

Notice of Decision and Reasons for Decision

Applicant:	'FJ2'
Agency:	Department of Families, Fairness and Housing
Decision date:	20 March 2023
Exemptions and provisions considered:	Sections 31(1)(c), 33(1), 35(1)(b) and 38 in conjunction with sections 41(1), 191(1), 209(1) and 552(1) of the <i>Children, Youth and Families Act 2005</i> (Vic)
Citation:	'FJ2' and <i>Department of Families, Fairness and Housing</i> (Freedom of Information) [2023] VICmr 89 (20 March 2023)

FREEDOM OF INFORMATION – Child Protection records – information provided in confidence – confidential source of information – personal affairs information of third parties – court report

All references to legislation in this document are to the *Freedom of Information Act 1982* (Vic) (**FOI Act**) unless otherwise stated.

Notice of Decision

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

My decision on the Applicant's request differs from the Agency's decision in relation to Document 2 only where I consider further information can be released.

I am however satisfied certain information in the documents is exempt from release under sections 31(1)(c), 33(1), 35(1)(b) and 38 of the FOI Act in conjunction with sections 41(1), 191(1), 209(1) and 552(1) of the *Children, Youth and Families Act 2005* (Vic) (**CYF Act**).

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, access to the documents is granted in part.

Document 2 is to be released to the Applicant in accordance with the marked-up version provided to the Agency with this decision.

My reasons for decision follow.

Joanne Kummrow
Public Access Deputy Commissioner
20 March 2023

Reasons for Decision

Background to review

1. The Applicant made a request to the Agency seeking access to [their own child protection records].
2. The Agency identified 12 documents consisting of 151 pages falling within the terms of the Applicant's request and granted access to six documents in full and six documents in part under sections 31(1)(c), 33(1), 35(1)(b) and 38 of the FOI Act in conjunction with sections 41(1), 191(1) and 209(1) of the CYF Act. The Agency's decision letter sets out the reasons for its decision and included the below in relation to a Children's Court Clinic report (Document 2):

Section 552 of the *Children, Youth and Families Act 2005* prohibits the release of a court report that has not been released in full to the parents or child, unless the Court directs disclosure of the report to those parties. I confirm that there is nothing on the file to suggest that this report has been released, therefore I have exempted this report under section 35(1)(b) of the Act.

3. The Agency further provided advice to the Applicant that they could make a request directly to the relevant court seeking access to Document 2.

Review application

4. The Applicant sought review by the Information Commissioner under section 49A(1) of the Agency's decision to refuse access.
5. I have examined a copy of the documents subject to review.
6. The Applicant and the Agency were invited to make a written submission under section 49H(2) in relation to the review.
7. During the review, I understand the Applicant obtained a copy of Document 2 in part from the relevant court. The Agency was provided with my preliminary view in relation to my assessment of Document 2 under the FOI Act and invited to respond. I have considered the Agency's response, as well as all other communications and submissions received from the parties.
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. 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.

Agency's processing of specified numbers of pages

10. During this review and others seeking access to similar documents from the Agency, it came to my attention that the Agency was imposing a maximum limit of 150 pages beyond which it advised the Applicant that it could not process the request due to its current staff resourcing and number of FOI requests on hand.
11. I have communicated to the Agency that this approach is not provided for under the FOI Act and nor does such a minimal page limit meet the requirements for grounds to refuse an FOI request under section 25A(1). Accordingly, the Applicant (and other applicants) should not expect to have to make multiple (and in some cases, numerous) FOI requests to the Agency in order to receive access to documents or decisions on an incremental basis and over a period of time).

