

Notice of Decision and Reasons for Decision

Applicant:	'EN9'
Agency:	City of Greater Dandenong
Decision date:	9 June 2022
Exemptions considered:	Sections 30(1), 33(1), 34(1)(b), 35(1)(a), and 38 in conjunction with section 125(1) of the <i>Local Government Act 2020</i> (Vic)
Citation:	'EN9' and <i>City of Greater Dandenong (Freedom of Information)</i> [2022] VICmr 154 (9 June 2022)

FREEDOM OF INFORMATION – food safety – *Food Act 1984* (Vic) – *Local Government Act 2020* (Vic) – secrecy provision – personal affairs information of Agency officers – disclosure unreasonable – information communicated in confidence – disclosure contrary to public interest – information acquired from a business undertaking – business, commercial or financial information – disclosure would not expose a business undertaking unreasonably to disadvantage

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

My decision on the Applicant's request differs from the Agency's decision in that I have decided to release additional information in the documents as I am not satisfied:

- (a) certain information is exempt under section 38 in conjunction with section 125(1) of the *Local Government Act 2020* (Vic) (**LG Act**); and
- (b) the information is exempt under sections 30(1), 34(1)(b) and 35(1)(a).

Where I am not satisfied information is exempt under section 38, I am also not satisfied it is exempt under sections 33(1) and 34(1)(b) of the FOI Act.

However, I am satisfied certain information in the documents:

- (a) is exempt under sections 33(1) and 38 in conjunction with section 125(1) of the LG Act; and
- (b) is irrelevant information, as it does not fall within the terms of the Applicant's request or scope of this review.

In accordance with [background information redacted] [certain information] is to remain deleted in accordance with section 25.

Where I am satisfied it is practicable to provide the Applicant with an edited copy of a document with irrelevant or exempt information deleted in accordance with section 25, access to the document 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

9 June 2022

Reasons for Decision

Background to review

1. The Applicant made a request to the Agency seeking access to the following documents:
 - Emails relating to [named business undertaking] between any combination of the following parties:
 - [Name] ([Agency])
 - [Name] ([Agency])
 - [Name] ([Agency])
 - [Name]
 - Date Range: [date]– [date]
2. The Agency identified 110 pages of documents falling within the terms of the Applicant's request and granted access to 24 pages in full, and refused access to 24 pages in part and 54 pages in full under sections 30(1), 33(1), 34(1)(b) and 35(1)(a). The Agency also released eight pages outside the FOI Act. The Agency's decision letter sets out the reasons for its decision.
3. [Background information]

Review

4. The Applicant sought review by the Information Commissioner under section 49A(1) of the Agency's decision to refuse access.
5. Section 49M(1) permits an agency to make a fresh decision on an FOI request during a review.
6. On 20 August 2021, the Agency made a fresh decision in which it released further information to the Applicant. It granted access to 68 documents in full, and refused access to 14 documents in part and two documents in full. The Agency also released seven documents outside the FOI Act.
7. The Agency relies on the exemptions under sections 33(1) and 35(1)(a) to refuse access to parts of the documents.
8. The Applicant did not agree with the Agency's fresh decision and, as required by section 49MA(2), I proceeded with my review on the basis of the fresh decision
9. I have examined a copy of the documents subject to review.
10. The Applicant and the Agency were invited to make a written submission under section 49H(2) in relation to the review.
11. I have considered all communications and submissions received from the parties.
12. 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.
13. 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.

Scope of review of personal affairs information

14. [Background information redacted]
15. [Background information redacted] In relation to the remaining personal affairs information concerning other third parties, the Applicant advised where access to that information had been refused by the Agency, the Applicant seeks the names of those third parties only.
 - (a) [Background information redacted]

New Local Government Act

16. In undertaking a review under section 49F, I am required by section 49P to make a fresh or new decision. This means my review does not involve determining whether the Agency's original decision is correct, but rather I am required to ensure my fresh decision is the 'correct or preferable decision'.¹ This involves ensuring my decision is correctly made under the FOI Act and any other relevant applicable law in force at the time of making my fresh decision.
17. On 24 October 2020, the LG Act commenced. The secrecy provision in section 125 of the LG Act replaced the secrecy provision in the former *Local Government Act 1989* (Vic).
18. Section 125 of the LG Act changes the way a council must process certain FOI requests as it prohibits the disclosure of 'confidential information', which includes personal affairs information of third parties in documents held by a council and private commercial information.
19. Therefore, it is necessary to first consider whether information in the documents subject to review is exempt under section 38 of the FOI Act in conjunction with section 125(1) of the LG Act.

Review of exemptions

Section 38 – Documents to which secrecy or confidentiality provisions apply

20. A document is exempt under section 38 if:
 - (a) there is an enactment in force;
 - (b) that applies specifically to the kind of information contained in the documents; and
 - (c) the enactment must prohibit persons, referred to in the enactment, from disclosing that specific kind of information (either absolutely or subject to exceptions or qualifications).

Is there an enactment in force?

21. Section 125 of the LG Act provides:

125 Confidential information

- (1) Unless subsection (2) or (3) applies, a person who is, or has been, a Councillor, a member of a delegated committee or a member of Council staff, must not intentionally or recklessly disclose information that the person knows, or should reasonably know, is confidential information.

Penalty: 120 penalty units.

- (2) Subsection (1) does not apply if the information that is disclosed is information that the Council has determined should be publicly available.
- (3) A person who is, or has been, a Councillor, a member of a delegated committee or a member of Council staff, may disclose information that the person knows, or should reasonably know, is confidential information in the following circumstances—

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

- (a) for the purposes of any legal proceedings arising out of this Act;
- (b) to a court or tribunal in the course of legal proceedings;
- (c) pursuant to an order of a court or tribunal;
- (d) in the course of an internal arbitration and for the purposes of the internal arbitration process;
- (e) in the course of a Councillor Conduct Panel hearing and for the purposes of the hearing;
- (f) to a Municipal Monitor to the extent reasonably required by the Municipal Monitor;
- (g) to the Chief Municipal Inspector to the extent reasonably required by the Chief Municipal Inspector;
- (h) to a Commission of Inquiry to the extent reasonably required by the Commission of Inquiry;
- (i) to the extent reasonably required by a law enforcement agency.

