for Document 1.

Document No.	Date of Document	Document Description	No. of pages	Agency Decision	OVIC Decision	OVIC Comments
67.	[Date]	Document in Social Work	1	Released in part Sections 33(1), 35(1)(b)	Release in part Sections 30(1), 33(1), 35(1)(b), 25 The document is to be released with the following information, which is exempt from release under sections 30(1), 33(1) and 35(1)(b), deleted in accordance with section 25: <ul style="list-style-type: none"> the first eight lines under 'T/C to [redacted]'. 	<p>Section 30(1): I am satisfied certain information in the document constitutes opinion, advice or recommendation prepared by an Agency officer in relation to the deliberative processes of the Agency. I am also satisfied disclosure of this information would be contrary to the public interest for the reasons outlined in the Notice of Decision.</p> <p>Section 33(1): I am satisfied certain information is exempt from release under section 33(1) for the reasons outlined in the Notice of Decision. However, I am not satisfied the Agency officer's name and position title is exempt from release, where it has been released in other parts of the document.</p> <p>Sections 35(1)(b): See comments for Document 1.</p>

Document No.	Date of Document	Document Description	No. of pages	Agency Decision	OVIC Decision	OVIC Comments
						Section 25: See comments for Document 4.
68.	[Date]	Documentation in Mental Health Service	1	Released in part Sections 33(1), 35(1)(b)	Released in part Sections 33(1), 25 The document is to be released with information the Agency exempted from release under section 33(1), deleted in accordance with section 25.	Section 33(1): See comments for Documents 1 and 4. Section 25: See comments for Document 4.
69.	[Date]	Documentation in Mental Health Service	1	Refused in full Sections 33(1), 35(1)(b)	Refuse in full Section 33(1)	Section 33(1): See comments for Documents 1 and 4. Section 25: See comments for Document 1.
70.	[Date]	Clinic/Practice Visit in Mental Health - [location]	2	Refused in full Sections 33(1), 35(1)(b)	Refuse in full Sections 33(1), 35(1)(b)	Sections 35(1)(b) and 25: See comments for Document 1. Section 33(1): See comments for Document 4.

Document No.	Date of Document	Document Description	No. of pages	Agency Decision	OVIC Decision	OVIC Comments
71.	[Date]	Clinic/Practice Visit in Mental Health - [location]	4	Refused in full Sections 33(1), 35(1)(b)	Refuse in full Sections 33(1), 35(1)(b)	Sections 33(1), 35(1)(b) and 25: See comments for Document 1.
72.	[Date]	Documentation in Mental Health Service	1	Released in part Sections 33(1), 35(1)(b)	Release in part Sections 33(1), 35(1)(b), 25 The document is to be released with information the Agency exempted from release under sections 33(1) and 35(1)(b), deleted in accordance with section 25.	Sections 33(1) and 35(1)(b): See comments for Document 1. Section 25: See comments for Document 4.
73.	[Date]	Clinic/Practice Visit in Mental Health - [location]	3	Released in part Sections 33(1), 35(1)(b)	Release in part Sections 33(1), 35(1)(b), 25 The document is to be released with information the Agency exempted from release under sections 33(1) and 35(1)(b), deleted in accordance with section 25.	Sections 33(1) and 35(1)(b): See comments for Document 1. Section 25: See comments for Document 4.
74.	[Date]		2	Refused in full	Refuse in full	

