

Notice of Decision and Reasons for Decision

| | |
|------------------------|---|
| Applicant: | 'CS8' |
| Agency: | Department of Justice and Community Safety |
| Decision Date: | 1 March 2021 |
| Exemptions considered: | Sections 30(1), 31(1)(a), 33(1) and section 38 of the Freedom of Information Act 1982 (Vic) in conjunction with section 104ZZA of the <i>Corrections Act 1986</i> (Vic) |
| Citation: | 'CS8' and Department of Justice and Community Safety (<i>Freedom of Information</i>) [2021] VICmr 62 (1 March 2021) |

FREEDOM OF INFORMATION – prison records – prisoner – psychometric testing – Violence Intervention Program – Forensic Intervention Service Treatment report – clinician notes

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.

I am satisfied the documents are exempt under sections 30(1), 31(1)(a) and 38 of the FOI Act in conjunction with section 104ZZA of the *Corrections Act 1986* (Vic).

However, I am satisfied certain personal information in the documents is not exempt under section 38 and 33(1).

Where I am satisfied it is practicable to provide the Applicant with an edited copy of a document with exempt information deleted in accordance with section 25, access is granted in part. Where I have determined it is not practicable to do so, access is denied 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

1 March 2021

Reasons for Decision

Background to review

1. The Applicant, through their legal representative, made a request to the Agency seeking access to certain documents on their prison file.
2. Following consultation with the Agency, the Applicant amended the initial request to the following documents:

...copies of documents/reports relating to programs [the Applicant] has completed in the past [time period], including VIP.

A copy of documents (including reports and notes) relating to [the Applicant] completion of any courses in the past [time period], including the VIP (which I understand stands for something like Violence Intervention Program).
3. The Agency identified 93 pages falling within the terms of the Applicant's request and refused access to 51 pages in full and granted access to the remaining pages in part.
4. The Agency relied on the exemptions in sections 30(1), 31(1)(a), 33(1) and 38 in conjunction with section 104ZZA of the *Corrections Act 1986* (Vic) (**Corrections Act**) to refuse access to the documents. The Agency's decision letter sets out the reasons for its decision.

Review

5. The Applicant sought review by the Information Commissioner under section 49A(1) of the Agency's decision to refuse access.
6. I have examined copies of the documents subject to review.
7. The Applicant and the Agency were invited to make a written submission under section 49H(2) in relation to the review.
8. 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.
9. Further, I note Parliament's intention the FOI Act must be interpreted so as to further the object of the Act and that 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.

Prisoner and intervention program records

10. The Agency is responsible for enforcing and administering the law in relation to prisoners and offenders in Victoria under the Corrections Act.
11. Clinicians across the public prison and community corrections system work with prisoners and offenders to provide offence specific behaviour change programs designed to reduce an offender's risk of reoffending. Generally, an assessment outcome letter is provided to a person after they complete a behaviour change program. In most cases, an opportunity for the person to sit down with a clinician to receive feedback regarding an assessment or treatment report is offered by the Agency.

12. The Agency collects personal information about prisoners, offenders, their families and prison visitors to ensure:
 - (a) appropriate placement within the Victorian prison system;
 - (b) security is maintained in prisons and appropriate supervision in the community; and
 - (c) services are provided to prisoners including post-release services.¹
13. Parliament has determined strict parameters apply to how this type of personal and confidential information collected by the Agency is to be used or disclosed.
14. Except for certain limited circumstances where disclosure is authorised, information identifying any person, their address, location or journey made or any information concerning the management of a prison is prohibited from disclosure under the Corrections Act. This reflects the need to assure confidentiality to individuals whose information are contained in documents, or information used for the proper order and management of a prison is not disclosed.
15. This means, when a person has been in prison or subject to a Community Corrections Order, the confidentiality provisions that apply to prisoner and offender records under the Corrections Act are strictly applied.