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

Does the enactment apply specifically to the kind of information in the documents?

23. 'Confidential information' in section 125(1) of the LG Act is defined in section 3(1) of that Act and includes:

- (f) personal information, being information which if released would result in the unreasonable disclosure of information about any person or their personal affairs;
- (g) private commercial information, being information provided by a business, commercial or financial undertaking that—
 - (i) relates to trade secrets; or
 - (ii) if released, would unreasonably expose the business, commercial or financial undertaking to disadvantage;

24. I first consider whether the documents contain 'personal information', then 'private commercial information' as set out above.

Do the documents contain 'personal information' for the purposes of section 125(1) of the LG Act?

25. In determining whether the documents contain the 'personal information' of any person and whether disclosure of such information would be unreasonable, I have had regard to similar considerations that arise under section 33(1) of the FOI Act.

26. 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;² and
- (b) such disclosure would be 'unreasonable'.

27. 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.³

² Sections 33(1) and 33(2).

³ Section 33(9).

28. It has been held there is nothing particularly sensitive about matters occurring or arising in the course of one's official duties and disclosure of this type of information is generally considered not unreasonable.⁴
29. As stated above, the Applicant seeks access to personal affairs information relating to names of third parties only and any personal affairs information relating to the [other third parties] is irrelevant information for the purposes of my review.
30. Accordingly, only the names of third parties, other than the [other third parties], is subject to review.
31. The Agency relies on section 33(1) to refuse access to the names of Agency officers, officers from another agency and other third parties.
32. I am satisfied this information relates to the personal affairs information of individuals other than the Applicant (**third parties**).

Would disclosure of the personal information be unreasonable?

33. 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.
34. I acknowledge the Applicant may know certain third parties mentioned in the documents. However, even where an applicant claims to know the names or identities of a third party, disclosure of personal affairs information may still be unreasonable.⁵
35. In determining whether disclosure of the personal affairs information would be unreasonable in this matter, I have considered the following factors in the circumstances of this matter:

(a) The nature of the 'personal information'

The documents were created as part of a food safety investigation conducted by the Agency in connection with its statutory powers and responsibilities under the *Food Act 1984* (Vic) (**Food Act**). In the circumstances, I consider certain information in the documents is sensitive in nature.

(b) The extent to which the 'personal information' is available to the public

[Background information redacted]

I consider the effect of further dissemination of the personal information would have a greater impact on the personal privacy of individuals where they have not been publicly named [background information redacted].

(c) The Applicant's interest in the 'personal 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.⁶

The Applicant seeks access to the documents to get a better understanding of the circumstances

⁴ *Milthorpe v Mt Alexander Shire Council* [1996] VCAT 368.

⁵ *AB v Department of Education and Early Childhood Development* [2011] VCAT 1263 at [58]; *Akers v Victoria Police* [2003] VCAT 397.

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

surrounding the closure of [named business undertaking].

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

I acknowledge the Applicant's interest in obtaining access to the requested documents.

Where an applicant's motivation for seeking access to personal affairs information of a third party is more closely related to an applicant's personal interest or curiosity in obtaining the information without a broader public interest, access is more likely to be unreasonable.⁷

However, the regulation of public health and food safety is a governmental function of the Agency authorised under law. Such a function is a public function carried out by the Agency, rather than a private right exercised by an individual. Further, the law provides for action to be taken against a person or business undertaking that does not comply with the Food Act.

Disclosure of the documents subject to review would promote the public interest in providing transparency concerning the Agency's role in carrying out its regulatory functions under the Food Act. [Background information redacted].

However, I am not satisfied there is a broader public interest to be promoted by releasing the personal affairs information of certain third parties, as this information has not been disclosed in [background information redacted]. Also, I do not consider the release of certain third parties' names would be relevant to the Applicant, considering the purpose to which the Applicant seeks access.

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

In determining whether disclosure of a document would involve the unreasonable disclosure of a third party's personal affairs information, an agency must notify that person an FOI request has been received for documents containing their personal information and seek their view as to whether disclosure of the document should occur,⁸ subject to certain exceptions.⁹

The Agency consulted with certain third parties who objected to the release of their personal affairs information.

I consider it is reasonably likely certain individuals, who were not consulted by the Agency, would object to the disclosure of their personal affairs information on grounds the information was recorded in a sensitive context.

In any case, while the view of the third parties is a relevant consideration, it is not a determinative factor.

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

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

36. In weighing up the above factors, I have determined disclosure of certain personal affairs information in the documents would be unreasonable where it would not assist the Applicant in better understanding the Agency's decision making processes and is primarily personal in nature.

⁷ *Gunawan v Department of Education* [1999] VCAT 665.

⁸ Section 33(2B).

⁹ Section 33(2C).

Accordingly, I am satisfied this information is 'personal information' as defined in section 3(1)(f) of the LG Act for the purpose of 'confidential information' and section 125(1) of that Act.

37. However, I am not satisfied it would be unreasonable to disclose other personal information where I consider the public interest in disclosure outweighs an individual's right to personal privacy in the particular circumstances. This includes information relating to the names of certain Agency officers and officers from other agencies and other third parties where their personal affairs information was released to the wider public [background information redacted]. A further factor I have had regard to is the personal information is recorded in the documents in the context of the Agency and other officers performing their usual professional and work duties and does not concern their personal or private life.

Do the documents contain 'private commercial information' for the purpose of section 125(1) of the LG Act?

