

Notice of Decision and Reasons for Decision

Applicant:	'CK6'
Agency:	Court Services Victoria
Decision date:	9 December 2020
Exemptions considered:	Sections 30(1), 32(1), 31(1)(a), 33(1)
Citation:	'CK6' and Court Services Victoria (<i>Freedom of Information</i>) [2020] VICmr 344 (9 December 2020)

FREEDOM OF INFORMATION – freedom of information (FOI) request to Agency – administrative documents – decision making 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.

I am satisfied the documents are exempt under sections 30(1), 31(1)(a), 32(1) and 33(1) in part or in full.

As I am satisfied it is practicable to provide the Applicant with an edited copy of certain documents with exempt information deleted in accordance with section 25, access has been granted to certain documents in part. Where I have determined it is not practicable to do so, access has been refused in full.

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 December 2020

Reasons for Decision

Background to review

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

I request a copy of all files, records, reports, notes and memoranda held by [the Agency] with respect to my FOI requests [Date] ... and [Date] ..., with the exception of my correspondence.

I request a copy of all files, records, reports, notes and memoranda held by [the Agency] with respect to [named third party], [position title] letter [Date].
2. In its decision, the Agency identified documents falling within the terms of the Applicant's request and granted access to the documents in part applying the exemptions under sections 30(1), 32(1), 31(1)(a), 33(1) to refuse access to parts of the documents. The Agency's decision letter sets out the reasons for its decision.

Review

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 copies 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 received from the parties.
7. I note the Applicant has expressed an ongoing request to make a submission in this matter. I have carefully considered the Applicant's request for me to delay making my decision until their submission is made. In doing so, I have weighed my statutory obligation to make timely decisions against the Applicant's request and other relevant matters. On balance, I have determined to proceed to determine this review on the information before me.
8. In undertaking my review, I have had regard to the object of the FOI Act, which is to create a general right of access to information in the possession of the Government or other public bodies, limited only by exceptions and exemptions necessary to protect essential public interests, privacy and business affairs.

Review of exemptions

Section 30(1)

9. 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.
10. The exemption does not apply to purely factual material in a document.

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

11. The requested documents relate to the processing of an FOI request made by the Applicant, and a letter sent to him by [an Agency officer].
12. I consider the documents contain matter in the nature of opinion, advice or recommendation prepared by Agency officers.

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?

13. I am satisfied the documents were prepared in the course of the Agency's deliberative processes, being the processing of an FOI request and the preparation of correspondence to the Applicant.

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

14. In deciding if release 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.
15. In deciding whether the information exempted by the Agency would be contrary to the public interest, I have given weight to the following relevant factors:
 - (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.
16. In the circumstances, I am satisfied it would not be contrary to the public interest to release all the documents for the following reasons:
 - (a) the documents are not particularly sensitive, rather, they relate to the ordinary administrative processes of the Agency;

- (b) those deliberative processes are subject to the FOI Act so that members of the public can be informed about the way in which an agency make decisions under that Act;
 - (c) I do not consider the documents are incomplete or unclear; and
 - (d) there is a public interest in the disclosure of documents that demonstrate how an agency meets its legislative obligations to process FOI requests as doing so assists the Agency in being transparent and accountable for its decisions.
17. Therefore, I am satisfied the majority of the information in the requested documents is not exempt under section 30(1).
18. However, in this case, I am satisfied it would be contrary to the public interest to disclose draft documents as:
- (a) the finalised versions of those documents were provided to the Applicant;
 - (b) the finalised versions of those documents represent formal decisions issued by the Agency to the Applicant under the FOI Act; and
 - (c) the Agency is entitled to deliberate on those decisions prior to them being formally made.
19. My decision in relation to section 30(1) is set out in the Schedule of Documents at **Annexure 1**.

Section 31(1)(a)

20. Subject to section 31, section 31(1)(a) provides a document is exempt if its disclosure under the FOI Act would, or would be reasonably likely to, prejudice the investigation of a breach or possible breach of the law or prejudice the enforcement or proper administration of the law in a particular instance.
21. 'Reasonably likely' means there is a real chance of an event occurring; it is not fanciful or remote.
22. 'Prejudice' means to hinder, impair or undermine and includes actual prejudice as well as impending prejudice.
23. 'In a particular instance' does not require a single specific investigation. This phrase can encompass specific, identified aspects of law, administration of law or investigations of breaches or potential breaches of law.
24. In its decision, the Agency advised:

I have determined that disclosure of the pages would, or would be reasonably likely to, prejudice [the Agency's] ability to properly administer the *Court Services Victoria Act 2014* (**CSV Act**) and the *Occupational Health and Safety Act 2004* (**OHS Act**) in this particular instance for the following reasons:

Disclosure has a real chance of hindering [the Agency's] ability to provide the administrative services necessary to support the functions of VCAT [the Victorian Civil and Administrative Tribunal] pursuant to the CSV Act, as it would:

- stifle open deliberation of the management of sensitive customer-service related issues; and
- deter staff from reporting such issues in the future.

Disclosure has a real chance of impairing or undermining [the Agency's] duty under the OHS Act to ensure the health and safety of its employees working at VCAT.

25. The Agency relied on section 31(1)(a) to exempt all documents subject to my review. In my view, disclosure of documents relating to the Agency's processing of the Applicant's FOI request would not have the effect as submitted by the Agency, either on its functions under the CSV Act, or in relation to its health and safety obligations to staff under the *Occupational Health and Safety Act 2004* (Vic).
26. However, there are certain documents, and parts of certain documents, that relate to the management of the Applicant's complaints and their contact with the Agency.
27. I note the Applicant has had a history of prior contact with the Agency. I also note the Agency is likely to maintain processes for managing contact between the Applicant and the Agency in accordance with its obligations to provide a safe work environment for its staff in accordance with the OHS Act.
28. Therefore, I am satisfied the documents that relate to how the Agency manages interactions with the Applicant are exempt under section 31(1)(a) as their disclosure would be reasonably likely to prejudice the Agency's ability to properly administer the OHS Act.
29. My decision in relation to section 31(1)(a) is set out in the Schedule of Documents at **Annexure 1**.