Review of exemptions

Section 38 – Secrecy or confidentiality provision

16. Section 38 provides a document is an exempt document, ‘if there is in force an enactment applying specifically to information of a kind contained in the document and prohibiting persons referred to in the enactment from disclosing information of that kind, whether the prohibition is absolute or is subject to exceptions or qualifications’.
17. For section 38 to apply to an enactment (or a provision in legislation), it must be formulated with such precision that it specifies the actual information sought to be withheld.

Corrections Act

18. Section 104ZZA of the Corrections Act provides:

A person who is or has been a relevant person must not use or disclose personal or confidential information unless that use or disclosure is authorised under section 104ZY or 104ZZ.

Penalty: 120 penalty units.

19. The phrase ‘personal or confidential information’ is defined in section 104ZX of the Corrections Act:

Personal or confidential information includes the following –

- (a) information relating to the personal affairs of a person who is or has been an offender or a prisoner;
- (b) information relating to the classification of a prisoner under this Act;
- (c) information –
 - (i) that identifies a person or discloses his or her address or location or a journey made by the person; or

¹ See Corrections Victoria, *Personal Information and Privacy* at <https://www.corrections.vic.gov.au/prisons/going-to-prison/personal-information-and-privacy>.

- (ii) from which any person's identity, address or location can reasonably be determined;
 - (d) information given to the Adult Parole Board that is not disclosed in a decision of the Board or in any reasons given by the Board for a decision of the Board;
 - ...
 - (i) information concerning the management of prisons;
 - ...
20. The phrase 'relevant person' is set out in Schedule 5, and includes:
- ...
- (2) A person employed in the Department under Part 3 of the Public Administration Act 2004
 - (3) A person who provides services or advice (whether paid or unpaid) to or on behalf of the Department
21. In summary, section 104ZZA of the Corrections Act protects the personal privacy of individuals identified in documents generated in relation to a prisoner and the management of prisons in Victoria. It is also directed towards maintaining the confidentiality of methods and procedures used in the management and security of prisoners and prisons. The section imposes strict confidentiality requirements on Agency officers and others, subject to limited exceptions.
22. I am satisfied section 104ZZA of the Corrections Act is a secrecy provision to which section 38 of the FOI Act applies as:
- (a) the Corrections Act is an enactment in force;
 - (b) section 104ZZA in conjunction with section 104ZX of the Corrections Act identifies, with precision, the type of information to which the section applies; and
 - (c) section 104ZZA of the Corrections Act prohibits specified 'relevant persons' from disclosing the information to which it applies.
23. The review documents concern the Applicant's participation in a Violence Intervention Program. The following information was exempted by the Agency as personal or confidential information:
- (a) names, signatures and position titles of clinicians;
 - (b) names and position titles of Corrections staff;
 - (c) information regarding the Applicant's family members; and
 - (d) opinions expressed in confidence by clinical staff in the course of treatment and management of a prisoner, which concerns the security and management of a prison.
24. During the review, the Agency advised Document 36, the Forensic Intervention Services treatment report was provided to the Adult Parole Board.
25. On the information before me, I am satisfied information in the documents falls within the definition of 'personal or confidential information' in section 104ZX of the Corrections Act.

Does a relevant exception apply?

26. The secrecy provision in section 104ZZA of the Corrections Act is subject to exceptions in sections 104ZY and 104ZZ, which authorise the release of personal or confidential information in certain circumstances.
27. Relevantly, section 104ZY(2)(b) of the Corrections Act provides a relevant person may use or disclose personal or confidential information with the authorisation or consent of the person to whom the information relates.
28. The Applicant's solicitor has provided OVIC with a copy of a signed document from the Applicant's [family member] authorising disclosure of personal information relating to [the family member] and [their late spouse], as [their] next of kin.
29. Based on this document, I am satisfied the exception in section 104ZY(2)(b) of the Corrections Act applies.
30. Accordingly, I am satisfied personal information concerning the Applicant's [family members] is not exempt under section 38. However, in all other instances I am satisfied personal and confidential information in the documents is exempt under section 38 in conjunction with section 104ZZA of the Corrections Act.
31. My decision in relation to section 38 is set out in the Schedule of Documents in **Annexure 1**.