38. For completeness, I have also considered whether the documents contain private commercial information.
39. A document will contain 'private commercial information' if it contains information provided by a business commercial or financial undertaking that:
- (a) relates to trade secrets; or
 - (b) If released, would unreasonably expose the business, commercial or financial undertaking to disadvantage;
40. I note the threshold under section 3(1)(g) of the LG Act is higher than that in the FOI exemption under section 34(1)(b) as I must be satisfied disclosure of the relevant business, commercial or financial information would unreasonably expose a business undertaking to disadvantage. In comparison, section 34(1)(b) requires that I must be satisfied that any such exposure would be likely to expose the business undertaking unreasonably to disadvantage.
41. Having reviewed the documents, I am satisfied they contain information provided to the Agency by a business undertaking and concern matters of a business nature.
42. The Agency consulted with the named business undertaking, which objected to release of its information.
43. Based on the information before me, I am not satisfied release of the documents would expose the business undertakings unreasonably to disadvantage for the following reasons:
- (a) I do not consider certain information is commercially sensitive as the information has been released to the public in media reports.
 - (b) While I acknowledge certain information about the business undertaking is not publicly available and the documents contain commercially sensitive information, the information could be disclosed without causing substantial harm to any 'competitive' position of the undertaking.
 - (c) The name and business address of the business undertaking is publicly available. Therefore, this information is not commercially sensitive and would not expose the business undertaking unreasonably to disadvantage.
 - (d) The business undertaking operates in a highly regulated environment under the Food Act.

(e) Given the information in the documents relates to the Agency's management of a public health incident, there is a public interest in evaluating aspects of the Agency's regulation and enforcement of the Food Act for transparency and accountability purposes.

(f) While the business undertaking objected to release of its information, the views of a business undertaking are not determinative and are only one factor to be considered.

44. Accordingly, I am not satisfied this information is 'private commercial information' as defined in section 3(1)(g) of the LG Act for the purpose of 'confidential information' and section 125(1) of that Act.

45. Therefore, I am not satisfied the information in the documents is 'confidential information' for the purposes of section 3(1)(g) of the LG Act.

Conclusion of assessment under section 38

46. I am satisfied section 38 applies to certain information in the documents as:

(a) section 125 of the LG Act is an enactment in force;

(b) the definition of 'confidential information' in section 3(1)(f) of the LG Act (personal information) refers specifically to the relevant information in the documents; and

(c) section 125(1) of the LG Act prohibits Agency officers, specifically councillors and council staff, from disclosing 'confidential information'.

47. Accordingly, I am satisfied certain information is exempt from release under section 38 in conjunction with section 125(1) of the LG Act.

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

Section 30(1) – Internal working documents

49. 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.

50. The exemption does not apply to purely factual material in a document.¹⁰

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?

51. The following does not constitute matter in the nature of opinion, advice or recommendation:

¹⁰ Section 30(3).

- (a) the recitation of present existing facts;¹¹
 - (b) the recording of events such as a conversation with the applicant;¹²
 - (c) a statement of intention;¹³ and
 - (d) an internal document by which one officer informed another of a sequence of events.¹⁴
52. I am satisfied certain documents contain the opinion of a consultant, and consultation between an Agency officer, an officer from another agency and a consultant.
53. However, certain information consists of a record of a conversation between an Agency officer and a third party. While the application of section 30(1)(a) has been interpreted to apply broadly, I am not satisfied the first limb of the exemption under section 30(1) is met with respect to this type of information. I am also not satisfied this type of information is intertwined with any opinions, advice and recommendations of Agency officers.
54. Therefore, I am not satisfied the first limb of section 30(1) has been met with respect to certain information in the documents.

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

55. The term ‘deliberative process’ has been interpreted broadly. In *Re Waterford and Department of Treasury (No. 2)*,¹⁵ the Commonwealth 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.

56. Having reviewed the documents, I am satisfied certain information was provided in the course of the Agency’s deliberative processes relating to the management of a health incident and the performance of its statutory functions under the Food Act.

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

57. Determining if disclosure of the opinions and consultation would be contrary to the public interest requires a ‘process of the weighing against each other conflicting merits and demerits’.¹⁶ I must also consider all relevant facts and circumstances remaining mindful the object of the FOI Act is to facilitate and promote the disclosure of information.
58. In doing so, I have given weight to the following factors:¹⁷

¹¹ *Pullen v Alpine Resorts Commission* (unreported, AAT of Vic, Macnamara DP, 23 August 1996).

¹² *Re City Parking Pty Ltd* [1996] 10 VAR 170.

¹³ *Ibid.*

¹⁴ *Ibid.* See also *Porter v Police (Vic)* [2005] VCAT 962, where VCAT stated at [23] that it took the AAT to be saying that ‘advice’ must be ‘something better’ than mere ‘informing’.

¹⁵ [1984] 1 AAR 1; [1984] AATA 67 at [58].

¹⁶ *Sinclair v Maryborough Mining Warden* [1975] HCA 17; (1975) 132 CLR 473 at [485], adopted in *Department of Premier and Cabinet v Hulls* [1999] VSCA 117 at [30].

¹⁷ *Hulls v Victorian Casino and Gambling Authority* (1998) 12 VAR 483.

- (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
- (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.

59. On balance, I have determined disclosure of the opinions and consultation would not be contrary to the public interest for the following reasons:

- (a) Although I acknowledge the Agency has carefully considered the documents in order to release information that reflects a final position or view of the Agency, I do not consider the information exempted by the Agency is particularly sensitive such that its release would undermine communications between Agency officers or diminish the Agency's deliberative processes in the future.
- (b) I consider there is a significant amount of information already in the public domain relating to the Agency's management of the [health incident] associated with [named owner's] business and the steps taken following the event, [background information redacted].
- (c) Although the documents may not accurately represent a final decision reached by the Agency, in my view, the public is capable of understanding such opinion and consultation are provided at a particular point in time and may be one of a number of sources of advice contributing to the Agency's overall assessment of an issue. I consider it would be open to the Agency to provide an explanation as to its current position or any further position reached on this matter.
- (d) While I accept there is a public interest in preserving the ability of Agency officers to express their views in an open and fulsome manner, particularly when giving information, I consider greater transparency can improve the provision of such advice.¹⁸ It is also the role of council officers, as with Victorian public sector employees, to provide impartial advice in the interests of maintaining the integrity of and public trust in the public sector, including local government.
- (e) I consider there is a strong public interest in ensuring information relating to community health issues are transparent. In any case, it is arguable Agency officers are responsible for ensuring their advice is accurate, complete and properly considered on matters central to the Council's governmental functions. It is the role of local government, supported and informed

¹⁸ *Graze v Commissioner of State Revenue* [2013] VCAT 869.

by analysis and advice undertaken by Council officers, to make decisions and act in the best interests of the public – a role that is necessarily the subject of public scrutiny.

