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## Notice of Decision and Reasons for Decision

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Applicant: 'CY9'  
Agency: The Royal Children's Hospital  
Decision date: 5 May 2021  
Exemptions considered: Sections 30(1), 33(1), 35(1)(a), 35(1)(b)  
Citation: 'CY9' and the Royal Children's Hospital (Freedom of Information) [2021] VICmr 118 (5 May 2021)

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FREEDOM OF INFORMATION – medical records – parent – child’s medical records – internal working documents – personal affairs information – information communicated in confidence

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 certain information in the documents is exempt under sections 30(1), 33(1) and 35(1)(a) and 35(1)(b).

As I am satisfied it is practicable to provide the Applicant with an edited copy of the documents with exempt information deleted in accordance with section 25, I have determined to grant access to the documents in part.

The Schedule of Documents in **Annexure 1** sets out my decision in relation to each document.

My reasons for decision follow.

**Joanne Kummrow**  
Public Access Deputy Commissioner

5 May 2021

## Reasons for Decision

### Background to review

1. The Applicant made a request to the Agency seeking access to their child's medical record.
2. The Agency identified documents falling within the terms of the Applicant's request and granted access to the documents in part, relying on the exemption in section 35(1)(a) to refuse access to certain information.
3. The Agency's decision letter sets out the reasons for its decision.

### Review

4. The Applicant sought review by the Information Commissioner under section 49A(1) of the Agency's decision to refuse access.
5. During the review, the Agency advised OVIC it seeks to rely on additional exemptions under sections 30(1) and 33(1).
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, including the additional exemptions relied on by the Agency.
8. I have considered all communications and submissions received from the parties.
9. In undertaking my review, I have had regard to the object of the FOI Act, which is to create a general right of access to information in the possession of the Government or other public bodies, limited only by exceptions and exemptions necessary to protect essential public interests, privacy and business affairs.
10. I note Parliament's intention the FOI Act must be interpreted so as to further the object of the Act and any discretions conferred by the Act must be exercised, as far as possible, so as to facilitate and promote the disclosure of information in a timely manner and at the lowest reasonable cost.
11. In conducting a review under section 49F of the FOI Act, section 49P requires that I make a new or 'fresh decision'. Therefore, my review does not involve determining whether the Agency's decision is correct, but rather requires my fresh decision to be the 'correct or preferable decision'.<sup>1</sup> This involves ensuring my decision is correctly made under the FOI Act (including consideration of different exemptions than those claimed by the Agency) and any other relevant applicable law in force at the time of making my fresh decision.

### Review of exemptions

#### ***Section 35(1)(a) – Information communicated in confidence to an agency that would be exempt if generated by an agency***

12. The Agency relies on the exemption under section 35(1)(a) to refuse access to information in Document 8 that it determined was communicated to the Agency by a private medical practitioner.

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

13. A document is exempt under section 35(1)(a) if two conditions are satisfied:
  - (a) disclosure would divulge information or matter communicated in confidence by or on behalf of a person or a government to an agency or a Minister; and
  - (b) the information would be exempt matter if it were generated by an agency or Minister.
14. The Agency advised it did not consult with the private medical practitioner to their seek their view as to whether the information was communicated in confidence, and the information provided should be released.<sup>2</sup>

*Was the information communicated in confidence to the Agency?*

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

*Would the information be exempt matter if it were generated by an agency or Minister?*

16. I must now consider if the information in Document 8 had been generated by an agency, whether it would be exempt under the FOI Act.
17. The Agency's considers this information would be exempt under section 30(1) if it had been generated by the Agency. I note the Agency exempted from release information in other documents under section 30(1). Therefore, I will consider the application of section 30(1) to all information, including in Document 8, before determining whether section 35(1)(a) applies to Document 8.