Section 32(1)

30. 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.
31. A document will be subject to legal professional privilege and exempt under section 32(1) where it contains a confidential communication:
 - (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.
32. The documents contain communications between and with the Agency's external legal advisors. I note the Agency relied on section 32(1) to exempt documents that contain detailed or sensitive legal advice. In these instances, I accept the emails are confidential communications between the Agency and its legal advisers, which were made for the dominant purpose of obtaining or providing legal advice.
33. My decision in relation to section 32(1) is set out in the Schedule of Documents at **Annexure 1**.

Section 33(1)

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

35. 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.
36. The concept of 'unreasonable disclosure' involves balancing the public interest in the disclosure of official information with the interest in protecting the personal privacy of an individual, other than the applicant (a **third party**), in the particular circumstances of a matter.
37. In determining whether the disclosure of a document would involve the unreasonable disclosure of information relating to the personal affairs of any person, I must take into account whether the disclosure of the information would, or would be reasonably likely to, endanger the life or physical safety of any person.¹ However, I do not consider this is a relevant factor in this matter.
38. The documents contain the following personal affairs information:
- (a) the names of third parties;
 - (b) physical and email addresses, and phone numbers of third parties; and
 - (c) information from which the identity of a third party could reasonably be determined.
39. The Agency advised it consulted with certain third parties named in the documents.
40. Having reviewed the personal affairs information in the documents, I have determined:
- (a) It would not be unreasonable to disclose the names of senior Agency officers who have had direct contact with the Applicant as the names of these third parties will be known to the Applicant and appear in Agency documents which demonstrates those individuals carrying out their professional roles.
 - (b) It would be unreasonable to disclose the names of Agency officers who have not had direct contact with the Applicant, as the names of these third parties will not be known to the Applicant and do not add to the Applicant's understanding of the documents being disclosed.
 - (c) It would be unreasonable to disclose all third party contact details, including physical and email addresses and all telephone phone numbers, as this information will not add to the Applicant's understanding of the documents being disclosed.
 - (d) It would be unreasonable to disclose certain information which I consider is sufficiently detailed to identify a third party, where I am satisfied that person's personal privacy outweighs any public interest in disclosure.
41. My decision in relation to section 33(1) is set out in the Schedule of Documents at **Annexure 1**.

Deletion of exempt or irrelevant information

42. Section 25 requires an agency to grant access to an edited copy of a document when it is practicable to delete exempt or irrelevant information and the applicant agrees to receiving such a copy.
43. Determining what is 'practicable' requires consideration of the effort and editing involved in making the deletions 'from a resources point of view'² and the effectiveness of the deletions. Where

¹ Section 33(2A).

² *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 25.³

44. I have considered whether it is practicable to provide the Applicant with an edited copy of the documents with exempt information deleted in accordance with section 25. I am satisfied it is practicable to delete the exempt information as to do so would not require substantial time and effort, and the edited documents would retain meaning.

Conclusion

45. On the information before me, I am satisfied certain information in the documents is exempt under sections 31(1)(a), 32(1) and 33(1) and certain documents are exempt in full under section 30(1).
46. As I am satisfied it is practicable provide an edited copy of certain documents with exempt information deleted in accordance with section 25, I have granted access to the documents in part.

Review rights

47. If either party to this review is not satisfied with my decision, they are entitled to apply to the Victorian Civil and Administrative Tribunal (**VCAT**) for it to be reviewed.⁴
48. The Applicant may apply to VCAT for a review up to 60 days from the date they are given this Notice of Decision.⁵
49. The Agency may apply to VCAT for a review up to 14 days from the date it is given this Notice of Decision.⁶
50. 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.
51. 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.⁷

Third party review rights

52. As I have decided to release documents that contain the personal affairs information of third parties, if practicable, I am required to notify the relevant individuals of their right to seek review by VCAT of my decision within 60 days from the date they are given notice.⁸
53. In this case, I am satisfied it is practicable to notify the individuals of their third party review rights and confirm they will be notified of my decision on the date of decision.

When my decision takes effect

54. My decision does not take effect until the relevant 60 day third party review period expires.
55. If a review application is made to VCAT, my decision will be subject to any VCAT determination.

³ *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].

⁴ The Applicant in section 50(1)(b) and the Agency in section 50(3D).

⁵ Section 52(5).

⁶ Section 52(9).

⁷ Sections 50(3F) and (3FA).

⁸ Sections 49P(5), 50(3) and 52(3).

Annexure 1 – Schedule of Documents

No.	Date of document	Title or description of document	Number of pages	Agency decision	OVIC decision	OVIC Comments
1.	[date]	Draft 1 FOI request – decision letter	3	Refused in full Sections 30(1), 31(1)(a)	Refused in full Section 30(1)	Section 30(1): The document is a draft letter to the Applicant. I am satisfied it is exempt in full under section 30(1) for the reasons set out above.
2.	[date]	Draft 2 FOI request – decision letter	3	Refused in full Sections 30(1), 31(1)(a)	Refused in full Section 30(1)	Section 30(1): See comments for Document 1.
3.	[date]	Draft 3 FOI request – decision letter	3	Refused in full Sections 30(1), 31(1)(a)	Refused in full Section 30(1)	Section 30(1): See comments for Document 1.
4.	[date]	Draft letter [date]	1	Refused in full Sections 30(1), 31(1)(a)	Refused in full Section 30(1)	Section 30(1): See comments for Document 1.
5.	[date]	Draft letter [date]	1	Refused in full Sections 30(1), 31(1)(a)	Refused in full Section 30(1)	Section 30(1): See comments for Document 1.
6.	[date]	Draft letter [date]	1	Refused in full Sections 30(1), 31(1)(a), 33(1)	Refused in full Section 30(1)	Section 30(1): See comments for Document 1.
7.	[date]	Email 1 FW_ Freedom of Information Request	2	Refused in full Sections 30(1),	Release in part Section 33(1), 25	Section 30(1): I consider information in this document is purely factual. Therefore, it is not exempt under section 30(1) by