Section 30(1) – Internal working documents

32. 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.
33. The exemption does not apply to purely factual material in a document.²

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?

34. I am satisfied the documents contain information taken from the clinician's discussions with the Applicant and record the clinician's observations, advice and recommendations regarding the Applicant.

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?

35. I accept the reports and case notes are designed to assist with the classification and management of a person while serving a prison term. Accordingly, I am satisfied the opinions, advice and recommendations were provided in the course of and for the purposes of, a deliberative process of the Agency, namely the Agency's management and rehabilitation of offenders in prison.

² Section 30(3).

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

36. In determining whether disclosure of the information would be contrary to the public interest, it is necessary to balance relevant considerations, remaining mindful the object of the FOI Act is to facilitate and promote disclosure of information.

37. The Agency's decision letter states:

...it would be contrary to the public interest to disclose material in the Psychometric Tests, VIP Case Notes and FIS Treatment Report as clinical staff providing programs designed to reduce violent re-offending need to be able to express freely opinions about gains made or limitations encountered during programs. The release of such information is likely to inhibit clinical staff from freely expressing opinions in similar assessments in the future. The release of such information may also give insight [into] psychological methodologies used by clinicians which prisoners could employ to subvert the effectiveness of assessments.

38. In determining whether release of the clinician's advice, opinion and recommendations would be contrary to the public interest, I have considered the following 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 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; and
- (e) 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.

39. I have also considered the decision of *Debono v Department of Justice*³ (***Debono decision***), where the Victorian Civil and Administrative Tribunal (VCAT) affirmed a clinical assessment of participation in a violence program is exempt from disclosure under section 30(1). In the *Debono decision*, the applicant (who had been released from prison), sought access to two written assessments prepared by clinicians while the applicant was serving a prison sentence.

40. I am of the view the documents under review and the documents in the *Debono decision* are analogous, as each were prepared for a deliberative function of the Agency to assess eligibility of specialised intervention programs and address any risk of re-offending. Given the similarity between the documents, I consider VCAT's reasoning in relation to public interest factors under section 30(1) are relevant to the documents in this review.

³ [2008] VCAT 1791.

41. Below, I have set out the relevant points of VCAT's decision in relation to public interest factors under section 30(1):

So far as Mr Debono and those who are concerned to ensure the observance of his human rights are concerned, there is a strong public interest in transparency. ... It seems to be contrary to fundamental concepts of fairness or as the common law would have it, contrary to natural justice to have a person's legitimate interest in seeking parole affected by what the person might regard as a secret denunciation from a clinician. On the other hand there is a very strong public interest and in my view a public interest which predominates over the one just described in ensuring that clinicians have the opportunity to give reports of this type in a frank and candid manner without the potential for intimidation.

Mr Debono and any other prisoner or former prisoner in his situation was or would be imprisoned for a serious offence of violence, the very program for which Mr Debono was being assessed supposed that he had a propensity for violence which needed to be treated. Ms Hadley said that psychologists in an institution such as Marngoneet operated in close physical proximity to the prisoners whom they assessed. This is in contrast to people such as the members and officers of the Adult Parole Board. This proximity would I suppose be essential to the proper discharge of the psychologists' duties. ... If there were full transparency in these reports I believe the willingness of clinicians to give candid reports would be impaired and the public interest in having proper assessments of prisoners would thereby be sacrificed. Generally in claims for exemption under Section 30(1) I have favoured the view that transparency and accountability would be likely to enhance the quality of reports forming part of internal working documents rather than to prejudice that quality. The special circumstances attending prisons and particularly prisoners incarcerated for offences of violence renders the situation here different from the one which exists generally across Government administration. I also accept that release may give prisoners additional insights into clinicians' methods which they could employ to subvert the effectiveness of assessments.⁴