- (f) The inspection of food premises and the investigation of [health incidents] is a governmental function of the Agency authorised under law. This is a public function carried out by the Agency, rather than being a private right exercised by an individual. I consider granting access to the documents would promote the public interest in ensuring there is transparency and accountability in decisions made by the Agency under the Food Act.

60. Accordingly, I am not satisfied disclosure of certain information in the documents would be contrary to the public interest.

61. My decision in relation to section 30(1) is set out in the Schedule of Documents in **Annexure 1**.

Section 35(1)(a) – Documents containing material obtained in confidence

62. 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.

63. Having read the Agency's decision letter, I consider it applied section 35(1)(a) in conjunction with section 30(1).

64. Section 30(1) concerns 'internal working documents' of an agency. However, section 35(1)(a) has the effect that, if the information was communicated to an agency from an outside source, so long as the requirements of section 30(1) are met, those communicating the information in confidence are 'deemed' to be officers of the agency and the material will be assessed as if it were generated by the agency. If the material is capable of being exempt under section 30(1), the exemption under section 35(1)(a) will be made out.¹⁹

65. Section 35(2) expressly excludes certain information from being exempt under section 35(1) and provides as follows:

- (1) This section does not apply to information –
 - (a) acquired by an agency or a Minister from a business, commercial or financial undertaking; and
 - (b) that relates to trade secrets or other matters of a business, commercial or financial nature.

Was the information communicated in confidence?

66. When determining whether the information was communicated in confidence, it is necessary to consider the position from the perspective of the communicator, noting confidentiality can be expressed or implied from the circumstances of a matter.²⁰

67. Having reviewed the documents, I am satisfied that given the documents were provided to the Agency as part of the Agency's management of a community health incident, the information was provided to the Agency in circumstances in which confidentiality can reasonably be implied. This is particularly so given the Agency may take adverse regulatory action against [description] entity.

¹⁹ *Casey City Council v Environment Protection Authority* [2010] VCAT 453 at [28]-[30].

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

68. Full disclosure of the documents would therefore divulge information communicated in confidence.

Would the information be exempt matter it was generated by the Agency under section 30(1)?

69. I consider the information was acquired by the Agency from a business undertaking and the information relates to matters of a business nature.

70. Therefore, I am not satisfied that the exemption under section 35(1)(a) applies in the circumstances of this matter given the application of section 35(2).

71. Even if I did not consider the information to be information acquired by the Agency from a business undertaking, I am not satisfied the information would be exempt under section 30(1) for the reasons provided above in relation to the application of section 30(1).

72. Accordingly, I am not satisfied the information is exempt from release under section 35(1)(a).

73. My decision in relation to section 35(1)(a) is set out in the Schedule of Documents in **Annexure 1**.

Sections 33(1) and 34(1)(b) – Personal affairs information and information acquired from a business undertaking

74. Where I am satisfied information is ‘confidential information’ under section 125(1) of the LG Act as it contains ‘personal information’, I am also satisfied it is exempt from release under section 33(1), given the similarity between these provisions.

75. For the same reasons provided above in relation to section 38, I am not satisfied the disclosure of the information would be likely to expose the business undertaking unreasonably to disadvantage. Therefore, this information is not exempt from release under section 34(1)(b).

Section 25 – Deletion of exempt or irrelevant information

76. 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.

77. Determining what is ‘practicable’ requires consideration of the effort and editing involved in making the deletions ‘from a resources point of view’²¹ 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 25.²²

78. I am satisfied certain information falls outside the scope of the Applicant’s request as it relates to matters other than those specified in their request. As noted above, the Applicant seeks access to the names of third parties only. Therefore, the remaining personal affairs information exempted from release by the Agency under section 33(1) and the personal affairs information of the [certain] Third Parties is irrelevant information for the purpose of section 25 and is to be deleted.

79. I am satisfied it is practicable to provide the Applicant with an edited copy of the documents with exempt and irrelevant information deleted as to do so will not require substantial time and effort, and the edited documents will retain sufficient meaning for the Applicant.

80. My decision in relation to section 25 is set out in the Schedule of Documents in **Annexure 1**.

²¹ *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].

²² *Honeywood v Department of Human Services* [2006] VCAT 2048 at [26]; *RFJ v Victoria Police FOI Division (Review and Regulation)* [2013] VCAT 1267 at [140] and [155].

Conclusion

81. In summary, I am not satisfied:
- (a) certain information is exempt from release under section 38 in conjunction with section 125(1) of the LG Act; and
 - (b) the information exempted from release by the Agency under sections 30(1), 34(1)(b) and 35(1)(a) is exempt.
82. Where I am not satisfied information is exempt under section 38, I am also not satisfied it is exempt under sections 33(1) and 34(1)(b).
83. I am satisfied certain information:
- (a) is exempt under sections 33(1) and 38 in conjunction with section 125(1) of the LG Act; and
 - (b) is irrelevant information for the purpose of section 25, as it does not fall within the terms of the Applicant's request or the scope of this review.
84. For the purpose of my review, any personal affairs information released by the Agency in its decision that relates to the [certain] Third Parties is irrelevant information and is to be deleted in accordance with section 25.
85. Where I am satisfied it is practicable to provide the Applicant with an edited copy of a document with irrelevant or exempt information deleted in accordance with section 25, access to the document is granted in part.