12. OVIC is continuing to monitor this issue and engage with the Agency in relation to this issue.

Child Protection and Child Protection records

13. The Agency is responsible for enforcing and administering the law relating to Child Protection in Victoria under the CYF Act.
14. Child Protection files come into existence when the Agency is notified or becomes aware of a child that is at risk to harm, wellbeing or other safety concerns. The CYF Act provides for voluntary reports from a person and mandatory reporting by persons in certain professions specified under the CYF Act.
15. The main functions of Child Protection are to:
- (a) investigate matters where it is alleged a child is at risk of harm;
 - (b) refer children and family appropriately to services in providing ongoing safety and wellbeing of children;
 - (c) escalate matters to the Children's Court if a child's safety cannot be ensured within the family; and
 - (d) supervise children on legal orders granted by the Children's Court.
16. The Agency publishes the Child Protection Manual, which is used by Child Protection practitioners and contains information for families. The manual is available at www.cpmanual.vic.gov.au.
17. The role and mandate of Child Protection is an important and significant one. It is also comprehensively regulated under the CYF Act.
18. Parliament has determined strict parameters apply to what information can be released in relation to Child Protection matters, including a prohibition on identifying any person who notifies the Agency about any child protection concerns (notifiers) and any subsequent Agency investigations into or action taken to address any such concerns.
19. For example, the CYF Act prohibits disclosure of the names of notifiers, as well as any information likely to lead to the identification of a notifier, except in certain limited circumstances where disclosure is authorised. This reflects the strong need for confidentiality around Child Protection notifications and any subsequent inquiries or investigations conducted by the Agency to ensure the confidentiality of notifiers when making sensitive notifications to the Agency in the interests of protecting a child or children from harm or possible harm.
20. Therefore, when a person, who has been involved with Child Protection or is the parent or guardian of such a child seeks access to a Child Protection file, the confidentiality provisions that apply to Child Protection information under the CYF Act are strictly applied.
21. Lastly, while Child Protection records are kept in the name of the relevant child, I accept the manner in which the Agency collects and records information generally concerns the child's family unit. This means records will contain information regarding any protective interventions for sibling groups and information relating to a particular child will often be intertwined with information concerning other persons, such as siblings or other family members.

Review of exemptions

Section 38 – Documents subject to a secrecy provision

22. A document will be exempt under section 38 if:
- (a) there is an enactment in force;
 - (b) that applies specifically to the kind of information in the document; and
 - (c) the enactment must prohibit persons, referred to in the enactment, from disclosing that specific kind of information (either absolutely or subject to exceptions or qualifications).
23. For section 38 to apply, an enactment must be formulated with such precision that it specifies the actual information sought to be withheld.
24. The Agency relies on the exemption in section 38 in conjunction with sections 191(1) and 209(1) of the CYF Act to refuse access to reports made to the Agency as well as information that would identify a third party who made a report to the Agency regarding the wellbeing of the Applicant.
25. The Agency made further reference to section 552 of the CYF Act in relation to Document 2, although did not explicitly rely on the exemption in section 38 in conjunction with this section or other sections in the CYF Act. I consider certain information in Document 2 is relevant information to be considered under the CYF Act, under sections 191(1), 209(1) and 552(1) of the CFY Act.
26. I have also considered section 41(1) of the CYF Act, which I believe is relevant to the documents subject to review.

Application of the confidentiality provisions in the CYF Act

27. Section 41 of the CYF Act provides:

41 Identity of reporter or referrer confidential

- (1) If a report is made to the Secretary under section 28 or 29, a person (other than the person who made it) must not disclose to any person other than the Secretary or a community-based child and family service—
 - (a) the name of the person who made the report; and
 - (b) any information that is likely to lead to the identification of the person who made the report.

Penalty: 60 penalty units.

...
- (2) Subsection (1) and (1A) do not apply if the person who made the report or referral—
 - (a) gives written consent to the Secretary; or
 - (b) gives written or oral consent to the community-based child and family service.

28. Section 191 of the CYF provides:

191 Confidentiality

- (1) If a report referred to in section 190(1) is made, a person (other than the person who made it or a person acting with the written consent of the person who made it) must not disclose to any person other than a protective intervener or a community-based child and family service in accordance with subsection (4)—
 - (a) the name of the person who made the report; or

- (b) any information that is likely to lead to the identification of the person who made the report.

Penalty: 10 penalty units.

- (2) Subsection (1) does not apply to a disclosure made to a court or tribunal in accordance with section 190.
- (3) Subsection (1) does not apply to a disclosure to the Therapeutic Treatment Board of the name or information leading to the identification of a police officer who made a report under section 185.

...

29. Section 209 of the CYF Act provides:

209 Confidentiality

- (1) A protective intervener must not disclose to any person, other than to another protective intervener or to a person in connection with a court proceeding or to a person in connection with a review by VCAT—
 - (a) the name of a person who gave information in confidence to a protective intervener during the course of the investigation of the subject-matter of a protective intervention report; or
 - (b) any information that is likely to lead to the identification of a person referred to in paragraph (a)—

without the written consent of the person referred to in paragraph (a) or authorisation by the Secretary.

Penalty: 10 penalty units

- (2) The Secretary may only authorise the disclosure of information to a person under subsection (1) if the Secretary believes on reasonable grounds that the disclosure is necessary to ensure the safety and wellbeing of the child.
- (3) In this section **court proceeding** includes a proceeding in the Family Court of Australia.