### ***Section 30(1) – Internal working documents***

18. Section 30(1) has three requirements:
  - (a) the document must disclose matter in the nature of opinion, advice or recommendation prepared by an officer or Minister, or in consultation or deliberation that has taken place between officers, Ministers or an officer and a Minister;
  - (b) such matter must be made in the course of, or for the purpose of, the deliberative processes involved in the functions of an agency or Minister or of the government; and
  - (c) disclosure of the matter would be contrary to the public interest.
19. Section 30(3) provides purely factual information is not exempt under section 30(1).
20. The term 'officer of an Agency' is defined in section 5(1). It includes a member of an agency and any person engaged by or on behalf of an agency, whether or not that person is subject to the *Public Administration Act 2004 (Vic) (PA Act)*.<sup>3</sup>

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

21. For section 30(1) to be satisfied, a document must contain matter in the nature of opinion, advice or recommendation prepared by an officer of an agency, or consultation or deliberation between officers.

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<sup>2</sup> This is a consultation requirement under section 35(1A).

<sup>3</sup> See *Koch v Swinburne University* [2004] VCAT 1513 at [15]; *Thwaites v Department of Human Services (No 2)* (1998) 14 VAR 347.

22. It is not necessary for a document to be in the nature of opinion, advice or recommendation. Rather, it is enough its release would disclose matter of that nature.<sup>4</sup>
23. Having reviewed the documents, I am satisfied they contain information in the nature of opinion, advice and recommendations prepared by Agency officers for the purposes of section 30(1).
24. I am also satisfied information the Agency exempted from release in Document 8, constitutes information in the nature of opinion, advice and recommendations which was received from a private medical practitioner.

*Was the information communicated in the course of the Agency's deliberative processes?*

25. The term 'deliberative process' is interpreted widely and includes any of the processes of deliberation or consideration involved in the functions of an agency, Minister or government.<sup>5</sup>
26. In *Re Waterford and Department of Treasury (No.2)*,<sup>6</sup> the Administrative Appeals Tribunal held:

... "deliberative processes" [is] wide enough to include any of the processes of deliberation or consideration involved in the functions of an agency... In short, ...its thinking processes — the processes of reflection, for example, upon the wisdom and expediency of a proposal, a particular decision or a course of action.
27. I am satisfied the opinions and advice expressed by the Agency officers, and the consultation and deliberation between Agency officers was provided in the course of and for the purpose of the Agency's deliberative processes with respect to managing the health care of the Applicant's child.
28. Further, I am satisfied the information communicated by the private medical practitioner to the Agency was for the same purpose.

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

29. Determining whether disclosure of information would be contrary to the public interest requires a 'process of the weighing against each other conflicting merits and demerits'.<sup>7</sup>
30. I must consider all relevant facts and circumstances remaining mindful the object of the FOI Act is to facilitate and promote the disclosure of government held information and documents. In doing so, I have taken the following factors into consideration:<sup>8</sup>
  - (a) the right of every person to seek 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

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<sup>4</sup> *Mildenhall v Department of Education* (1998) 14 VAR 87.

<sup>5</sup> *Brog v Department of Premier and Cabinet* (1989) 3 VAR 201 at 208.

<sup>6</sup> (1981) 1 AAR 1.

<sup>7</sup> *Sinclair v Maryborough Mining Warden* [1975] HCA 17; (1975) 132 CLR 473 at [485], adopted in *Department of Premier and Cabinet v Hulls* [1999] VSCA 117 at [30].

<sup>8</sup> *Hulls v Victorian Casino and Gambling Authority* (1998) 12 VAR 483.

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 making 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.

31. The Applicant provided detailed submissions in relation to whether the information should be released. I acknowledge the Applicant's history with the Agency and their reasons for seeking access to the documents.

32. Having reviewed the documents, despite acknowledging the documents concern the Applicant's child, I am satisfied disclosure of certain information in the documents would be contrary to the public interest for the following reasons:

- (a) Medical information is personal and sensitive in nature. In this matter, the information is particularly sensitive as it relates to a child's medical care. I note the Agency previously released information of a similar nature to the Applicant. However, I do not consider this reduces the sensitivity of the information where it relates to protective concerns and the wellbeing of the child.
- (b) I acknowledge the Applicant's personal interest for seeking access to the documents, where they seek clarity in relation to their child's medical treatment. However, I am not satisfied there is a broader public interest in the release of certain information in the document where it relates to protective concerns and the wellbeing of the child.
- (c) I acknowledge as public sector employees, Agency officers are required to provide impartial and accurate advice and opinions in carrying out their professional duties in accordance with the PA Act and the *Code of Conduct for Victorian Public Sector Employees*.<sup>9</sup> However, I am of the view there is a public interest in Agency officers being able to raise concerns regarding a child's welfare without concern such information will be disclosed to family members under the FOI Act. Therefore, I am satisfied the impact of routinely disclosing information of this nature would undermine the robustness of the Agency's processes relating to patient care.