42. In relation to the documents subject to review, I consider disclosure of the advice and recommendations would be likely to inhibit clinicians from freely recording their clinical opinions, observations and recommendations in similar assessments in the future.
43. I acknowledge the Applicant's personal interest in obtaining access to the documents.
44. However, I am mindful of the clinical setting in which the documents are created and the purpose for which they are prepared. Namely, to provide Agency officers, who are responsible for the management of prisoners within the corrections system, with access to relevant and fulsome opinion, advice and recommendations to ensure they can effectively perform their prison management functions under the Corrections Act.
45. I also consider the routine release of such information under the FOI Act, could reasonably inhibit the recording by clinicians of their fulsome opinions and advice, which would adversely affect the level of detail and openness of information communicated in relation to clinical assessments of prisoners subject to treatment programs in prisons.
46. Further, as held in the *Debono decision*, I consider disclosure of such information could provide insights into psychological methodologies used by clinicians, which if they became known to prisoners, could be used to subvert the effectiveness of clinical assessments.
47. Lastly, section 30(3) provides purely factual information in a document is not exempt under section 30(1). This provision must be considered in conjunction with section 25, which allows for an edited copy of a document to be released with exempt or irrelevant information deleted where it is practicable to do so. While I acknowledge not all information in the documents is exempt under section 30(1), I am of the view deleting factual information from the deliberative content would

⁴ Ibid at [19]-[20].

render the documents meaningless, and possibly be misleading, given the intertwined nature of factual and deliberative information in the documents.

48. In these circumstances, the public interest weighs in favour of maintaining the integrity of the Agency's processes relating to such programs offered to prisoners while incarcerated. Therefore, I am satisfied disclosure of the clinician's opinions and recommendations would be contrary to the public interest. Accordingly, I am satisfied section 30(1) applies to the information identified by the Agency.
49. My decision in relation to section 30(1) is set out in the Schedule of Documents in **Annexure 1**.

Section 31(1)(a) – Disclosure would prejudice an investigation or the proper administration of the law

50. Section 31(1)(a) provides, 'a document is an exempt document if its disclosure under this 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'.
51. The term 'prejudice' means to hinder, impair or undermine and includes actual prejudice as well as impending prejudice.⁵
52. Section 31(1)(a) may be applicable in two instances: firstly, where disclosure would prejudice an investigation; and secondly, where disclosure would prejudice the proper enforcement or proper administration of the law, which includes regulatory monitoring and compliance activities.⁶
53. I note the views of the Supreme Court of Victoria in *Knight v Corrections Victoria*:

It is clear from the terms of s 31(1) that its provisions, and especially s 31(1)(a), are capable of applying to documents concerning the administration and management of prisons generally and concerning individual prisoners specifically. The Tribunal has so decided on a number of occasions, [72] including one where it upheld a decision to refuse access to a prisoner to information about himself. The tribunal has also applied s 31(1)(a) to uphold a decision to refuse to give access to information relating to the considerations of the Parole Board.⁷

54. As set out above, the information removed from the documents includes the opinions and recommendations of clinicians regarding the Applicant and their participation in the Agency's Violence Intervention Program. The documents contain data gathered by clinicians about the Applicant and their assessment of that data under various models for psychological assessment.
55. I have considered the Agency's reasoning as well as submissions provided by the Applicant's lawyer regarding release of the information, which is personal to the Applicant and reflects information or content provided to the Agency by them.
56. On the information before me, the clinical information the exempted by the Agency, particularly where it reveals the methodology used by clinicians, is exempt under section 31(1)(a) for the following reasons:
- (a) The documents contains data that, if disclosed, would reveal the assessment methods used by clinicians.
 - (b) The disclosure of such information could mean the assessment process could be manipulated by prisoners to achieve certain outcomes.

⁵ *Sobh v Police Force of Victoria* [1994] 1 VR 41 at [55].

⁶ *JCL v Victoria Police* [2012] VCAT 1060 at [28].

⁷ *Knight v Corrections Victoria* [2010] VSC 338 at [73].