30. In summary, sections 41(1), 191(1) and 209(1) of the CYF Act prohibit disclosure of the names of persons as well as any information likely to lead to the identification of any person who:

- (a) provided confidential Child Protection information to the Agency in the course of a protective intervention investigation; or
- (b) notified the Agency of their concerns for the wellbeing of a child.

31. Section 552(1) of the CYF Act provides:

552 Confidentiality of reports

- (1) A person who prepares or receives or otherwise is given or has access to a report to which this Part applies, or any part of such a report, must not, without the consent of the child who is the subject of the report or that child's parent, disclose any information contained in that report or part report (as the case requires) to any person who is not entitled to receive or have access to that report or that part (as the case requires)

32. Unauthorised disclosure of such information, as described in the above sections of the CYF Act, is an offence and carries penalties under that Act. This highlights the legislature's intention that such information should remain confidential.

33. I am satisfied sections 41(1), 191(1) and 209(1) of the CYF Act prohibit disclosure of the identity, or any information likely to lead to the identification of a notifier/reporter, or person who provides information in confidence to the Agency regarding the welfare or wellbeing of a child. This includes

not only a report or record of confidential information itself, but also any subsequent documents created that contain details of the report or confidential information provided to the Agency.

34. In summary, I consider section 552(1) of the CYF Act prohibits the disclosure of a court report, as contained in Document 2, subject to the consent of the child to whom the report relates or their parent.
35. In this case, while the Agency is not the author of the court report, it was given a copy by the court and has constructive possession of it. I consider the Applicant consented to the release of information in the court report (being Document 2) that concerns them, via their FOI request. However, I interpret this consent applies to certain information relating to the Applicant only that is not intertwined to information about other persons.
36. Having reviewed the documents and information before me, I am satisfied:
 - (a) the CYF Act is an enactment in force, for the purposes of section 38;
 - (b) the documents contain specific information prohibited from disclosure under sections 41(1), 191(1), 209(1) and 552(1) of the CYF Act;
 - (c) these provisions prohibit persons Agency officers from disclosing the specific information sought by the Applicant;
 - (d) the prohibition under sections 41(1), 191(1) and 209(1) of the CYF Act is absolute, in that these confidentiality provisions are not subject to any exceptions or qualifications; and
 - (e) the prohibition under section 552(1) of the CYF Act does not apply where, as in this case, the child, who is the subject of the report, has provided their consent for the disclosure of information.
37. Accordingly, I am satisfied certain information in the documents is exempt from release under section 38 of the FOI Act in conjunction with sections 41(1), 191(1), 209(1) and 552(1) of the CYF Act. However, I do not consider certain information in Document 2, which pertains to the Applicant only, is exempt from release under section 552(1) of the CYF Act.
38. My decision in relation to section 38 is set out in the Schedule of Documents at **Annexure 1**.

Section 31(1)(c) – Law enforcement documents involving a confidential source of information

39. Subject to section 31, section 31(1)(c) provides a document is an exempt document if its disclosure under the FOI Act would or would be reasonably likely to disclose or enable a person to ascertain, the identity of a confidential source of information in relation to the enforcement or administration of the law.
40. In light of my decision in relation to section 38, and my discussion above regarding the handling of Child Protection records in Victoria, in these circumstances, I am satisfied certain information identifies various third parties who:
 - (a) whether directly or indirectly provided information in confidence to the Agency regarding child safety and wellbeing concerns; and
 - (b) provided information in confidence to the Agency in relation to the enforcement or administration of the CYF Act.
41. Accordingly, I am satisfied certain information in the documents is exempt from release under section 31(1)(c).

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

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

43. Section 33(1) provides a document is exempt from release if two conditions are satisfied:

- (a) disclosure of the document would ‘involve’ the disclosure of information relating to the ‘personal affairs’ of a person other than the Applicant (a **third party**);¹ and
- (b) such disclosure would be ‘unreasonable’.

44. 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.²

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

- 45. I am satisfied the documents contain personal affairs information of third parties, being their names, telephone numbers, health information and information relating to the personal wellbeing of third parties.
- 46. A third party’s opinion or observations about another person’s conduct can constitute information in relation to a third party’s personal affairs.³
- 47. I am satisfied the documents also contain notes made by Agency’s officers in the course of the Agency’s involvement with the Applicant and their family, and this information relates to the personal affairs information of third parties.