33. On balance, I am satisfied certain information in the documents is exempt under section 30(1).

34. As I am satisfied certain information in Document 8 would be exempt under section 30(1), I am satisfied the information would be exempt under section 35(1)(a).

35. My decision in relation to information in the documents that is exempt under sections 30(1) and 35(1)(a) is set out in the Schedule of Documents in **Annexure 1**.

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<sup>9</sup> Victorian Public Sector Commission, *Code of Conduct for Victorian Public Sector Employees* at <https://vpvc.vic.gov.au/resources/code-of-conduct-for-employees/>.

***Section 35(1)(b) – Information communicated in confidence to an agency***

36. I note the Agency did not rely on section 35(1)(b) to exempt information in the documents. However, after reviewing the documents, I consider it is appropriate to consider the application of this exemption to certain information in Document 2.
37. A document is exempt under section 35(1)(b) if two conditions are satisfied:
- (a) disclosure would divulge information or matter communicated in confidence by or on behalf of a person or a government to an agency or a Minister; and
  - (b) disclosure would be contrary to the public interest as it would be reasonably likely to impair the ability of an agency or a Minister to obtain similar information in the future.

*Was the information or matter communicated in confidence?*

38. When determining whether information was communicated in confidence, it is to consider the position from the perspective of the communicator.<sup>10</sup> Further, confidentiality can be expressed or implied from the circumstances of the matter.<sup>11</sup>
39. The document contains information provided to the Agency by a person or persons in the course of the Agency providing medical treatment to the Applicant's child.
40. It is clear from the face of the document there was an understanding the information would remain confidential.
41. Accordingly, I am satisfied the information was communicated to the Agency in confidence. This view takes into account the sensitivity of the information and the context in which it was provided to the Agency.

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

42. The fact the information was communicated to the Agency in confidence is not the only consideration in relation to the exemption in section 35(1)(b). Section 35(1)(b) also requires I consider whether the Agency would be impaired from obtaining similar information in the future if the information were to be disclosed under the FOI Act.
43. This means, I must be satisfied that, if the information were to be disclosed, others in the position of the communicator would be reasonably likely not to provide similar information to the Agency in the future.
44. I accept, in its capacity as a healthcare provider, the Agency relies on confidential information being provided by third parties in order to conduct a full and proper assessment of a patient and provide effective health care. In the case of an assessment of a child and medical treatment provided, the information provided to the Agency is generally sensitive and personal and personal in nature.
45. I consider there is an essential public interest in individuals being able to provide what is often sensitive and confidential information to the Agency. Where this occurs, members of the public need to feel confident the information they provide, including their identities, will be held in confidence by the Agency. Further, I am of the view, if individuals were aware information they provide to a healthcare provider would be disclosed in response to an FOI request, they would be less likely to communicate similar information to the Agency in the future. I consider this would be a significant

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<sup>10</sup> XYZ v Victoria Police (General) [2010] VCAT 255 at [265].

<sup>11</sup> Ibid.

and detrimental outcome for the Agency, which relies on the provision of information of this nature to provide timely and effective medical treatment and healthcare services to patients.

46. I acknowledge the Applicant's personal interest for seeking access to the document. However, I am of the view the public interest in third parties being able to provide confidential information to a healthcare provider, in particular, in the best interests of a child outweigh the Applicant's personal interest in obtaining the information.
47. For these reasons, I am satisfied certain information contained in Document 2 is exempt under section 35(1)(b).

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

48. I note the Agency applied section 33(1) to certain information that I have already determined is exempt under section 30(1). Accordingly, I will not discuss the application of section 33(1) to this information. My consideration of section 33(1) will focus on Document 11 only.
49. A document is exempt under section 33(1) if two conditions are satisfied:
  - (a) disclosure of the document under the FOI act would 'involve disclosure of information relating to the 'personal affairs' of a person other than the Applicant;<sup>12</sup> and
  - (b) such disclosure would be 'unreasonable'.