- (c) While there is no specific information before me to indicate release of the information would provide the Applicant with the means to identify methods that would impede the future effectiveness of a prisoner or offender treatment program, I acknowledge the Agency's concerns this may be an outcome if the information became generally known among prisoners, offenders and/or the general population. I consider these concerns to be real and reasonably based, noting release under the FOI Act is unrestricted and unconditional such that an applicant is free to use or further disseminate a document as widely as they please, including within a prison.⁸
- (d) Further, I accept that to routinely release the type of information in the documents in response to an FOI request, would allow prisoners or those under the supervision of Corrections Victoria, who have particular contextual knowledge, to gain access to information that would influence their behaviour or responses when completing assessments, in pursuit of a more favourable result. I consider this is a relevant consequence likely to flow from disclosure that would reasonably lead to a misuse of information by those serving a prison sentence or similar, which would be reasonably likely to have a detrimental effect on the Agency's proper administration of the Corrections Act.

57. Accordingly, I agree with the Agency's decision to exempt clinical information in the documents under section 31(1)(a).

58. My decision in relation to section 31(1)(a) is set out in the Schedule of Documents in **Annexure 1**.

Section 33(1) – Personal affairs information of third parties

59. It is not necessary for me to consider the Agency's application of section 33(1) to personal information I have determined is exempt under section 38.

60. 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;⁹ and
- (b) such disclosure would be 'unreasonable'.

61. Information relating to the 'personal affairs' of a person includes information that identifies any person or discloses their address or location. It also includes any information from which this may be reasonably determined.¹⁰

62. The Agency relies on section 33(1) to exempt personal information concerning the Applicant's family members.

63. In the circumstances and having received consent to the release of their personal affairs information, I am satisfied it is not unreasonable to disclose the personal affairs information of the Applicant's [family members]. Accordingly, this information is not exempt under section 33(1).

64. My decision in relation to section 33(1) is set out in the Schedule of Documents in **Annexure 1**.

⁸ *Marke v Victoria Police* [2008] VSCA 218.

⁹ Sections 33(1) and (2).

¹⁰ Section 33(9).

Section 25 – Deletion of exempt or irrelevant information

65. 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.
66. Determining what is ‘practicable’ requires consideration of the effort and editing involved in making the deletions ‘from a resources point of view’¹¹ 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 25.¹²
67. 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.
68. However, where deletion of exempt material in a document would result in minimal information being released and the edited document would be devoid of meaning, I am satisfied it is not practicable to provide an edited copy and the document is exempt in full.
69. My decision in relation to section 25 is set out in the Schedule of Documents in **Annexure 1**.

Conclusion

70. On the information before me, I am satisfied the documents are exempt under sections 30(1), 31(1)(a) and 38 of the FOI Act in conjunction with section 104ZZA of the Corrections Act.
71. However, I have determined to disclose personal information relating to the Applicant’s [family members] as I am satisfied it is not exempt under sections 38 and 33(1).
72. Where I am satisfied it is practicable to provide the Applicant with an edited copy of a document with exempt information deleted in accordance with section 25, access is granted in part. Where I have determined it is not practicable to do so, access is denied in full.
73. The Schedule of Documents in **Annexure 1** sets out my decision in relation to each document.

Review rights

74. If either party to this review is not satisfied with my decision, they are entitled to apply to VCAT for it to be reviewed.¹³
75. The Applicant may apply to VCAT for a review up to 60 days from the date they are given this Notice of Decision.¹⁴
76. The Agency may apply to VCAT for a review up to 14 days from the date it is given this Notice of Decision.¹⁵
77. 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.

¹¹ *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].

¹² *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].

¹³ The Applicant in section 50(1)(b) and the Agency in section 50(3D).

¹⁴ Section 52(5).

¹⁵ Section 52(9).

78. 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.¹⁶

Third party review rights

79. As I have determined to release the personal affairs information of third parties in the documents, which the Agency determined is exempt under section 33(1), if practicable, I am required to notify those persons of their right to seek review by VCAT of my decision within 60 days from the date they are given notice.¹⁷
80. Whether notification would represent an unnecessary intrusion into the lives of third parties is relevant when assessing the practicability of notifying a third party.¹⁸
81. In this case, I am satisfied it is not practicable to notify the relevant third parties of their review rights given the nature of the additional information to be released to the Applicant and the familial relationship between the Applicant and the third party.