Document No.	Date of Document	Document Description	No. of pages	Agency Decision	OVIC Decision	OVIC Comments
		Clinic/Practice Visit in Mental Health - [location]		Sections 33(1), 35(1)(b)	Sections 33(1), 35(1)(b)	Sections 33(1), 35(1)(b) and 25: See comments for Document 1.
75.	[Date]	Clinic/Practice Visit in Mental Health - [location]	3	Refused in full Sections 33(1), 35(1)(b)	Refuse in full Sections 33(1), 35(1)(b)	Sections 33(1), 35(1)(b) and 25: See comments for Document 1.
76.	[Date]	Clinic/Practice Visit in Mental Health - [location]	2	Refused in full Sections 33(1), 35(1)(b)	Refuse in full Sections 33(1), 35(1)(b)	Sections 33(1), 35(1)(b) and 25: See comments for Document 1.
77.	[Date]	Clinic/Practice Visit in Mental Health - [location]	2	Released in part Sections 33(1), 35(1)(b)	Release in part Sections 33(1), 35(1)(b) The document is to be released with information the Agency exempted from release under sections 33(1) and 35(1)(b), deleted in accordance with section 25.	Sections 33(1) and 35(1)(b): See comments for Document 1. Section 25: See comments for Document 4.
78.	[Date]	Clinic/Practice Visit in Mental Health - [location]	3	Refused in full Sections 33(1), 35(1)(b)	Refuse in full Sections 33(1), 35(1)(b)	Sections 33(1), 35(1)(b) and 25: See comments for Document 1.

Document No.	Date of Document	Document Description	No. of pages	Agency Decision	OVIC Decision	OVIC Comments
79.	[Date]	Clinic/Practice Visit in Mental Health - [location]	2	Released in part Sections 33(1), 35(1)(b)	Release in part Sections 33(1), 35(1)(b), 25 The document is to be released with information the Agency exempted from release under sections 33(1) and 35(1)(b), deleted in accordance with section 25.	Sections 33(1) and 35(1)(b): See comments for Document 1. Section 25: See comments for Document 4.
80.	[Date]	Clinic/Practice Visit in Mental Health - [location]	2	Released in part Sections 33(1), 35(1)(b)	Release in part Sections 33(1), 35(1)(b), 25 The document is to be released with information the Agency exempted from release under sections 33(1) and 35(1)(b), deleted in accordance with section 25.	Sections 33(1) and 35(1)(b): See comments for Document 1. Section 25: See comments for Document 4.
81.	[Date]	Documentation in Mental Health Service	8	Refused in full Sections 33(1), 35(1)(b)	Refuse in full Section 33(1)	Section 33(1): See comments for Documents 1 and 4. Section 25: See comments for Document 1.

Document No.	Date of Document	Document Description	No. of pages	Agency Decision	OVIC Decision	OVIC Comments
82.	[Date]	Clinic/Practice Visit in Mental Health - [location]	4	Refused in full Sections 33(1), 35(1)(b)	Refuse in full Sections 33(1), 35(1)(b)	Sections 33(1), 35(1)(b) and 25: See comments for Document 1.
83.	[Date]	Clinic/Practice Visit in Mental Health - [location]	2	Refused in full Sections 33(1), 35(1)(b)	Refuse in full Sections 33(1), 35(1)(b)	Sections 33(1), 35(1)(b) and 25: See comments for Document 1.
84.	[Date]	Documentation in Mental Health Service	2	Refused in full Sections 33(1), 35(1)(b)	Refuse in full Sections 33(1), 35(1)(b)	Sections 33(1), 35(1)(b) and 25: See comments for Document 1.
85.	[Date]	Clinic/Practice Visit in Mental Health - [location]	2	Released in part Sections 33(1), 35(1)(b)	Release in part Sections 33(1), 35(1)(b), 25 The document is to be released with information the Agency exempted from release under sections 33(1) and 35(1)(b), deleted in accordance with section 25.	Sections 33(1) and 35(1)(b): See comments for Document 1. Section 25: See comments for Document 4.
86.	[Date]	Clinic/Practice Visit in Mental Health - [location]	3	Released in part	Release in part	Section 35(1)(b): See comments for Document 1.