Annexure 1 – Schedule of Documents

No.	Date of document	Title or description of document	Number of pages	Agency decision	OVIC decision	OVIC Comments
				31(1)(a), 33(1)	<p>The document is to be released with information exempt under section 33(1) deleted in accordance with section 25.</p> <p>The information exempt under section 33(1) is:</p> <ul style="list-style-type: none"> the name of the person to whom the email dated [date and time] was sent, throughout the document; and the first name that appears above the text 'kind regards'. 	<p>virtue of section 30(3).</p> <p>Section 31(1)(a): This document concerns the processing of an FOI request. I am not satisfied the requirements of section 31(1)(a) are met in that I am not persuaded disclosure of its content would prejudice the proper administration of the law for the reasons set out above.</p> <p>Section 33(1): I am not satisfied disclosure of the names of certain Agency officers would be unreasonable in the circumstances for the reasons set out above. I am satisfied the names of other third parties and the contact details of all third parties are exempt under section 33(1) for the reasons set out above.</p> <p>Section 25: I am satisfied it is practicable to provide the Applicant with an edited copy of the document with exempt information deleted in accordance with section 25.</p>
8.	[date to date]	Email 2 RE_ Freedom of Information Request	3	<p>Refused in full</p> <p>Sections 30(1), 31(1)(a), 33(1)</p>	<p>Release in part</p> <p>Section 33(1), 25</p> <p>The document is to be released with</p>	<p>Section 30(1): While I consider the document contains opinion and advice, I am not satisfied its disclosure would be contrary to the public interest for the reasons set out above. Therefore, it is not exempt under section 30(1).</p>

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No.	Date of document	Title or description of document	Number of pages	Agency decision	OVIC decision	OVIC Comments
					<p>information exempt under section 33(1) deleted in accordance with section 25.</p> <p>The information exempt under section 33(1) is:</p> <ul style="list-style-type: none"> the name of the person who sent the email dated [date and time], throughout the document; the email addresses throughout the document; and the desk and mobile telephone numbers throughout the document. 	<p>Section 31(1)(a): See comments for Document 7.</p> <p>Section 33(1) and 25: See comments for Document 7.</p>
9.	[date]	Email 3 RE_ Freedom of Information Request	3	<p>Refused in full</p> <p>Sections 30(1),</p>	<p>Release in part</p> <p>Sections 33(1), 25</p>	<p>Sections 30(1): See comments for Document 8.</p> <p>Section 31(1)(a): See comments for</p>

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No.	Date of document	Title or description of document	Number of pages	Agency decision	OVIC decision	OVIC Comments
				31(1)(a), 33(1)	<p>The document is to be released with information exempt under section 33(1) deleted in accordance with section 25.</p> <p>The information exempt under section 33(1) is:</p> <ul style="list-style-type: none"> the name of the person to whom the email dated [date and time] was sent, throughout the document; the email addresses throughout the document; and the desk and mobile telephone numbers throughout the document. 	<p>Document 7.</p> <p>Section 33(1) and 25: See comments for Document 7.</p>

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No.	Date of document	Title or description of document	Number of pages	Agency decision	OVIC decision	OVIC Comments
10.	[date]	Email 4 FW_ Re_ Freedom of Information Request	2	<p>Refused in full</p> <p>Sections 30(1), 31(1)(a), 33(1)</p>	<p>Release in part</p> <p>Sections 33(1), 25</p> <p>The document is to be released with information exempt under sections 32(1) and 33(1) deleted in accordance with section 25.</p> <p>The information exempt under section 33(1) is:</p> <ul style="list-style-type: none"> the name of the person to whom the email dated [date and time] was sent, throughout the document. 	<p>Section 30(1): I consider information in this document is purely factual. Therefore, it is not exempt under section 30(1) by virtue of section 30(3).</p> <p>Section 31(1)(a): See comments for Document 7.</p> <p>Section 33(1) and 25: See comments for Document 7.</p>
11.	[date]	Email 5 RE_ Freedom of Information Request	4	<p>Refused in full</p> <p>Sections 30(1),</p>	<p>Release in part</p> <p>Sections 32(1), 33(1),</p>	<p>Sections 30(1): See comments for Document 8.</p> <p>Section 31(1)(a): See comments for</p>

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No.	Date of document	Title or description of document	Number of pages	Agency decision	OVIC decision	OVIC Comments
				31(1)(a), 32(1), 33(1)	<p>25</p> <p>The document is to be released with information exempt under sections 32(1) and 33(1) deleted in accordance with section 25.</p> <p>The information exempt under section 32(1) is:</p> <ul style="list-style-type: none"> the email dated [date and time] and attachment. <p>The information exempt under section 33(1) is:</p> <ul style="list-style-type: none"> the name of the person to whom the email dated [date and time] was sent, throughout the document; 	<p>Document 7.</p> <p>Section 32(1): I am satisfied the email dated [date and time] is a confidential communication provided for the dominant purpose of providing legal advice. Therefore, it is exempt under section 32(1).</p> <p>33(1) and 25: See comments for Document 7.</p>

Annexure 1 – Schedule of Documents

No.	Date of document	Title or description of document	Number of pages	Agency decision	OVIC decision	OVIC Comments
					<ul style="list-style-type: none"> the email addresses throughout the document; and the desk and mobile telephone numbers throughout the document. 	
12.	[date]	Email 6 For review_ Extension of time letter	4	Refused in full Sections 30(1), 31(1)(a), 33(1)	Release in part Sections 33(1), 25 The document is to be released with information exempt under section 33(1) deleted in accordance with section 25. The information exempt under section 33(1) is: <ul style="list-style-type: none"> the name of the person to whom the email dated 	Section 30(1): See comments for Document 8. Section 31(1)(a): See comments for Document 7. Section 33(1) and 25: See comments for Document 7. Attachments: The attachments are Documents 4 and 5. Refer to comments for Documents 4 and 5.