When this decision takes effect

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

¹⁶ Sections 50(3F) and (3FA).

¹⁷ Sections 49P(5), 50(3A) and 52(3).

¹⁸ *Coulston v Office of Public Prosecutions Victoria* [2010] VCAT 1234 at [42].

Annexure 1 – Schedule of Documents – [Case reference]

| Document No. | Date of Document | Document Description | Number of Pages | Agency Decision | OVIC Decision | OVIC Comments |
|--------------|------------------|--|-----------------|---|--|--|
| 1. | [date] | Psychometric Assessment [description] | 2 | Released in part Sections 30(1), 31(1)(a), 38 | Release in part Sections 30(1), 31(1)(a), 38, 25 The document is to be released with exempt information identified by the Agency deleted in accordance with section 25. | Section 38: For the reasons set out in the Notice of Decision, I am satisfied information exempted by the Agency is 'personal or confidential information' captured by section 104ZX of the Corrections Act. Accordingly, I am satisfied the relevant 'personal and confidential' information in the documents is exempt under section 38 of the FOI Act in conjunction with section 104ZZA of the Corrections Act. Section 30(1): The public interest weighs in favour of maintaining the integrity of the Agency's processes relating to such programs, offered to prisoners while incarcerated. Therefore, I am satisfied the clinician's opinions and recommendations are exempt and should remain deleted under section 30(1). Section 31(1)(a): I am satisfied the clinical information the Agency removed from the document, particularly where it reveals the methodology undertaken by the clinician, is exempt under section 31(1)(a). 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. |
| 2. | [date] | Psychometric | 2 | Released in part | Release in part | See comments for Document 1. |

Annexure 1 – Schedule of Documents – [Case reference]

| Document No. | Date of Document | Document Description | Number of Pages | Agency Decision | OVIC Decision | OVIC Comments |
|--------------|------------------|--|-----------------|--|---|------------------------------|
| | | Assessment Questionnaire | | Sections 30(1), 31(1)(a), 38 | Sections 30(1), 31(1)(a), 38, 25 | |
| 3. | [date] | Psychometric Assessment [topic description] | 2 | Released in part Sections 30(1), 31(1)(a), 38 | Release in part Sections 30(1), 31(1)(a), 38, 25 | See comments for Document 1. |
| 4. | [date] | Psychometric Assessment [topic description] | 1 | Released in part Sections 30(1), 31(1)(a), 38 | Release in part Sections 30(1), 31(1)(a), 38, 25 | See comments for Document 1. |
| 5. | [date] | Psychometric Assessment [topic description] | 4 | Released in part Sections 30(1), 31(1)(a), 38 | Release in part Sections 30(1), 31(1)(a), 38, 25 | See comments for Document 1. |
| 6. | [date] | Psychometric Assessment [topic description] | 2 | Released in part Sections 30(1), 31(1)(a), 38 | Release in part Sections 30(1), 31(1)(a), 38, 25 | See comments for Document 1. |
| 7. | [date] | Psychometric Assessment [topic description] | 2 | Released in part Sections 30(1), 31(1)(a), 38 | Release in part Sections 30(1), 31(1)(a), 38, 25 | See comments for Document 1. |
| 8. | [date] | Psychometric Assessment [description of questionnaire] | 2 | Released in part Sections 30(1), 31(1)(a), 38 | Release in part Sections 30(1), 31(1)(a), 38, 25 | See comments for Document 1. |
| 9. | [date] | Psychometric Assessment [topic] | 1 | Released in part Sections 30(1), 31(1)(a), | Release in part Sections 30(1), | See comments for Document 1. |