Review rights

86. If either party to this review is not satisfied with my decision, they are entitled to apply to VCAT for it to be reviewed.²³
87. The Applicant may apply to VCAT for a review up to 60 days from the date they are given this Notice of Decision.²⁴
88. The Agency may apply to VCAT for a review up to 14 days from the date it is given this Notice of Decision.²⁵
89. 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.
90. 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.²⁶

Third party review rights

91. If I determine to disclose information in a document that the Agency exempted from release under sections 33(1), 34(1)(b) or 35(1)(a), if practicable, I must notify any relevant third party of their right to seek review by VCAT of my decision within 60 days from the date they are given notice.²⁷

²³ The Applicant in section 50(1)(b) and the Agency in section 50(3D).

²⁴ Section 52(5).

²⁵ Section 52(9).

²⁶ Sections 50(3F) and 50(3FA).

²⁷ Section 49P(5), 50(3), (3A), (3AB) and 52(3).

92. In considering the meaning of 'practicable' in relation to other sections of the FOI Act, VCAT has stated:

The use of the word 'practicable' in the legislation to my mind connotes a legislative intention to apply common sense principles. 'Practicable' is not a term of art or a term of precise meaning.

.... The use of the word indicates there should be imported into the process the exercise of judgment by the agency concerned. It does not allow for the conclusion that because a task is possible, it must, ergo, be undertaken.²⁸

93. VCAT also considers the possibility of an unnecessary intrusion into the lives of third parties is relevant when assessing the practicability of notifying a person.²⁹
94. In this case, I am satisfied it is practicable to notify the business undertakings of their third party review rights and confirm they will be notified of my decision on the date of decision.

When this decision takes effect

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

²⁸ Re *Schubert and Department of Premier and Cabinet* (2001) 19 VAR 35 at [45].

²⁹ *Coulston v Office of Public Prosecutions Victoria* [2010] VCAT 1234 at [42].

Annexure 1 – Schedule of Documents –

Document No.	Date of Document	Document Description	No. of pages	Agency Decision	OVIC Decision	OVIC Comments
[Background information redacted]						
1.	[date]	Email and attachment	2	Released in full	Not subject to review	[Redacted] the Agency is required to release this document in part, with the personal affairs information of the [certain] Third Parties deleted as irrelevant information.
2.	[date]	Email and attachment	8	Released in full	Not subject to review	See comments for Document 1.
3.	[date]	Email	1	Released in full	Not subject to review	See comments for Document 1.
4.	[date]	Email	1	Released in full	Not subject to review	See comments for Document 1.
5.	[date]	Email chain and attachments	5 (Excluding the attachments to the email sent at [time])	Refused in full Section 35(1)(a)	Release in part Section 25 The document is to be released with the following irrelevant information deleted in accordance with section 25:	The attachments in the email sent at [time] are in Document 22. Section 25: The Applicant is not seeking access to personal affairs information of third parties other than their names. The Applicant is also not seeking access to the personal affairs information of the [certain] Third Parties. Therefore, where the Agency did not release this information in its decision, this

Document No.	Date of Document	Document Description	No. of pages	Agency Decision	OVIC Decision	OVIC Comments
					<ul style="list-style-type: none"> • the personal affairs information of the [certain] Third Parties; and • the address, email address, telephone and mobile numbers, approval numbers, position titles and signatures of third parties. <p>In relation to the attachments in the email sent at [time], refer to Document 22.</p>	<p>information is irrelevant information for the purposes of this review and is to be deleted in accordance with section 25 as this information falls outside the scope of this review.</p> <p>Section 30(1): I am satisfied the document contains the opinion of a consultant, and consultation between the Agency, an officer from another agency and a third party consultant, made in the course of the Agency's deliberative process in managing public health and food safety concerns. The attachments to the document consist of a draft document.</p> <p>I am not satisfied disclosure of this information would be contrary to the public interest as I do not consider its disclosure would cause confusion or unnecessary debate given it is apparent from the face of the document that certain information is in draft form. I consider the public, including the Applicant, is capable of understanding the contents of a draft document may differ from a final decision made by an agency.</p> <p>I also do not consider the information sensitive in nature, given certain information from the email sent at [time]</p>

Document No.	Date of Document	Document Description	No. of pages	Agency Decision	OVIC Decision	OVIC Comments
						<p>has been released to the public in media reports.</p> <p>I also consider there is a strong public interest in transparency in the way in which the Agency undertakes its statutory functions. Accordingly, the document is not exempt under section 30(1).</p> <p>Section 33(1): I am satisfied it would not be unreasonable to disclose certain personal affairs information in this document for the reasons provided in the Notice of Decision above.</p> <p>Section 34(1)(b): For completeness, I have considered the exemption under section 34(1)(b). I am not satisfied release of the document would expose the named business undertaking unreasonably to disadvantage as the document does not contain information that is commercially sensitive.</p> <p>Section 35(1)(a): While I accept the information may have been provided in confidence to the Agency, for the reasons provided above, I am not satisfied it would be exempt if it had been generated by the Agency. Accordingly, I am not satisfied the document is exempt under section 35(1)(a).</p>

Document No.	Date of Document	Document Description	No. of pages	Agency Decision	OVIC Decision	OVIC Comments
						<p>Also, given the information was acquired by the Agency from a business undertaking and the information relates to matters of a business nature, I am not satisfied the exemption under section 35(1)(a) applies in the circumstances of this matter.</p> <p>Section 38: For the reasons set out in the Notice of Decision above, I am not satisfied this document is exempt under section 38 of the FOI Act in conjunction with section 125(1) of the LG Act.</p>
6.	[date]	Email	1	Released in part Section 35(1)(a)	<p>Release in part Section 25</p> <p>The document is to be released with the personal affairs information of the [certain] Third Parties deleted as irrelevant information in accordance with section 25.</p>	<p>Section 25: See comments for Document 5.</p> <p>Section 33(1): See comments for Document 5.</p> <p>Section 34(1)(b): See comments for Document 5.</p> <p>Section 35(1)(a): See comments for Document 5.</p> <p>Section 38: See comments for Document 5.</p>