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No.	Date of document	Title or description of document	Number of pages	Agency decision	OVIC decision	OVIC Comments
					<p>[date and time] was sent, throughout the document;</p> <ul style="list-style-type: none"> the email addresses throughout the document; and the desk and mobile telephone numbers throughout the document. 	
13.	[date]	Email 7 FW_ Freedom of Information Request	2	<p>Refused in full</p> <p>Sections 30(1), 31(1)(a), 33(1)</p>	<p>Release in part</p> <p>Sections 33(1), 25</p> <p>The document is to be released with information exempt under section 33(1) deleted in accordance with section 25.</p> <p>The information exempt under section 33(1) is:</p>	<p>Section 30(1): See comments for Document 10.</p> <p>Section 31(1)(a): See comments for Document 7.</p> <p>Sections 33(1) and 25: See comments for Document 7.</p>

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No.	Date of document	Title or description of document	Number of pages	Agency decision	OVIC decision	OVIC Comments
					<ul style="list-style-type: none"> the name of the person to whom the email dated [date and time] was sent, throughout the document; the name of the person who sent the email dated [date and time], throughout the document; the email addresses throughout the document; and the desk and mobile telephone numbers throughout the document. 	
14.	[date]	Email 8 FW_ Freedom of Information Request	5	Refused in full Sections 30(1),	Release in part Sections 32(1), 33(1),	Section 30(1): See comments for Document 8. Section 31(1)(a): See comments for

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No.	Date of document	Title or description of document	Number of pages	Agency decision	OVIC decision	OVIC Comments
				31(1)(a), 32(1), 33(1)	<p>25</p> <p>The document is to be released with information exempt under sections 32(1) and 33(1) deleted in accordance with section 25.</p> <p>The information exempt under section 32(1) is:</p> <ul style="list-style-type: none"> the emails dated [date and time] and [date and time]. <p>The information exempt under section 33(1) is:</p> <ul style="list-style-type: none"> the name of the person who sent the email dated [date and time], throughout the document; the email 	<p>Document 7.</p> <p>Section 32(1): I am satisfied the emails dated [date and time] and [date and time] are confidential communications provided for the dominant purpose of providing legal advice. Therefore, they are exempt under section 32(1).</p> <p>Section 33(1): See comments for Document 7.</p> <p>Section 25: See comments for Document 7.</p>

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No.	Date of document	Title or description of document	Number of pages	Agency decision	OVIC decision	OVIC Comments
					<p>addresses throughout the document; and</p> <ul style="list-style-type: none"> the desk and mobile telephone numbers throughout the document. 	
15.	[date]	Email 9 FW_ Freedom of Information Request	2	<p>Refused in full</p> <p>Sections 30(1), 31(1)(a), 33(1)</p>	<p>Release in part</p> <p>Sections 33(1), 25</p> <p>The document is to be released with information exempt under section 33(1) deleted in accordance with section 25.</p> <p>The information exempt under section 33(1) is:</p> <ul style="list-style-type: none"> the name of the person who sent the email dated [date and time], throughout the document; 	<p>Section 30(1): See comments for Document 10.</p> <p>Section 31(1)(a): See comments for Document 7.</p> <p>Sections 33(1) and 25: See comments for Document 7.</p>

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No.	Date of document	Title or description of document	Number of pages	Agency decision	OVIC decision	OVIC Comments
					<ul style="list-style-type: none"> the email addresses throughout the document; and the desk and mobile telephone numbers throughout the document. 	
16.	[date]	Email 10	2	Refused in full Sections 30(1), 31(1)(a), 33(1)	Release in part Sections 31(1)(a), 33(1), 25 The document is to be released with information exempt under sections 31(1)(a) and 33(1) deleted in accordance with section 25. The information exempt under section 31(1)(a) is: <ul style="list-style-type: none"> the emails dated 	Section 30(1): See comments for Document 10. Section 31(1)(a): I am not satisfied the entire document is exempt under section 31(1)(a). See comments for Document 7. However, I am satisfied the email dated [date and time and time] and the last sentence of the email dated [date and time] are exempt under section 31(1)(a) for the reasons set out above. Section 33(1): See comments for Document 7. Section 25: See comments for Document 7.