Annexure 1 – Schedule of Documents – [Case reference]

| Document No. | Date of Document | Document Description | Number of Pages | Agency Decision | OVIC Decision | OVIC Comments |
|--------------|------------------|---|-----------------|--|--|---|
| | | description] | | 38 | 31(1)(a), 38, 25 | |
| 10. | [date] | Psychometric Assessment [topic description] | 4 | Released in part Sections 30(1), 31(1)(a), 33(1), 38 | Release in part Sections 30(1), 31(1)(a), 38, 25 | See comments for Document 1. |
| 11 | [date] | Consent Form | 2 | Released in part Sections 33(1), 38 | Release in part Sections 38, 25 | Section 38: I am satisfied the document contains personal information of a third party, which is information prohibited from release under section 104ZZA of the Corrections Act and therefore, is exempt under section 38. Section 25: See comments for Document 1. |
| 12 | [date] | Case Notes – [topic description] | 2 | Released in part Sections 30(1), 31(1)(a), 33(1), 38 | Release in part Sections 30(1), 31(1)(a), 38, 25 | See comments for Document 1. |
| 13 | [date] | Case Notes – [topic description] | 2 | Released in part Sections 30(1), 31(1)(a), 33(1), 38 | Release in part Sections 30(1), 31(1)(a), 38, 25 | See comments for Document 1. |
| 14. | [date] | Case Notes – [topic description] | 2 | Released in part Sections 30(1), 31(1)(a), 33(1), 38 | Release in part Sections 30(1), 31(1)(a), 38, 25 | See comments for Document 1. |
| 15. | [date] | Case Notes – [topic description] | 2 | Released in part Sections 30(1), 31(1)(a), 33(1), 38 | Release in part Sections 30(1), 31(1)(a), 38, 25 | See comments for Document 1. |

Annexure 1 – Schedule of Documents – [Case reference]

| Document No. | Date of Document | Document Description | Number of Pages | Agency Decision | OVIC Decision | OVIC Comments |
|--------------|------------------|-------------------------------------|-----------------|--|--|------------------------------|
| 16. | [date] | Case Notes – [topic description] | 2 | Released in part Sections 30(1), 31(1)(a), 33(1), 38 | Release in part Sections 30(1), 31(1)(a), 38, 25 | See comments for Document 1. |
| 17. | [date] | Case Notes – [topic description] | 3 | Released in part Sections 30(1), 31(1)(a), 33(1), 38 | Release in part Sections 30(1), 31(1)(a), 38, 25 | See comments for Document 1. |
| 18. | [date] | Case Notes – [topic description] | 2 | Released in part Sections 30(1), 31(1)(a), 33(1), 38 | Release in part Sections 30(1), 31(1)(a), 38, 25 | See comments for Document 1. |
| 19. | [date] | Case Notes – [topic description] | 2 | Released in part Sections 30(1), 31(1)(a), 33(1), 38 | Release in part Sections 30(1), 31(1)(a), 38, 25 | See comments for Document 1. |
| 20. | Various | Case Notes – [topic description] | 2 | Released in part Sections 30(1), 31(1)(a), 33(1), 38 | Release in part Sections 30(1), 31(1)(a), 38, 25 | See comments for Document 1. |
| 21. | [date] | Case Notes – [topic description] | 2 | Released in part Sections 30(1), 31(1)(a), 33(1), 38 | Release in part Sections 30(1), 31(1)(a), 38, 25 | See comments for Document 1. |
| 22. | Various | Case Notes – [topic description] | 2 | Released in part Sections 30(1), 31(1)(a), 33(1), 38 | Release in part Sections 30(1), 31(1)(a), 38, 25 | See comments for Document 1. |
| 23. | [date] | Case Notes – [topic | 2 | Released in part | Release in part | See comments for Document 1. |