*Does the document contain personal affairs information?*

50. Information relating to a person's 'personal affairs' includes any information that identifies any person or discloses their address or location. It includes any information from which information may be reasonably determined.<sup>13</sup>
51. The document contains the mobile phone number of an Agency officer.
52. I am satisfied the information deemed exempt by the Agency is 'personal affairs information' for the purposes of section 33(1).

*Would the release of the personal affairs information be unreasonable in the circumstances?*

53. Information relating to a person's 'personal affairs' includes any information that identifies any person or discloses their address or location. It includes any information from which information may be reasonably determined.<sup>14</sup>
54. The nature of disclosure of a document under the FOI Act is unconditional and unrestricted, which means an applicant is free to disseminate widely or use a document as they choose.<sup>15</sup>
55. In a matter concerning the operation of section 33(1), the Victorian Court of Appeal states:<sup>16</sup>

On the contrary, it stipulates as the only condition for the determination of whether a document is an exempt document that the disclosure of the exempt document 'would involve the unreasonable disclosure of information relating to the personal affairs of any person'.

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<sup>12</sup> Sections 33(1) and (2).

<sup>13</sup> Section 33(9).

<sup>14</sup> Section 33(9).

<sup>15</sup> *Victoria Police v Marke* [2008] VSCA 218 at [68].

<sup>16</sup> *Victoria Police v Marke* [2008] VSCA 218 at [95]

The very significant public interest sought to be protected by that condition, namely the right of any person to have his or her personal affairs kept private, suggests to me that the condition should not be construed narrowly. Section 33(1) of the Act is the legislature's attempt to reconcile two important, but competing, objectives: the public interest in disclosure and the personal interest of privacy. The mechanism chosen by the legislature to reconcile those objectives is to require a decision-maker to balance them against each other by identifying and inquiring into the facts relevant to that balancing process and making an evaluation of which is to prevail. The condition posed by section 33(1) for its application depends, like that in section 35(1)(b) and others, upon a question dependent upon the particular facts of an actual application. [Footnotes removed]

56. In *Coulson v Department of Premier and Cabinet*,<sup>17</sup> the Victorian Civil and Administrative Tribunal (VCAT) held whether or not an agency staff member's personal affairs information is exempt under section 33(1) must be considered in the context of the particular circumstances of each matter.
57. Therefore, the proper application of section 33(1) involves consideration of 'all matters relevant, logical and probative to the existence of conditions upon which the section is made to depend'.<sup>18</sup>
58. In determining whether disclosure of the personal affairs information is unreasonable in the particular circumstances of this matter, I have given weight to the following factors:<sup>19</sup>
  - (a) the nature of the personal affairs information;
  - (b) the circumstances in which information was obtained by the Agency;
  - (c) the Applicant's interest in the information and whether their purpose for seeking the information is likely to be achieved;
  - (d) whether any public interest would be promoted by the release of the information;
  - (e) whether any individuals to whom the information relates object, or would be likely to object to the release of the information;
  - (f) the likelihood of further disclosure of the information if released; and
  - (g) whether disclosure of the information or would be reasonably likely to endanger the life or physical safety of any person.
59. The nature of the personal affairs information is the mobile telephone number of an Agency officer. I note this information was acquired by the Agency in the course of an Agency officer's usual work duties and responsibilities in providing medical care and treatment. As such, I consider the personal affairs information in the document concerns the officer in their professional capacity, rather than in a private capacity.
60. I acknowledge the Applicant's personal interest in obtaining access to information relating to medical treatment provide to their child. However, I am satisfied the disclosure of an individual's mobile telephone number would be unreasonable as it could result in them being contacted outside of the workplace and in their personal life.
61. I am not satisfied any public interest would be promoted by the release of an Agency officer's personal phone number, where the Applicant has other means of contacting the Agency regarding the medical treatment of their child. In this matter, the public interest in the personal privacy of the relevant third party whose information is contained in the documents outweighs the Applicant's personal interest.