Annexure 1 – Schedule of Documents

No.	Date of document	Title or description of document	Number of pages	Agency decision	OVIC decision	OVIC Comments
					<p>[date and time and time] and the last sentence of the email dated [date and time].</p> <p>The information exempt under section 33(1) is:</p> <ul style="list-style-type: none"> the name of the person to whom the email dated [date and time] was sent, throughout the document; the name of the third party in the first paragraph of the email dated [date and time]; the email addresses throughout the document; and the desk and 	

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No.	Date of document	Title or description of document	Number of pages	Agency decision	OVIC decision	OVIC Comments
					mobile telephone numbers throughout the document.	
17.	[date]	Email 11 FOI - discussions with VCAT and proposed approach	2	<p>Refused in full</p> <p>Sections 30(1), 31(1)(a), 32(1), 33(1)</p>	<p>Release in part</p> <p>Sections 31(1)(a), 32(1), 33(1), 25</p> <p>The document is to be released with information exempt under sections 31(1)(a), 32(1) and 33(1) deleted in accordance with section 25.</p> <p>The information exempt under section 31(1)(a) is:</p> <ul style="list-style-type: none"> the last sentence of the email dated [date and time]. <p>The information exempt under section</p>	<p>Sections 30(1) and 25: See comments for Document 8.</p> <p>Section 31(1)(a): See comments for Document 7. However, consistent with Document 16, I am satisfied the last sentence of the email dated [date and time] is exempt under section 31(1)(a) for the reasons set out above.</p> <p>Section 32(1): I am satisfied the email dated [date and time] is a confidential communication provided for the dominant purpose of providing legal advice. Therefore, it is exempt under section 32(1).</p> <p>Sections 33(1) and 25: See comments for Document 7.</p>

Annexure 1 – Schedule of Documents

No.	Date of document	Title or description of document	Number of pages	Agency decision	OVIC decision	OVIC Comments
					<p>32(1) is:</p> <ul style="list-style-type: none"> the email dated [date and time]. <p>The information exempt under section 33(1) is:</p> <ul style="list-style-type: none"> the name of the person to whom the email dated [date and time] was sent, throughout the document; the name of the third party in the first paragraph of the email dated [date and time]; the email addresses throughout the document; the desk and mobile telephone 	

Annexure 1 – Schedule of Documents

No.	Date of document	Title or description of document	Number of pages	Agency decision	OVIC decision	OVIC Comments
					numbers throughout the document.	
18.	[date]	Email 12 RE_ Consultation on personal affairs information	2	Refused in full Sections 30(1), 31(1)(a), 33(1)	Release in part Sections 33(1), 25 The document is to be released information exempt under section 33(1) deleted in accordance with section 25. The information exempt under section 33(1) is: <ul style="list-style-type: none"> the name of the person to whom the email dated [date and time] was sent, throughout the document; the email addresses throughout the 	Section 30(1): See comments for Document 8. Section 31(1)(a): See comments for Document 7. Sections 33(1) and 25: See comments for Document 7. Attachment: I note the attachment consists of documents subject to the Applicant's previous FOI requests, rather than the processing of those requests which is the subject to this review. I do not consider the actual documents fall within the scope of the request.

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No.	Date of document	Title or description of document	Number of pages	Agency decision	OVIC decision	OVIC Comments
					document; <ul style="list-style-type: none"> the desk and mobile telephone numbers throughout the document. 	
19.	[date]	Email 13 RE_ Consultation on personal affairs information - FOI request	2	Refused in full Sections 30(1), 31(1)(a), 33(1)	Release in part Section 33(1), 25 The document is to be released to the Applicant with information exempt under section 33(1) deleted in accordance with section 25. The information exempt under section 33(1) is: <ul style="list-style-type: none"> the name of the person to whom the email dated [date and time] was sent, throughout the 	Section 30(1): See comments for Document 8. Section 31(1)(a): See comments for Document 7. Sections 33(1) and 25: See comments for Document 7. Attachment: See comments for Document 18.

Annexure 1 – Schedule of Documents

No.	Date of document	Title or description of document	Number of pages	Agency decision	OVIC decision	OVIC Comments
					<p>document;</p> <ul style="list-style-type: none"> the email addresses throughout the document; the desk and mobile telephone numbers throughout the document. 	
20.	[date]	Email 14 RE_ Consultation on personal affairs information - FOI request	5	<p>Refused in full</p> <p>Sections 30(1), 31(1)(a), 33(1)</p>	<p>Refuse in full</p> <p>Section 33(1)</p>	<p>Section 33(1): The document relates to the processing of an FOI request which amounts to the personal affairs information of a person other than the Applicant. Further, it contains sensitive personal affairs information that would be unreasonable to release. Therefore, I am satisfied it is exempt under section 33(1).</p> <p>Section 25: I am satisfied it would not be practicable to delete exempt information from the document as it would render the document meaningless.</p>
21.	[date]	Email 15 RE_ FOI decision	6	<p>Refused in full</p> <p>Sections 30(1),</p>	<p>Release in part</p> <p>Sections 33(1), 25</p>	<p>Section 30(1): See comments for Document 8.</p>

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No.	Date of document	Title or description of document	Number of pages	Agency decision	OVIC decision	OVIC Comments
				31(1)(a), 33(1)	<p>The document is to be released with information exempt under section 33(1) deleted in accordance with section 25.</p> <p>The information exempt under section 33(1) is:</p> <ul style="list-style-type: none"> the name of the person whom sent the email dated [date and time], throughout the document; the email addresses throughout the document; and the desk and mobile telephone numbers throughout the document. 	<p>Section 31(1)(a): See comments for Document 7.</p> <p>Sections 33(1) and 25: See comments for Document 7.</p> <p>Attachment: I understand this is Document 3. Please my comments for Document 3.</p>

Annexure 1 – Schedule of Documents

No.	Date of document	Title or description of document	Number of pages	Agency decision	OVIC decision	OVIC Comments
22.	[date]	File note - consultations under the FOI Act (word document)	1	<p>Refused in full</p> <p>Sections 30(1), 31(1)(a), 32(1), 33(1)</p>	<p>Release in part</p> <p>Sections 33(1), 25</p> <p>The document is to be released with information exempt under section 33(1) deleted in accordance with section 25.</p> <p>The information exempt under section 33(1) is:</p> <ul style="list-style-type: none"> the name of the author of the document; the name that appears in 2(c), and that name and position title where it appears in the table in the person column; and the consultation 	<p>Section 30(1): See comments for Document 8.</p> <p>Section 31(1)(a): See comments for Document 7.</p> <p>Section 32(1): I do not consider the remainder of the document (following removal of exempt information) amounts to information prepared for the dominant purpose of obtaining or providing legal advice. Therefore, I am not satisfied it is exempt under section 32(1).</p> <p>Sections 33(1) and 25: See comments for Document 7. I am also satisfied the 'consultation' comments of the principal registrar and another person named in the document is personal affairs information that would be unreasonable to release. Therefore, this information is exempt under section 33(1).</p>