Document No.	Date of Document	Document Description	No. of pages	Agency Decision	OVIC Decision	OVIC Comments
7.	[date]	Email chain and attachments	19	Released in part Section 33(1)	<p>Release in part Sections 33(1), 38, 25</p> <p>The document is to be released with the following information deleted in accordance with section 25:</p> <ul style="list-style-type: none"> • the personal affairs information of the [certain] Third Parties; and • the email address of an executive assistant on page 2; • the mobile and telephone numbers; • the signatures on pages 3, 7 and 9; • the working days and time details; • the [reference] number of third parties; and 	<p>Section 25: See comments for Document 5.</p> <p>Section 33(1): See comments for Document 5.</p> <p>Section 38: I am satisfied information in this document is exempt under section 38 for the reasons provided in the Notice of Decision above.</p>

Document No.	Date of Document	Document Description	No. of pages	Agency Decision	OVIC Decision	OVIC Comments
					<ul style="list-style-type: none"> the following information which is exempt under sections 33(1) and 38. <p><u>Page 2:</u></p> <ul style="list-style-type: none"> the name in the second paragraph; and the name of the executive assistant. <p><u>Pages 3 and 9:</u></p> <ul style="list-style-type: none"> the handwritten information. <p><u>Pages 3 to 10:</u></p> <ul style="list-style-type: none"> the officer from another agency on the far-right corner of the footer. <p><u>Page 11:</u></p> <ul style="list-style-type: none"> the addressee. 	
8.	[date]	Email and attachment	2	Released in full	Not subject to review	See comments for Document 1.

Document No.	Date of Document	Document Description	No. of pages	Agency Decision	OVIC Decision	OVIC Comments
9.	[date]	Email and attachment	2	Released in full	Not subject to review	See comments for Document 1.
10.	[date]	Email and attachment	3	Released in full	Not subject to review	See comments for Document 1.
11.	[date]	Email and attachment	6	Released in full	Not subject to review	See comments for Document 1.
12.	[date]	Email and attachment	2	Released in full	Not subject to review	See comments for Document 1.
13.	[date]	Email and attachment	2	Released in full	Not subject to review	See comments for Document 1.
14.	[date]	Email and attachment	2	Released in full	Not subject to review	See comments for Document 1.
15.	[date]	Email	1	Released in full	Not subject to review	See comments for Document 1.
16.	[date]	Email	1	Released in full	Not subject to review	See comments for Document 1.

Document No.	Date of Document	Document Description	No. of pages	Agency Decision	OVIC Decision	OVIC Comments
17.	[date]	Email	2	Released outside the FOI Act	Not subject to review	
18.	[date]	Email and attachments	23	Released in full	Not subject to review	See comments for Document 1.
19.	[date]	Email	2	Released in part Section 33(1)	Release in part Section 25 The document is to be released with the second and third paragraph, after the salutation deleted as irrelevant information in accordance with section 25.	Section 25: See comments for Document 5. Section 33(1) and 38: The personal affairs information refused by the Agency relates to the movements of a third party. The Applicant is not seeking access to this type of information. As such, I have not considered the exemption under section 33(1) or 38 as it is irrelevant information for the purposes of this review.
20.	[date]	Email and attachment	6	Released outside the FOI Act	Not subject to review	
21.	[date]	Email	5	Released in full	Not subject to review	See comments for Document 1.
22.	[date]	Email and attachment	5	Refused in full Section 35(1)(a)	Release in part Section 25	Section 25: See comments for Document 5.

Document No.	Date of Document	Document Description	No. of pages	Agency Decision	OVIC Decision	OVIC Comments
					<p>The document is to be released with the following irrelevant information deleted in accordance with section 25:</p> <ul style="list-style-type: none"> • the personal affairs information of the [certain] Third Parties; and • the email address, mobile telephone number, approval number and position title of third parties. 	<p>Section 33(1): See comments for Document 5.</p> <p>Section 30(1): See comments for Document 5.</p> <p>Section 34(1)(b): See comments for Document 5.</p> <p>Section 35(1)(a): See comments for Document 5.</p> <p>Section 38: See comments for Document 5.</p>
23.	[date]	Email and attachment	8	Released in full	Not subject to review	See comments for Document 1.
24.	[date]	Email	2	Released outside the FOI Act	Not subject to review	
25.	[date]	Email	1	Released in full	Not subject to review	See comments for Document 1.
26.	[date]	Email	2	Released in full	Not subject to review	See comments for Document 1.

Document No.	Date of Document	Document Description	No. of pages	Agency Decision	OVIC Decision	OVIC Comments
27.	[date]	Email	2	Released in full	Not subject to review	See comments for Document 1.
28.	[date]	Email and attachments	12	Released in part Section 33(1)	<p>Release in part</p> <p>Section 25</p> <p>The document is to be released with the following irrelevant information deleted in accordance with section 25:</p> <ul style="list-style-type: none"> the personal affairs information of the [certain] Third Parties; and the email address and telephone number refused by the Agency under section 33(1). 	<p>Section 25: See comments for Document 5.</p> <p>Sections 33(1) and 38: The personal affairs information refused by the Agency is an email address and a telephone number of a third party. The Applicant is not seeking access to this type of information. As such, I have not considered the exemptions under sections 33(1) and 38 as it is irrelevant information for the purposes of this review.</p>
29.	[date]	Email and attachment	2	Released in full	Not subject to review	See comments for Document 1.
30.	[date]	Email and attachments	12	Released in part Section 33(1)	<p>Release in part</p> <p>Section 25</p> <p>The document is to be released with the following irrelevant</p>	<p>Section 25: See comments for Document 5.</p> <p>Sections 33(1) and 38: The personal affairs information refused by the Agency is an email address and a telephone number of</p>

Document No.	Date of Document	Document Description	No. of pages	Agency Decision	OVIC Decision	OVIC Comments
					<p>information deleted in accordance with section 25:</p> <ul style="list-style-type: none"> the personal affairs information of the [certain] Third Parties; and the email address and telephone number refused by the Agency under section 33(1). 	<p>a third party. The Applicant is not seeking access to this type of information. As such, I have not considered the exemption under sections 33(1) and 38 as it is irrelevant information for the purposes of this review.</p>
31.	[date]	Email and attachments	12	Release in part Section 33(1)	<p>Release in part Section 25</p> <p>The document is to be released with the following irrelevant information deleted in accordance with section 25:</p> <ul style="list-style-type: none"> the personal affairs information of the [certain] Third Parties; and the email address and telephone number refused by the Agency under section 33(1). 	<p>Section 25: See comments for Document 5.</p> <p>Sections 33(1) and 38: The personal affairs information refused by the Agency is an email address and a telephone number of a third party. The Applicant is not seeking access to this type of information. As such, I have not considered the exemption under sections 33(1) and 38 as it is irrelevant information for the purposes of this review.</p>