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<sup>17</sup> (*Review and Regulation*) [2018] VCAT 229.

<sup>18</sup> [2008] VSCA 218 at [104].

<sup>19</sup> *Ibid.*



62. I must also consider whether disclosure of the personal affairs information would, or would be reasonably likely, to endanger the life or physical safety of any person.<sup>20</sup> The term ‘any person’ is broad and extends to any relevant endangerment involving the safety of an applicant, a related third party or any other person. However, I do not consider this to be a relevant factor.
63. Accordingly, I am satisfied disclosure of the personal affairs information in Document 11 would be unreasonable and is exempt under section 33(1).

#### ***Deletion of exempt or irrelevant information***

64. 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.
65. Determining what is ‘practicable’ requires consideration of the effort and editing involved in making the deletions ‘from a resources point of view’<sup>21</sup> 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.<sup>22</sup>
66. I have considered the effect of deleting exempt information from the documents. In my view, it is practicable for the Agency to delete the exempt information, because it would not require substantial time and effort, and the edited documents would retain meaning.

#### **Conclusion**

67. On the information before me, I am satisfied certain information in the documents is exempt under sections 30(1), 33(1) and 35(1)(a) and 35(1)(b).
68. As I am satisfied it is practicable to provide the Applicant with an edited copy of the documents with exempt information deleted in accordance with section 25, I have determined to grant access to the documents in part.
69. The Schedule of Documents in **Annexure 1** sets out my decision in relation to each document.

#### **Review rights**

70. If either party to this review is not satisfied with my decision, they are entitled to apply to VCAT for it to be reviewed.<sup>23</sup>
71. The Applicant may apply to VCAT for a review up to 60 days from the date they are given this Notice of Decision.<sup>24</sup>
72. The Agency may apply to VCAT for a review up to 14 days from the date it is given this Notice of Decision.<sup>25</sup>
73. Information about how to apply to VCAT is available online at [www.vcat.vic.gov.au](http://www.vcat.vic.gov.au). Alternatively, VCAT may be contacted by email at [admin@vcat.vic.gov.au](mailto:admin@vcat.vic.gov.au) or by telephone on 1300 018 228.

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<sup>20</sup> Section 33(2A).

<sup>21</sup> *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].

<sup>22</sup> *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].

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

<sup>24</sup> Section 52(5).

<sup>25</sup> Section 52(9).

74. 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.<sup>26</sup>

***When this decision takes effect***

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

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<sup>26</sup> Sections 50(3F) and (3FA).

Annexure 1 – Schedule of Documents

Document No.	Date of Document	Document Description	Number of Pages	Agency's Decision	OVIC Decision	OVIC Comments
1.	[Date]	File note of telephone call	1	Released in part Sections 30(1), 33(1)	Release in part Sections 30(1), 25  The document is to be released with the same information deleted in accordance with section 25, as this information is exempt under section 30(1).	<p><b>Section 30(1):</b> I am satisfied certain information exempted by the Agency is in the nature of opinion, advice or recommendation for the purposes of the Agency's deliberative purposes in relation to management of a child's medical care.</p> <p>For the reasons outlined in the Notice of Decision above, I am satisfied it would be contrary to the public to release this information.</p> <p><b>Section 25:</b> 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>
2.	[Date]	File note of telephone call	1	Released in part Sections 30(1), 33(1)	Release in part Sections 30(1), 35(1)(b), 25  The document is to be released with the following information, which is exempt under section 35(1)(b), deleted in accordance	<p><b>Section 35(1)(b):</b> The Agency determined certain information to be exempt from release under sections 30(1) and 33(1). However, I determined it is more appropriate to consider this</p>