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No.	Date of document	Title or description of document	Number of pages	Agency decision	OVIC decision	OVIC Comments
					notes of the table for the principal registrar and the person named in 2(c).	
23.	[date]	File note - consultations under the FOI Act (pdf)	1	Refused in full Sections 30(1), 31(1)(a), 33(1)	Release in part Sections 33(1), 25 The document is to be released with information exempt under section 33(1) deleted in accordance with section 25. The information exempt under section 33(1) is: <ul style="list-style-type: none"> the name of the author of the document; the name that appears in 2(c), and that name and position title where it appears in 	<p>Section 30(1): See comments for Document 8.</p> <p>Section 31(1)(a): See comments for Document 7.</p> <p>Section 32(1): See comments for Document 22.</p> <p>Section 33(1) and 25: See comments for Document 22.</p>

Annexure 1 – Schedule of Documents

No.	Date of document	Title or description of document	Number of pages	Agency decision	OVIC decision	OVIC Comments
					<p>the table in the person column; and</p> <ul style="list-style-type: none"> the consultation notes of the table for the principal registrar and the person named in 2(c). 	
24.	Undated	File notes on discussions related to request	1	<p>Refused in full</p> <p>Sections 30(1), 31(1)(a), 33(1)</p>	<p>Release in part</p> <p>Sections 33(1), 25</p> <p>The document is to be released with information exempt under section 33(1) deleted in accordance with section 25.</p> <p>The information exempt under section 33(1) is:</p> <ul style="list-style-type: none"> the entries dated [date] and [date]. 	<p>Section 30(1): See comments for Document 8.</p> <p>Section 31(1)(a): See comments for Document 7.</p> <p>Section 33(1): See comments for Document 7. Further, I am satisfied information in the entries dated [date] and [date] is sensitive personal affairs information and would be unreasonable to disclose.</p>
25.	[date]	Draft 1 FOI request -	4	Refused in full	Refused in full	Section 30(1): See comments for

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No.	Date of document	Title or description of document	Number of pages	Agency decision	OVIC decision	OVIC Comments
		decision letter		Sections 30(1), 31(1)(a)	Section 30(1)	Document 1.
26.	[date]	Draft 2 FOI request - decision letter - Mark up	3	Refused in full Sections 30(1), 31(1)(a)	Refused in full Section 30(1)	Section 30(1): See comments for Document 1.
27.	[date]	Draft 3 FOI request - decision letter	4	Refused in full Sections 30(1), 31(1)(a)	Refused in full Section 30(1)	Section 30(1): See comments for Document 1.
28.	[date]	Email 1 FOI request – [named] policy	3	Refused in full Sections 30(1), 31(1)(a), 33(1)	Release in part Sections 33(1), 25 The document is to be released with information exempt under section 33(1) deleted in accordance with section 25. The information exempt under section 33(1) is: <ul style="list-style-type: none"> the name of the person whom sent the email dated [date and time], 	Section 30(1): See comments for Document 8. Section 31(1)(a): See comments for Document 7. Section 33(1) and 25: See comments for Document 7. Attachment: The attachment is the Applicant's FOI request.

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No.	Date of document	Title or description of document	Number of pages	Agency decision	OVIC decision	OVIC Comments
					<p>throughout the document;</p> <ul style="list-style-type: none"> the name of the person to whom the email dated [date and time] was sent, throughout the document; the email addresses throughout the document; and the desk and mobile telephone numbers throughout the document. 	
29.	[date]	Email 2 RE_ New FOI request	3	<p>Refused in full</p> <p>Sections 30(1), 31(1)(a), 33(1)</p>	<p>Release in part</p> <p>Sections 33(1), 25</p> <p>The document is to be released with information exempt under section 33(1)</p>	<p>Section 30(1): See comments for Document 8.</p> <p>Section 31(1)(a): See comments for Document 7.</p> <p>Section 33(1) and: See comments for Document 7.</p>

Annexure 1 – Schedule of Documents

No.	Date of document	Title or description of document	Number of pages	Agency decision	OVIC decision	OVIC Comments
					<p>deleted in accordance with section 25.</p> <p>The information exempt under section 33(1) is:</p> <ul style="list-style-type: none"> the name of the person to whom the email dated [date and time] was sent, throughout the document; the email addresses throughout the document; the desk and mobile telephone numbers throughout the document. 	Attachment: The attachment is the Applicant's FOI request.
30.	[date]	Email 3 new FOI discussion	1	<p>Refused in full</p> <p>Sections 30(1), 31(1)(a), 33(1)</p>	<p>Release in part</p> <p>Sections 33(1), 25</p>	<p>Section 30(1): See comments for Document 8.</p> <p>Section 31(1)(a): See comments for</p>

Annexure 1 – Schedule of Documents

No.	Date of document	Title or description of document	Number of pages	Agency decision	OVIC decision	OVIC Comments
					<p>The document is to be released with information exempt under section 33(1) deleted in accordance with section 25.</p> <p>The information exempt under section 33(1) is:</p> <ul style="list-style-type: none"> the name of the person who sent the meeting invitation. 	<p>Document 7.</p> <p>Section 33(1) and 25: See comments for Document 7.</p>
31.	[date]	Email 4 RE_ Freedom of Information Request	3	<p>Refused in full</p> <p>Sections 30(1), 31(1)(a), 33(1)</p>	<p>Release in part</p> <p>Sections 33(1), 25</p> <p>The document is to be released with information exempt under section 33(1) deleted in accordance with section 25.</p> <p>The information exempt under section</p>	<p>Section 30(1): See comments for Document 8.</p> <p>Section 31(1)(a): See comments for Document 7.</p> <p>Section 33(1) and 25: See comments for Document 7.</p>