Document No.	Date of Document	Document Description	No. of pages	Agency Decision	OVIC Decision	OVIC Comments
32.	[date]	Email and attachment	8	Released in part Section 33(1)	<p>Release in part Section 25</p> <p>The document is to be released with the following irrelevant information deleted in accordance with section 25:</p> <ul style="list-style-type: none"> the personal affairs information of the [certain] Third Parties; and the telephone and mobile number refused by the Agency under section 33(1). 	<p>Section 25: See comments for Document 5.</p> <p>Sections 33(1) and 38: The personal affairs information refused by the Agency is a telephone and mobile number of a third party. The Applicant is not seeking access to this type of information. As such, I have not considered the exemption under sections 33(1) and 38 as it is irrelevant information for the purposes of this review.</p>
33.	[date]	Email and attachment	6	Released in full	Not subject to review	See comments for Document 1.
34.	[date]	Email and attachment	2	Released in full	Not subject to review	See comments for Document 1.
35.	[date]	Email	1	Released in full	Not subject to review	See comments for Document 1.
36.	[date]	Email	1	Released in full	Not subject to review	See comments for Document 1.

Document No.	Date of Document	Document Description	No. of pages	Agency Decision	OVIC Decision	OVIC Comments
37.	[date]	Email	1	Released in full	Not subject to review	See comments for Document 1.
38.	[date]	Email and attachment	8	Released in full	Not subject to review	See comments for Document 1.
39.	[date]	Email and attachment	2	Released in full	Not subject to review	See comments for Document 1.
40.	[date]	Email	1	Released in full	Not subject to review	See comments for Document 1.
41.	[date]	Email	1	Released in part Section 35(1)(a)	<p>Release in part</p> <p>Section 25</p> <p>The document is to be released with the personal affairs information of the [certain] Third Parties deleted as irrelevant information in accordance with section 25.</p>	<p>Document 41 is a duplicate of part of the information in Document 6.</p> <p>Section 25: See comments for Document 5.</p> <p>Section 33(1): See comments for Document 5.</p> <p>Section 34(1)(b): See comments for Document 5.</p> <p>Section 35(1)(a): See comments for Document 5.</p> <p>Section 38: See comments for Document 5.</p>

Document No.	Date of Document	Document Description	No. of pages	Agency Decision	OVIC Decision	OVIC Comments
42.	[date]	Email	1	Released in full	Not subject to review	See comments for Document 1.
43.	[date]	Email and attachment	6	Released in full	Not subject to review	See comments for Document 1.
44.	[date]	Email and attachment	21	Released outside the FOI Act	Not subject to review	
45.	[date]	Email and attachment	2	Released in full	Not subject to review	See comments for Document 1.
46.	[date]	Email and attachment	2	Released in full	Not subject to review	See comments for Document 1.
47.	[date]	Email and attachment	3	Released in full	Not subject to review	See comments for Document 1.
48.	[date]	Email and attachment	2	Released in full	Not subject to review	See comments for Document 1.

Document No.	Date of Document	Document Description	No. of pages	Agency Decision	OVIC Decision	OVIC Comments
49.	[date]	Email and attachment	2	Released in full	Not subject to review	See comments for Document 1.
50.	[date]	Email and attachment	2	Released in full	Not subject to review	See comments for Document 1.
51.	[date]	Email and attachment	2	Released in full	Not subject to review	See comments for Document 1.
52.	[date]	Email and attachment	2	Released in full	Not subject to review	See comments for Document 1.
53.	[date]	Email	1	Released in full	Not subject to review	See comments for Document 1.
54.	[date]	Email	2	Released outside the FOI Act	Not subject to review	
55.	[date]	Email	1	Released in full	Not subject to review	See comments for Document 1.
56.	[date]	Email and attachment	4	Released in full	Not subject to review	See comments for Document 1.

Document No.	Date of Document	Document Description	No. of pages	Agency Decision	OVIC Decision	OVIC Comments
57.	[date]	Email	1	Released in full	Not subject to review	See comments for Document 1.
58.	[date]	Email and attachment	2	Released in full	Not subject to review	See comments for Document 1.
59.	[date]	Email	2	Released in part Section 33(1)	<p>Release in part</p> <p>Section 25</p> <p>The document is to be released with the following irrelevant information deleted in accordance with section 25:</p> <ul style="list-style-type: none"> the personal affairs information of the [certain] Third Parties; and the telephone number refused by the Agency under section 33(1). 	<p>Section 25: See comments for Document 5.</p> <p>Sections 33(1) and 38: The personal affairs information refused by the Agency is a telephone number of a third party. The Applicant is not seeking access to this type of information. As such, I have not considered the exemption under sections 33(1) and 38 as it is irrelevant information for the purposes of this review.</p>
60.	[date]	Email	2	Released outside the FOI Act	Not subject to review	

Document No.	Date of Document	Document Description	No. of pages	Agency Decision	OVIC Decision	OVIC Comments
61.	[date]	Email	4	Released in full	Not subject to review	See comments for Document 1.
62.	[date]	Email	1	Released in full	Not subject to review	See comments for Document 1.
63.	[date]	Email	1	Released in full	Not subject to review	See comments for Document 1.
64.	[date]	Email	1	Released in full	Not subject to review	See comments for Document 1.
65.	[date]	Email and attachment	4	Released in full	Not subject to review	See comments for Document 1.
66.	[date]	Email	1	Released in full	Not subject to review	See comments for Document 1.
67.	[date]	Email	2	Released in full	Not subject to review	See comments for Document 1.
68.	[date]	Email	8	Released in part Section 33(1)	Release in part Sections 33(1), 38, 25 The document is to be released with the following information deleted in accordance with section 25:	Section 25: See comments for Document 5. Section 33(1): I am satisfied it would be unreasonable to release the names of the third parties refused by the Agency in this document, given that this information has not been disclosed [publicly]. Also, I do not consider this information would be