Document No.	Date of Document	Document Description	No. of pages	Agency Decision	OVIC Decision	OVIC Comments
				Sections 33(1), 35(1)(b)	Sections 33(1), 35(1)(b), 25 The document is to be released with information the Agency exempted from release under sections 33(1) and 35(1)(b), deleted in accordance with section 25.	Sections 33(1) and 25: See comments for Document 4.
87.	[Date]	Clinic/Practice Visit in Mental Health - [location]	1	Refused in full Sections 33(1), 35(1)(b)	Refuse in full Section 33(1)	Section 33(1): See comments for Documents 1 and 4. Section 25: See comments for Document 1.
88.	[Date]	Telephone in Mental Health Service	2	Refused in full Sections 33(1), 35(1)(b)	Refuse in full Sections 33(1), 35(1)(b)	Sections 33(1), 35(1)(b) and 25: See comments for Document 1.
89.	[Date]	Documentation in Mental Health Service	1	Refused in full Sections 33(1), 35(1)(b)	Refuse in full Section 33(1)	Section 33(1): See comments for Documents 1 and 4. Section 25: See comments for Document 1.

Document No.	Date of Document	Document Description	No. of pages	Agency Decision	OVIC Decision	OVIC Comments
90.	[Date]	Clinic/Practice Visit in Mental Health - [location]	2	Released in part Sections 33(1), 35(1)(b)	Release in part Sections 33(1), 35(1)(b), 25 The document is to be released with information the Agency exempted from release under sections 33(1) and 35(1)(b), deleted in accordance with section 25.	Section 33(1) and 35(1)(b): See comments for Document 1. Section 25: See comments for Document 4.
91.	[Date]	Clinic/Practice Visit in Mental Health - [location]	2	Released in part Sections 33(1), 35(1)(b)	Release in part Sections 33(1), 35(1)(b), 25 The document is to be released with information the Agency exempted from release under sections 33(1) and 35(1)(b), deleted in accordance with section 25.	Section 33(1) and 35(1)(b): See comments for Document 1. Section 25: See comments for Document 4.
92.	[Date]	Clinic/Practice Visit in Mental Health - [location]	2	Released in part Sections 33(1), 35(1)(b)	Release in part Sections 33(1), 35(1)(b), 25 The document is to be released with information the Agency exempted from release under sections 33(1) and 35(1)(b),	Sections 33(1) and 35(1)(b): See comments for Document 1. Section 25: See comments for Document 4.

Document No.	Date of Document	Document Description	No. of pages	Agency Decision	OVIC Decision	OVIC Comments
					deleted in accordance with section 25.	
93.	[Date]	Clinic/Practice Visit in Mental Health - [location]	4	Refused in full Sections 33(1), 35(1)(b)	Refuse in full Sections 33(1), 35(1)(b)	Sections 33(1), 35(1)(b) and 25: See comments for Document 1.
94.	[Date]	Clinic/Practice Visit in Mental Health - [location]	2	Refused in full Sections 33(1), 35(1)(b)	Refuse in full Section 33(1)	Section 33(1): See comments for Documents 1 and 4. Section 25: See comments for Document 1.
95.	[Date]	Telephone in Mental Health Service	1	Refused in full Sections 33(1), 35(1)(b)	Refuse in full Sections 33(1), 35(1)(b)	Sections 33(1), 35(1)(b) and 25: See comments for Document 1.
96.	[Date]	Clinic/Practice Visit in Mental Health - [location]	1	Refused in full Sections 33(1), 35(1)(b)	Refuse in full Sections 33(1), 35(1)(b)	Sections 33(1), 35(1)(b) and 25: See comments for Document 1.
97.	[Date]	Telephone in Mental Health Service	1	Refused in full Sections 33(1), 35(1)(b)	Refuse in full Sections 33(1), 35(1)(b)	Sections 33(1), 35(1)(b) and 25: See comments for Document 1.