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No.	Date of document	Title or description of document	Number of pages	Agency decision	OVIC decision	OVIC Comments
					<p>33(1) is:</p> <ul style="list-style-type: none"> the name of the person from who sent the email dated [date and time], throughout the document; the name of the person to whom the email dated [date and time] was sent, throughout the document; the email addresses throughout the document; and the desk and mobile telephone numbers throughout the document. 	
32.	[date]	Email 5 new FOI discussion	1	Refused in full	Release in part	Section 30(1): See comments for Document 8.

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No.	Date of document	Title or description of document	Number of pages	Agency decision	OVIC decision	OVIC Comments
				Sections 30(1), 31(1)(a), 33(1)	<p>Sections 33(1), 25</p> <p>The document is to be released with information exempt under section 33(1) deleted in accordance with section 25.</p> <p>The information exempt under section 33(1) is:</p> <ul style="list-style-type: none"> the name of the person who sent the meeting invitation, throughout the document. 	<p>Section 31(1)(a): See comments for Document 7.</p> <p>Section 33(1) and 25: See comments for Document 7.</p>
33.	[date]	Email 6 RE_ new FOI discussion	1	<p>Refused in full</p> <p>Sections 30(1), 31(1)(a), 33(1)</p>	<p>Release in part</p> <p>Sections 33(1), 25</p> <p>The document is to be released with information exempt under section 33(1) deleted in accordance</p>	<p>Section 30(1): See comments for Document 8.</p> <p>Section 31(1)(a): See comments for Document 7.</p> <p>Section 33(1) and 25: See comments for Document 7.</p>

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No.	Date of document	Title or description of document	Number of pages	Agency decision	OVIC decision	OVIC Comments
					<p>with section 25.</p> <p>The information exempt under section 33(1) is:</p> <ul style="list-style-type: none"> the name of the person who sent the email dated [date and time], throughout the document; the email addresses throughout the document; and the desk and mobile telephone numbers throughout the document. 	
34.	[date]	Email 7 RE_ FOI request – [named] policy	4	<p>Refused in full</p> <p>Sections 30(1), 31(1)(a), 33(1)</p>	<p>Release in part</p> <p>Sections 33(1), 25</p> <p>The document is to be released with</p>	<p>Section 30(1): See comments for Document 8.</p> <p>Section 31(1)(a): See comments for Document 7.</p>

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No.	Date of document	Title or description of document	Number of pages	Agency decision	OVIC decision	OVIC Comments
					<p>information exempt under section 33(1) deleted in accordance with section 25.</p> <p>The information exempt under section 33(1) is:</p> <ul style="list-style-type: none"> the name of the person who sent the email dated [date and time], throughout the document; the name of the person to whom the email dated [date and time] was sent, throughout the document; the email addresses throughout the document; and the desk and 	<p>Section 33(1) and 25: See comments for Document 7.</p> <p>Attachment: The attachments consists of documents subject to the previous FOI requests, rather than the processing of those requests which is the subject to this review. I do not consider the actual documents in scope of the request.</p>

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No.	Date of document	Title or description of document	Number of pages	Agency decision	OVIC decision	OVIC Comments
					mobile telephone numbers throughout the document.	
35.	[date]	Email 8 RE_ Meeting to discuss FOI	2	Refused in full Sections 30(1), 31(1)(a), 33(1)	Release in part Sections 33(1), 25 The document is to be released with information exempt under section 33(1) deleted in accordance with section 25. The information exempt under section 33(1) is: <ul style="list-style-type: none"> the name of the second addressee of the email sent on [date and time], throughout the document; the email addresses throughout the 	Section 30(1): See comments for Document 8. Section 31(1)(a): See comments for Document 7. Section 33(1) and 25: See comments for Document 7.

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No.	Date of document	Title or description of document	Number of pages	Agency decision	OVIC decision	OVIC Comments
					document; and <ul style="list-style-type: none"> the desk and mobile telephone numbers throughout the document. 	
36.	[date]	Email 9 For review_ FOI letter	1	Refused in full Sections 30(1), 31(1)(a), 33(1)	Release in part Sections 30(1), 33(1), 25 The document is to be released with information exempt under sections 30(1) and 33(1) deleted in accordance with section 25. The information exempt under section 33(1) is: <ul style="list-style-type: none"> the name of the person who sent the email dated [date and time], throughout the 	<p>Section 30(1): See comments for Document 8.</p> <p>Section 31(1)(a): See comments for Document 7.</p> <p>Section 33(1) and 25: See comments for Document 7.</p> <p>Attachments: The attachments consists of draft documents. I consider these are exempt under section 30(1) for the reasons set out in Document 1.</p>

Annexure 1 – Schedule of Documents

No.	Date of document	Title or description of document	Number of pages	Agency decision	OVIC decision	OVIC Comments
					<p>document;</p> <ul style="list-style-type: none"> the email addresses throughout the document; and the desk and mobile telephone numbers throughout the document. <p>The information exempt under section 30(1) is:</p> <ul style="list-style-type: none"> the attachments. 	
37.	[date]	Email 10 RE_ For review_ FOI letter	2	<p>Refused in full</p> <p>Sections 30(1), 31(1)(a), 33(1)</p>	<p>Release in part</p> <p>Sections 30(1), 33(1), 25</p> <p>The document is to be released with information exempt under sections 30(1) and 33(1) deleted in accordance with</p>	<p>Section 30(1): See comments for Document 8.</p> <p>Section 31(1)(a): See comments for Document 7.</p> <p>Section 33(1) and 25: See comments for Document 7.</p> <p>Attachments: I note the attachment consists of draft documents. I consider</p>

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No.	Date of document	Title or description of document	Number of pages	Agency decision	OVIC decision	OVIC Comments
					<p>section 25.</p> <p>The information exempt under section 33(1) is:</p> <ul style="list-style-type: none"> the name of the person to whom the email dated [date and time] was sent, throughout the document; the email addresses throughout the document; and the desk and mobile telephone numbers throughout the document. <p>The information exempt under section 30(1) is:</p> <ul style="list-style-type: none"> the attachments. 	these are exempt under section 30(1) for the reasons set out in Document 1.