Document No.	Date of Document	Document Description	No. of pages	Agency Decision	OVIC Decision	OVIC Comments
					<ul style="list-style-type: none"> • the following irrelevant information: <ul style="list-style-type: none"> ○ the personal affairs information of the [certain] Third Parties; and ○ the telephone number and position title refused by the Agency under section 33(1); and • the names deleted by the Agency, which are exempt under sections 33(1) and 38. 	<p>relevant to the Applicant, considering the purpose to which the Applicant seeks access to the information.</p> <p>Section 38: See comments for Document 7.</p>
69.	[date]	Email	1	Released in full	Not subject to review	See comments for Document 1.
70.	[date]	Email	1	Released in full	Not subject to review	See comments for Document 1.
71.	[date]	Email	1	Released in full	Not subject to review	See comments for Document 1.
72.	[date]	Email	1	Released in full	Not subject to review	See comments for Document 1.

Document No.	Date of Document	Document Description	No. of pages	Agency Decision	OVIC Decision	OVIC Comments
73.	[date]	Email	1	Released in full	Not subject to review	See comments for Document 1.
74.	[date]	Email	1	Released in full	Not subject to review	See comments for Document 1.
75.	[date]	Email	1	Released in full	Not subject to review	See comments for Document 1.
76.	[date]	Email	1	Released in full	Not subject to review	See comments for Document 1.
77.	[date]	Email	28	Released in full	Not subject to review	See comments for Document 1.
78.	[date]	Email	1	Released in full	Not subject to review	See comments for Document 1.
79.	[date]	Email	24	Released in full	Not subject to review	See comments for Document 1.
80.	[date]	Email and attachments	24	Released in full	Not subject to review	See comments for Document 1.
81.	[date]	Email	1	Released in part Section 35(1)(a)	Release in full	Section 25: See comments for Document 5. Section 35(1)(a): See comments for Document 5.

Document No.	Date of Document	Document Description	No. of pages	Agency Decision	OVIC Decision	OVIC Comments
						<p>Further, I do not consider the information to be in the nature of opinion, advice or recommendation prepared by an Agency officer, or consultation or deliberation that has taken place between officers. Instead, I consider the information to be a record of a conversation between an Agency officer and a third party.</p> <p>Section 33(1): For completeness, I have considered the exemption under section 33(1). See comments for Document 5.</p> <p>Section 34(1)(b): I have also considered whether the exempted information is exempt under section 34(1)(b). See comments for Document 5.</p> <p>Section 38: See comments for Document 5.</p>
82.	[date]	Email	7	Released in full	Not subject to review	See comments for Document 1.
83.	[date]	Email	1	Released in full	Not subject to review	See comments for Document 1.
84.	[date]	Email	2	Released in full	Not subject to review	See comments for Document 1.

Document No.	Date of Document	Document Description	No. of pages	Agency Decision	OVIC Decision	OVIC Comments
85.	[date]	Email and attachment	27	Released outside the FOI Act	Not subject to review	
86.	[date]	Email	1	Released in part Section 33(1)	<p>Release in part Section 25</p> <p>The document is to be released with the following irrelevant information deleted in accordance with section 25:</p> <ul style="list-style-type: none"> • the personal affairs information of the [certain] Third Parties; and • the telephone number refused by the Agency under section 33(1). 	<p>Section 25: See comments for Document 5.</p> <p>Sections 33(1) and 38: The personal affairs information refused by the Agency is a telephone number of a third party. The Applicant is not seeking access to this type of information. As such, I have not considered the exemptions under section 33(1) and 38 as it is irrelevant information for the purposes of this review.</p>
87.	[date]	Email	2	Released in part Section 33(1)	<p>Release in part Section 25</p> <p>The document is to be released with the following irrelevant information deleted in accordance with section 25:</p>	<p>Section 25: See comments for Document 5.</p> <p>Sections 33(1) and 38: The personal affairs information refused by the Agency is a telephone number of a third party. The Applicant is not seeking access to this type of information. As such, I have not considered the exemptions under section</p>

Document No.	Date of Document	Document Description	No. of pages	Agency Decision	OVIC Decision	OVIC Comments
					<ul style="list-style-type: none"> the personal affairs information of the [certain] Third Parties; and the telephone number refused by the Agency under section 33(1). 	33(1) and 38 as it is irrelevant information for the purposes of this review.
88.	[date]	Email	1	Released in full	Not subject to review	See comments for Document 1.
89.	[date]	Email	1	Released in part Section 33(1)	<p>Release in part</p> <p>Section 25</p> <p>The document is to be released with the following irrelevant information deleted in accordance with section 25:</p> <ul style="list-style-type: none"> the personal affairs information of the [certain] Third Parties; and the telephone number refused by the Agency under section 33(1). 	<p>Section 25: See comments for Document 5.</p> <p>Sections 33(1) and 38: The personal affairs information refused by the Agency is a telephone number of a third party. The Applicant is not seeking access to this type of information. As such, I have not considered the exemption under sections 33(1) and 38 as it is irrelevant information for the purposes of this review.</p>
90.	[date]	Email and attachment	5	Released in part	Release in part	Section 25: I am satisfied the information deleted by the Agency is irrelevant

Document No.	Date of Document	Document Description	No. of pages	Agency Decision	OVIC Decision	OVIC Comments
				Section 25	Section 25 The document is to be released with the irrelevant information deleted by the Agency remaining deleted in accordance with section 25.	information, as it relates to matters outside the terms of the Applicant's request.
91.	[date]	Email and attachments	5	Released in part Section 25	Release in part Section 25 The document is to be released with the irrelevant information deleted by the Agency remaining deleted in accordance with section 25.	Section 25: See comments for Document 90.