Document No.	Date of Document	Document Description	No. of pages	Agency Decision	OVIC Decision	OVIC Comments
98.	[Date]	Documentation in Mental Health Service	1	Released in part Sections 33(1), 35(1)(b)	Release in part Sections 33(1), 35(1)(b), 25 The document is to be released with information the Agency exempted from release under sections 33(1) and 35(1)(b), deleted in accordance with section 25.	Sections 33(1), 35(1)(b): See comments for Document 1. Section 25: See comments for Document 4.
99.	[Date]	Documentation in Mental Health Service	9	Refused in full Sections 33(1), 35(1)(b)	Refuse in full Sections 33(1), 35(1)(b)	Sections 33(1), 35(1)(b) and 25: See comments for Document 1.
100.	[Date]	Clinic/Practice Visit in Mental Health - [location]	1	Released in part Sections 33(1), 35(1)(b)	Release in part Sections 33(1), 35(1)(b), 25 The document is to be released with information the Agency exempted from release under sections 33(1) and 35(1)(b), deleted in accordance with section 25.	Sections 33(1) and 35(1)(b): See comments for Document 1. Section 25: See comments for Document 4.
101.	[Date]	Clinic/Practice Visit in Mental Health - [location]	8	Refused in full	Refuse in full	

Document No.	Date of Document	Document Description	No. of pages	Agency Decision	OVIC Decision	OVIC Comments
				Sections 33(1), 35(1)(b)	Sections 33(1), 35(1)(b)	Sections 33(1), 35(1)(b) and 25: See comments for Document 1.
102.	[Date]	Clinic/Practice Visit in Mental Health - [location]	7	Released in part Sections 33(1), 35(1)(b)	Release in part Sections 33(1), 35(1)(b), 25 The document is to be released with information the Agency exempted from release under sections 33(1) and 35(1)(b), deleted in accordance with section 25.	Sections 33(1) and 35(1)(b): See comments for Document 1. Section 25: See comments for Document 4.
103.	[Date]	Documentation in Mental Health Service	3	Refused in full Section 32(1)	Refuse in full Section 32(1)	Section 32(1): For the reasons outlined in the Notice of Decision, I am satisfied this document is exempt from release under section 32(1). Section 25: See comments for Document 1.
104.	[Date]	Clinic/Practice Visit in Mental Health - [location]	1	Released in part Sections 33(1), 35(1)(b)	Release in part Sections 33(1), 35(1)(b), 25	Section 33(1) and 35(1)(b): See comments for Document 1.

Document No.	Date of Document	Document Description	No. of pages	Agency Decision	OVIC Decision	OVIC Comments
					The document is to be released with information the Agency exempted from release under sections 33(1) and 35(1)(b), deleted in accordance with section 25.	Section 25: See comments for Document 4.
105.	[Date]	ED in RCH Emergency Department	2	Released in part Sections 33(1), 35(1)(b)	Release in part Sections 33(1), 25 The document is to be released with information the Agency exempted from release under section 33(1), deleted in accordance with section 25.	Section 33(1): See comments for Documents 1 and 4. Section 25: See comments for Document 4.
106.	[Date]	Telephone in Mental Health	1	Released in part Sections 33(1), 35(1)(b)	Release in part Sections 33(1), 25 The document is to be released with the following information, which is exempt from release under section 33(1) deleted in accordance with section 25: <ul style="list-style-type: none"> • first line in the third box under the heading 'Family Information'. 	Section 33(1): I am satisfied certain information in the document is exempt from release under section 33(1). However, I am not satisfied information relating to the Applicant's personal affairs is exempt from release under section 33(1). As I have determined the information to which the Agency refused access

Document No.	Date of Document	Document Description	No. of pages	Agency Decision	OVIC Decision	OVIC Comments
						<p>under section 35(1) is exempt from release under section 33(1), it is not necessary for me to also consider the application of section 35(1)(b) to the information.</p> <p>Section 25: See comments for Document 4.</p>
107.	[Date]	Documentation in Mental Health	1	<p>Released in part</p> <p>Sections 33(1), 35(1)(b)</p>	<p>Release in part</p> <p>Sections 33(1), 25</p> <p>The document is to be released with information the Agency exempted from release under section 33(1), deleted in accordance with section 25.</p>	<p>Section 33(1): See comments for Documents 1 and 4.</p> <p>Section 25: See comments for Document 4.</p>
108.	[Date]	Documentation in Mental Health	1	<p>Released in part</p> <p>Sections 33(1), 35(1)(b)</p>	<p>Release in part</p> <p>Sections 33(1), 35(1)(b), 25</p> <p>The document is to be released with information the Agency exempted from release under sections 33(1) and 35(1)(b), deleted in accordance with</p>	<p>Sections 33(1) and 35(1)(b): See comments for Document 1.</p> <p>Section 25: See comments for Document 4.</p>