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

- 48. The concept of ‘unreasonable disclosure’ involves balancing the public interest in the disclosure of official information with the protection of an individual’s personal privacy in the circumstances.
- 49. I have considered the following factors in the circumstances of this case:

(a) The nature of the personal affairs information

The personal affairs information relates to Child Protection matters. I consider this information is highly sensitive and personal in nature.

(b) The circumstances in which the information was obtained

The Agency obtained the information from individuals in the context of carrying out its Child Protection functions under the CYF Act.

I accept such information is ordinarily provided to the Agency on the understanding it will remain confidential unless limited exceptional circumstances require it to be disclosed.

Further, individuals who provide information to the Agency in such circumstances would not expect information they provide to the Agency will be released under the FOI Act.

(c) The Applicant’s interest in the information

¹ Sections 33(1) and 33(2).

² Section 33(9).

³ *Richardson v Business Licensing Authority* [2003] VCAT 1053, cited in *Davis v Victoria Police (General)* [2008] VCAT 1343 at [43], *Pritchard v Victoria Police (General)* [2008] VCAT 913 at [24], *Mrs R v Ballarat Health Services (General)* [2007] VCAT 2397 at [13].

The Applicant did not provide specific reasons for seeking access to the documents. However, I accept they have a genuine and personal interest in obtaining access to documents that relate to their childhood that would provide them with further insight into the nature of Child Protection's involvement with them and their family.

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

I consider the Applicant's interest in obtaining access to the documents would serve a private interest rather than a public interest. However, I consider there is an interest, shared by the wider community, in those who have had involvement with Child Protection to be able to obtain access to as much information as possible in relation to that involvement.

While the public interest in transparency and accountability of official action is a matter to which I give significant weight, in the context of seeking personal and sensitive information under the FOI Act, which relates to not only the Applicant, but also to other individuals whose personal affairs information appear in documents, I must balance the public interest in access to official information against protecting the privacy of those third parties.

For these reasons, I consider the public interest in the Agency preserving the confidentiality of information it receives from third parties and any information that could identify the providers of this information, outweighs the Applicant's personal interest in seeking full disclosure of all information held by the Agency regarding their involvement with Child Protection.

While I acknowledge the Applicant will understandably consider they have a right to know all information the Agency holds that relates to them in respect of their involvement with Child Protection, the public interest in the Agency being able to continue to receive important information regarding child safety and wellbeing concerns remains paramount.

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

In the absence of the written consent of the relevant third parties, I consider it would be reasonably likely that certain third parties would object to the release of their personal affairs information under the FOI Act given the sensitive and personal nature of the documents.

(f) Whether disclosure of the information would, or would be reasonably likely to, endanger the life or physical safety of any person⁴

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

50. In balancing the above factors, I am satisfied in the circumstances of this matter:

- (a) It would be unreasonable to release the personal affairs information of certain third parties who provided confidential information to the Agency in the course of its Child Protection investigations, particularly where the information does not relate to the Applicant.
- (b) It would be unreasonable to release personal affairs information relating to any protective concerns, wellbeing and health information concerning the Applicant's siblings as well as other third parties whose information appear in the documents and, in some cases, the information is heavily intertwined with the personal affairs of the Applicant's such that it cannot meaningfully be extracted.
- (c) However, it would not be unreasonable to release some third party personal affairs information where I consider such information will provide the Applicant with further insight

⁴ Section 33(2A).

or an explanation of the involvement of Child Protection with the Applicant and their family. Particularly noting, the passage of time since the documents were created, the reduced sensitivity of certain information and the likelihood certain information would already be in the possession of or known to the Applicant.

51. Accordingly, I am satisfied certain third parties' personal affairs information is exempt from release under section 33(1), however, I have determined other information is not exempt.
52. My decision in relation to section 33(1) is set out in the Schedule of Documents at **Annexure 1**.

Section 35(1)(b) – Information provided in confidence to the Agency

53. A document is exempt from release under section 35(1)(b) if two conditions are satisfied:
 - (a) disclosure would divulge information or matter communicated in confidence; 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.

Would disclosure of the documents divulge information communicated in confidence?

54. Whether information communicated by an individual was communicated in confidence is a question of fact.⁵
55. When determining whether information was communicated in confidence, it is necessary to consider the position from the perspective of the communicator.⁶ Confidentiality can be express or implied from the circumstances of a matter.⁷
56. I am satisfied information in the documents was communicated in confidence to the Agency in the course of the Agency's involvement with the Applicant and their family in carrying out its Child Protection functions.