Annexure 1 – Schedule of Documents – [Case reference]

| Document No. | Date of Document | Document Description | Number of Pages | Agency Decision | OVIC Decision | OVIC Comments |
|--------------|------------------|----------------------------------|-----------------|---|---|------------------------------|
| | | description] | | Sections 30(1), 31(1)(a), 33(1), 38 | Sections 30(1), 31(1)(a), 38, 25 | |
| 24. | [date] | Case Notes – [topic description] | 2 | Released in part Sections 30(1), 31(1)(a), 33(1), 38 | Release in part Sections 30(1), 31(1)(a), 38, 25 | See comments for Document 1. |
| 25. | [date] | Case Notes – [topic description] | 2 | Released in part Sections 30(1), 31(1)(a), 33(1), 38 | Release in part Sections 30(1), 31(1)(a), 38, 25 | See comments for Document 1. |
| 26. | [date] | Case Notes – [topic description] | 2 | Released in part Sections 30(1), 31(1)(a), 33(1), 38 | Release in part Sections 30(1), 31(1)(a), 38, 25 | See comments for Document 1. |
| 27. | [date] | Case Notes – [topic description] | 2 | Released in part Sections 30(1), 31(1)(a), 33(1), 38 | Release in part Sections 30(1), 31(1)(a), 38, 25 | See comments for Document 1. |
| 28. | [date] | Case Notes – [topic description] | 2 | Released in part Sections 30(1), 31(1)(a), 33(1), 38 | Release in part Sections 30(1), 31(1)(a), 38, 25 | See comments for Document 1. |
| 29. | [date] | Case Notes – [topic description] | 2 | Released in part Sections 30(1), 31(1)(a), 33(1), 38 | Release in part Sections 30(1), 31(1)(a), 38, 25 | See comments for Document 1. |
| 30. | [date] | Case Notes – [topic description] | 2 | Released in part Sections 30(1), 31(1)(a), | Release in part Sections 30(1), | See comments for Document 1. |

Annexure 1 – Schedule of Documents – [Case reference]

| Document No. | Date of Document | Document Description | Number of Pages | Agency Decision | OVIC Decision | OVIC Comments |
|--------------|------------------|-----------------------------------|-----------------|--|---|---|
| | | | | 33(1), 38 | 31(1)(a), 38, 25 | |
| 31. | Various | Case Notes – [topic description] | 3 | Released in part Sections 30(1), 31(1)(a), 33(1), 38 | Release in part Sections 30(1), 31(1)(a), 38, 25 | See comments for Document 1. |
| 32. | [date] | Case Notes – [topic description] | 2 | Released in part Sections 30(1), 31(1)(a), 33(1), 38 | Release in part Sections 30(1), 31(1)(a), 38, 25 | See comments for Document 1. |
| 33. | [date] | Case Notes – [topic description] | 2 | Released in part Sections 30(1), 31(1)(a), 33(1), 38 | Release in part Sections 30(1), 31(1)(a), 38, 25 | See comments for Document 1. |
| 34. | [date] | Case Notes – [topic description] | 2 | Released in part Sections 30(1), 31(1)(a), 33(1), 38 | Release in part Sections 30(1), 31(1)(a), 38, 25 | See comments for Document 1. |
| 35. | [date] | Certificate of Program Completion | 1 | Released in part Sections 33(1), 38 | Release in part Sections 38, 25 | See comments for Document 11 |
| 36. | [date] | Treatment Report | 18 | Released in part Sections 30(1), 31(1)(a), 33(1), 38 | Release in part Sections 30(1), 31(1)(a), 38, 25 | See comments for Document 1. |
| 37. | [date] | Case Notes | 2 | Released in part Sections 33(1), 38 | Release in part Sections 38, 25 The document is to be | Section 38: I am satisfied information in the document is exempt under section 38, being the name and reference number of an Agency Officer on pages 1 and 2. |

Annexure 1 – Schedule of Documents – [Case reference]

| Document No. | Date of Document | Document Description | Number of Pages | Agency Decision | OVIC Decision | OVIC Comments |
|--------------|------------------|----------------------|-----------------|-----------------|--|---|
| | | | | | released with exempt information identified in the OVIC comments column deleted in accordance with section 25. | <p>However, for the reasons set out in the Notice of Decision above, I am satisfied personal information relating to the Applicant's [family members] on page 1 is subject to the exception in section 104ZY(2)(b) of the Corrections Act, and therefore is not exempt under section 38.</p> <p>Section 33(1): I am satisfied it would not be unreasonable to release personal affairs information relating to the Applicant's [family members].</p> |