Document No.	Date of Document	Document Description	No. of pages	Agency Decision	OVIC Decision	OVIC Comments
					section 25.	
109.	[Date]	Documentation in Mental Health	1	Released in part Sections 33(1), 35(1)(b)	Release in part Sections 33(1), 25 The document is to be released with information the Agency exempted from release under section 33(1), deleted in accordance with section 25.	Section 33(1): See comments for Documents 1 and 4. Section 25: See comments for Document 4.
110.	[Date]	Telephone in Mental Health	1	Released in part Sections 33(1), 35(1)(b)	Release in part Sections 33(1), 35(1)(b), 25 The document is to be released with information the Agency exempted from release under sections 33(1) and 35(1)(b), deleted in accordance with section 25.	Sections 33(1) and 35(1)(b): See comments for Document 1. Section 25: See comments for Document 4.
111.	[Date]	Documentation in Mental Health	3	Refused in full Section 32(1)	Refuse in full Section 32(1)	Section 32: See comments for Document 103. Section 25: See comments for Document 1.

Document No.	Date of Document	Document Description	No. of pages	Agency Decision	OVIC Decision	OVIC Comments
112.	[Date]	Documentation in Mental Health	9	Refused in full Sections 33(1), 35(1)(b)	Refuse in full Sections 33(1), 35(1)(b)	Sections 33(1), 35(1)(b) and 25: See comments for Document 1.
113.	[Date]	Scanned document in Health Information Services	1	Released in part Sections 33(1), 35(1)(b)	Release in part Sections 33(1), 25 The document is to be released with information the Agency exempted from release under section 33(1), deleted in accordance with section 25.	Section 33(1): See comments for Documents 1 and 4. Section 25: See comments for Document 4.
114.	[Date]	Clinic/Practice Visit in Mental Health - [location]	1	Released in part Sections 33(1), 35(1)(b)	Release in part Sections 33(1), 35(1)(b), 25 The document is to be released with information the Agency exempted from release under sections 33(1) and 35(1)(b), deleted in accordance with section 25.	Sections 33(1) and 35(1)(b): See comments for Document 1. Section 25: See comments for Document 4.
115.	[Date]	Clinic/Practice Visit in Mental Health – [location]	1	Released in part Sections 33(1), 35(1)(b)	Release in part Sections 33(1), 35(1)(b), 25	Sections 33(1) and 35(1)(b): See comments for Document 1.

Document No.	Date of Document	Document Description	No. of pages	Agency Decision	OVIC Decision	OVIC Comments
					The document is to be released with information the Agency exempted from release under sections 33(1) and 35(1)(b), deleted in accordance with section 25.	Section 25: See comments for Document 4.
116.	[Date]	ED in RCH Emergency Department	1	Released in part Sections 33(1), 35(1)(b)	Release in part Sections 33(1), 25 The document is to be released with information the Agency exempted from release under section 33(1), deleted in accordance with section 25.	Section 33(1): See comments for Documents 1 and 4. Section 25: See comments for Document 4.
117.	[Date]	Clinic/Practice Visit in Mental Health – [location]	1	Released in part Sections 33(1), 35(1)(b)	Release in part Sections 33(1), 35(1)(b), 25 The document is to be released with information the Agency exempted from release under sections 33(1) and 35(1)(b), deleted in accordance with section 25.	Sections 33(1) and 35(1)(b): See comments for Document 1. Section 25: See comments for Document 4.