Annexure 1 – Schedule of Documents

Document No.	Date of Document	Document Description	Number of Pages	Agency’s Decision	OVIC Decision	OVIC Comments
					<p>with section 25:</p> <ul style="list-style-type: none"> <li>- in the email dated [date]: <ul style="list-style-type: none"> <li>○ the last 8 words on the second line of the first paragraph; and</li> <li>○ the first 4 words of the third line of the first paragraph.</li> </ul> </li> </ul> <p>The document is to be released with the following information, which is exempt under section 30(1), deleted in accordance with section 25:</p> <ul style="list-style-type: none"> <li>- in the email dated [date], the last line.</li> </ul>	<p>information under section 35(1)(b).</p> <p>I am satisfied the information was communicated in confidence by a third party to the Agency.</p> <p>For the reasons outlined in the Notice of Decision above, I am satisfied it would be contrary to the public interest to release this information.</p> <p><b>Section 30(1):</b> See comments for Document 1.</p> <p><b>Section 25:</b> See comments for Document 1.</p>
3.	{Date}	Email	2	Released in part Sections 30(1), 33(1)	<p><b>Release in part</b></p> <p>Sections 30(1), 25</p> <p>The document is to be released with the same information deleted in accordance with section 25, as this information is exempt under</p>	<p><b>Section 30(1):</b> See comments for Document 1.</p> <p><b>Section 25:</b> See comments for Document 1.</p>

Annexure 1 – Schedule of Documents

Document No.	Date of Document	Document Description	Number of Pages	Agency's Decision	OVIC Decision	OVIC Comments
					section 30(1).	
4.	[Date]	Patient care conference	1	Released in part Sections 30(1), 33(1)	Release in part Section 30(1), 25  The document is to be released with the same information deleted in accordance with section 25, as this information is exempt under section 30(1).	Section 30(1): See comments for Document 1.  Section 25: See comments for Document 1.
5.	[Date]	File note of telephone call	1	Released in part Sections 30(1), 33(1)	Release in part Section 30(1), 25  The document is to be released with the same information deleted in accordance with section 25, as this information is exempt under section 30(1).	Section 30(1): See comments for Document 1.  Section 25: See comments for Document 1.
6.	[Date]	File note of telephone call	1	Released in part Sections 30(1), 33(1)	Release in part Section 30(1), 25  The document is to be released with the same information deleted in accordance with section 25, as this information is exempt under	Section 30(1): See comments for Document 1.  Section 25: See comments for Document 1.

Annexure 1 – Schedule of Documents

Document No.	Date of Document	Document Description	Number of Pages	Agency's Decision	OVIC Decision	OVIC Comments
					section 30(1).	
7.	[Date]	Patient care conference	2	Released in part Sections 30(1), 33(1)	Release in part Section 30(1), 25  The document is to be released with the same information deleted in accordance with section 25, as this information is exempt under section 30(1).	Section 30(1): See comments for Document 1.  Section 25: See comments for Document 1.
8.	[Date]	File note of telephone call	1	Released in part Section 35(1)(a)	Release in part Section 35(1)(a), 25  The document is to be released with the same information deleted in accordance with section 25, as this information is exempt under section 35(1)(a).	Section 35(1)(a): I am satisfied the information was communicated in confidence by a third party to the Agency and would be exempt if generated by the Agency for the reasons outlined in the Notice of Decision above. Accordingly, I am satisfied this information is exempt under section 35(1)(a).  Section 25: See comments for Document 1.
9.	[Date]	Clinical notes	1	Released in part Sections 30(1), 33(1)	Release in part Sections 30(1), 25  The document is to be released	Section 30(1): See comments for Document 1.  Section 25: See comments for

Annexure 1 – Schedule of Documents

Document No.	Date of Document	Document Description	Number of Pages	Agency's Decision	OVIC Decision	OVIC Comments
					with the same information deleted in accordance with section 25, as this information is exempt under section 30(1).	Document 1.
10.	[Date]	Progress notes	1	Released in part Sections 30(1), 33(1)	Release in part Sections 30(1), 25  The document is to be released with the same information deleted in accordance with section 25, as this information is exempt under section 30(1).	Section 30(1): See comments for Document 1.  Section 25: See comments for Document 1.
11.	[Date]	Hospital note	1	Released in part Section 33(1)	Release in part Sections 33(1), 25  The document is to be released with the same information deleted in accordance with section 25, as this information is exempt under section 30(1).	Section 33(1): I am satisfied the document contains the personal mobile telephone phone number of an Agency officer. I am satisfied this information is personal affairs information and its disclosure would be unreasonable for the reasons set out in the Notice of Decision above.  Section 25: See comments for Document 1.