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

57. In determining whether disclosure would be contrary to the public interest, I must consider whether disclosure of a document would be reasonably likely to impair the Agency's ability to obtain similar information in the future.
58. As discussed above, the Agency plays a significant role in administering and enforcing the CYF Act. Having reviewed the documents, I am of the view the nature of the relevant information is essential for the Agency to be able to discharge its obligations and duties under the CYF Act.
59. If a third party was made aware information they provided to the Agency regarding child safety and wellbeing concerns was to be routinely disclosed under the FOI Act, I consider they would be unlikely to communicate similar information to the Agency in the future. This would be a significant and detrimental outcome that would reasonably impede the ability of the Agency to fulfil its Child Protection functions under the CYF Act and ensure the safety and wellbeing of children in Victoria.
60. The Applicant received a copy of Document 2 from the relevant court through a separate process and at its discretion. However, the version of that document is different to the version released by the Agency.

⁵ *Ryder v Booth* [1985] VR 869 at [883]; *XYZ v Victoria Police* [2010] VCAT 255 at [264].

⁶ *Ibid*, XYZ at [265].

⁷ *Ibid*.

61. Having considered the content in Document 2, I do not accept the disclosure of information regarding assessments the Applicant was required to undergo, historical background information regarding the Applicant such as schooling and departmental assistance, and general content specific to the Applicant would have a negative effect on collaboration between agencies and their officers in the future nor would disclosure reasonably result in agency officers refraining from communicating similar information.
62. Accordingly, I am not satisfied certain information in Document 2 is exempt from release under section 35(1)(b).
63. However, I accept the Agency relies on information provided by third parties on a voluntary basis, often in the form of confidential disclosures to carry out its regulatory and enforcement functions. Such information provided to the Agency will by its very nature, be sensitive and confidential.
64. I acknowledge the need to protect the ability of the Agency to receive information that assists the administration and investigations of notifications made in relation to child protection is an essential public interest that limits disclosure of information under the FOI Act.
65. In the context of the Agency's functions, I consider if all details regarding the child protection process were to be routinely released under the FOI Act, individuals would be deterred from providing similar information to the Agency in the future.
66. Accordingly, I am satisfied disclosure of certain confidential information in the documents would be reasonably likely to impair the Agency's ability to obtain similar information in the future and the confidential information is exempt from release under section 35(1)(b).
67. My decision in relation to section 35(1)(b) is set out in the Schedule of Documents at **Annexure 1**.

Section 25 – Deletion of exempt or irrelevant information

68. Section 25 requires an agency to grant access to an edited copy of a document where it is practicable to delete exempt or irrelevant information and the applicant agrees to receiving such a copy.
69. Determining what is 'practicable' requires consideration of the effort and editing involved in making the deletions 'from a resources point of view'⁸ 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 25.⁹
70. I consider it is practicable to provide the Applicant with an edited copy of Document 2 with exempt information deleted.

⁸ *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].

⁹ *Honeywood v Department of Human Services* [2006] VCAT 2048 at [26]; *RFJ v Victoria Police FOI Division (Review and Regulation)* [2013] VCAT 1267 at [140] and [155].

Conclusion

71. On the information before me, I am satisfied certain information in the documents is exempt from release under sections 31(1)(c), 33(1), 35(1)(b) and 38 of the FOI Act in conjunction with sections 41(1), 191(1), 209(1) and 552(1) of the CYF Act.
72. The effect of my decision is I have granted access to certain information in Document 2 where I am satisfied it is not exempt from release.
73. 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, access is granted in part.
74. The effect of my decision is that more information in Document 2 only is to be released to the Applicant. A marked-up version of this document demonstrating the information for release has been provided to the Agency along with this decision.

Review rights

75. 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.¹⁰
76. The Applicant may apply to VCAT for a review up to 60 days from the date they are given this Notice of Decision.¹¹
77. The Agency may apply to VCAT for a review up to 14 days from the date it is given this Notice of Decision.¹²
78. 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.
79. 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.¹³

Third party review rights

80. As I have determined to release documents that the Agency refused access to under sections 33(1) and 35(1)(b), if practicable, I am required to notify the relevant third parties of their right to seek review by VCAT of my decision within 60 days from the date they are given notice.¹⁴
81. In this case I am satisfied it is not practicable to notify third parties of their review rights given the time since the documents were created and the lack of contact details for relevant third parties.