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No.	Date of document	Title or description of document	Number of pages	Agency decision	OVIC decision	OVIC Comments
38.	[date]	Email 11 For review_ FOI decision letter	1	<p>Refused in full</p> <p>Sections 30(1), 31(1)(a), 33(1)</p>	<p>Release in part</p> <p>Sections 30(1), 33(1), 25</p> <p>The document is to be released with information exempt under sections 30(1) and 33(1) deleted in accordance with section 25.</p> <p>The information exempt under section 33(1) is:</p> <ul style="list-style-type: none"> the name of the person who sent the email dated [date and time], throughout the document; the email addresses throughout the document; and 	<p>Section 30(1): See comments for Document 8.</p> <p>Section 31(1)(a): See comments for Document 7.</p> <p>Section 33(1) and 25: See comments for Document 7.</p> <p>Attachments: The attachments consists of draft documents. I am satisfied these are exempt under section 30(1) for the reasons set out in Document 1.</p>

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No.	Date of document	Title or description of document	Number of pages	Agency decision	OVIC decision	OVIC Comments
					<ul style="list-style-type: none"> the desk and mobile telephone numbers throughout the document. <p>The information exempt under section 30(1) is:</p> <ul style="list-style-type: none"> the attachments. 	
39.	Undated	File notes on discussions related to request	1	Refused in full Sections 30(1), 31(1)(a), 33(1)	Refuse in full Section 31(1)(a)	Section 31(1)(a): I accept the disclosure of the document would prejudice the proper administration of the law for the reasons set out above.
40.	Undated	Draft 0 (blank)	0	Refused in full Sections 30(1), 31(1)(a)	Not subject to review	This is a blank document.
41.	[date]	Draft 1	1	Refused in full Sections 30(1), 31(1)(a)	Refused in full Section 30(1)	Section 30(1): See comments for Document 1.
42.	[date]	Draft 2	1	Refused in full Sections 30(1), 31(1)(a)	Refused in full Section 30(1)	Section 30(1): See comments for Document 1.

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No.	Date of document	Title or description of document	Number of pages	Agency decision	OVIC decision	OVIC Comments
43.	[date]	Draft 3	1	Refused in full Sections 30(1), 31(1)(a)	Refused in full Section 30(1)	Section 30(1): See comments for Document 1.
44.	[date]	Draft 4	1	Refused in full Sections 30(1), 31(1)(a)	Refused in full Section 30(1)	Section 30(1): See comments for Document 1.
45.	[date]	Draft 5	2	Refused in full Sections 30(1), 31(1)(a)	Refused in full Section 30(1)	Section 30(1): See comments for Document 1.
46.	[date]	Email 1 FW_	2	Refused in full Sections 30(1), 31(1)(a), 33(1)	Refuse in full Section 31(1)(a)	Section 31(1)(a): See comments for Document 39.
47.	[date]	Email 2 FW_ Suggested response to request	1	Refused in full Sections 30(1), 31(1)(a), 33(1)	Refuse in full Section 31(1)(a)	Section 31(1)(a): See comments for Document 39.
48.	[date]	Email 3 FW_ .doc	1	Refused in full Sections 30(1), 31(1)(a), 33(1)	Refuse in full Section 31(1)(a)	Section 31(1)(a): See comments for Document 39.
49.	[date]	Email 4 FW_ Draft response to request to modify	1	Refused in full	Refuse in full	Section 31(1)(a): See comments for Document 39.

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No.	Date of document	Title or description of document	Number of pages	Agency decision	OVIC decision	OVIC Comments
		[action]		Sections 30(1), 31(1)(a), 33(1)	Section 31(1)(a)	
50.	[date]	Email 5 FW_.doc	1	Refused in full Sections 30(1), 31(1)(a), 33(1)	Refuse in full Section 31(1)(a)	Section 31(1)(a): See comments for Document 39.
51.	[date]	Email 6 Communicating with VCAT	1	Release in full	Not subject to review	
52.	[date]	Email 7 has docs under _ Communicating with VCAT	14	Release in part (Personal affairs information redacted)	Refuse in part Section 31(1)(a), 25 The document is to be released with information exempt under section 31(1)(a) deleted in accordance with section 25. The information exempt under section 31(1)(a) is: <ul style="list-style-type: none"> the emails dated [date and time] and [date, time, time] 	Section 31(1)(a): I am satisfied the information identified by the Agency is similar to that in the immediately preceding documents and is exempt under section 31(1)(a) for the reasons set out above. Section 25: See comments for Document 7.

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No.	Date of document	Title or description of document	Number of pages	Agency decision	OVIC decision	OVIC Comments
					and time].	
53.	[date]	Email 8 Revised letter	1	Refused in full Sections 30(1), 31(1)(a)	Refuse in full Section 31(1)(a)	Section 31(1)(a): See comments for Document 39.
54.	[date]	Final	1	Release in full (in PDF version)	Not subject to review	