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.

¹⁰ The Applicant in section 50(1)(b) and the Agency in section 50(3D).

¹¹ Section 52(5).

¹² Section 52(9).

¹³ Sections 50(3F) and 50(3FA).

¹⁴ Sections 49P(5), 50(3), 50(3AB) and 52(3).

Annexure 1 – Schedule of Documents

Document No.	Date of Document	Document Description	No. of pages	Agency Decision	OVIC Decision	OVIC Comments
1.	[Date]	Authority for release of information	1	Released in full	Not subject to review	
2.	[Date]	Department of Justice Children's Court Clinic Report	18	Released in part Section 35(1)(b)	Release in part Sections 33(1), 35(1)(b), 38, 25 The document is to be released in accordance with the marked-up version of the document provided to the Agency with this decision.	<p>Section 38: I am satisfied certain information in the document that relates to notifications made to the Agency is exempt from release as is information pertaining to certain individuals other than the Applicant who have not provided consent for its release for the reasons outlined in the Notice of Decision above.</p> <p>Section 33(1): Information contained in the document relates to the personal affairs of third parties. For the reasons set out in the Notice of Decision above, I am satisfied disclosure would be unreasonable in the circumstances.</p> <p>Section 35(1)(b): I am satisfied the document contains certain information provided in confidence to the Agency that if disclosed would impair the ability of the Agency to receive similar information in the future. Accordingly, I am satisfied this information is exempt from release</p>

Document No.	Date of Document	Document Description	No. of pages	Agency Decision	OVIC Decision	OVIC Comments
						<p>under section 35(1)(b). However, I am not satisfied disclosure of information in the document provided by or relating to the Applicant would be reasonably likely to impair the ability of the Agency to obtain similar information in the future. Certain information in the document is therefore not exempt from release under section 35(1)(b).</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>
3.	[Date]	Confidential Court Report	8	Released in part Sections 31(1)(c), 33(1), 35(1)(b), 38	<p>Release in part Sections 31(1)(c), 33(1), 35(1)(b), 38, 25</p> <p>The document is to be released with exempt information as identified by the Agency deleted in accordance with section 25.</p>	<p>Sections 31(1)(c): I am satisfied information in the document is exempt from release under section 31(1)(c) for the reasons outlined in the Notice of Decision above.</p> <p>Section 33(1): See comments for Document 2.</p> <p>Section 35(1)(b): I am satisfied the document contains certain information provided in confidence to the Agency that if disclosed would</p>

Document No.	Date of Document	Document Description	No. of pages	Agency Decision	OVIC Decision	OVIC Comments
						<p>impair the ability of the Agency to receive similar information in the future. Accordingly, I am satisfied this information is exempt from release under section 35(1)(b).</p> <p>Section 38: I am satisfied information in the document is exempt from release under section 38 in conjunction with sections 41(1), 191(1) and 209(1) of the CYF Act for the reasons outlined in the Notice of Decision above.</p> <p>Section 25: See comment for Document 2.</p>
4.	[Date]	Confidential Court Report	10	Released in part Sections 31(1)(c), 33(1), 35(1)(b), 38	<p>Release in part Sections 31(1)(c), 33(1), 35(1)(b), 38, 25</p> <p>The document is to be released with exempt information as identified by the Agency deleted in accordance with section 25.</p>	<p>Sections 31(1)(c), 35(1)(b) and 38: See comments for Document 3.</p> <p>Section 33(1): See comments for Document 2.</p> <p>Section 25: See comment for Document 2.</p>

Document No.	Date of Document	Document Description	No. of pages	Agency Decision	OVIC Decision	OVIC Comments
5.	[Date]	Custody to Secretary Order	4	Released in full	Not subject to review	
6.	[Date]	Documents from lawyer	6	Released in full	Not subject to review	
7.	N/A	Folder Covers	3	Released in part Section 33(1)	Release in part Sections 33(1), 25 The document is to be released with exempt information as identified by the Agency deleted in accordance with section 25.	Section 33(1): See comments for Document 2. Section 25: See comment for Document 2.
8.	[Date range]	Intake notes	33	Released in part Sections 31(1)(c), 33(1), 35(1)(b), 38	Release in part Sections 31(1)(c), 33(1), 35(1)(b), 38, 25 The document is to be released with exempt information as identified by the Agency deleted in accordance with section 25.	Section 31(1)(c), 35(1)(b) and 38: See comments for Document 3. Section 33(1): See comments for Document 2. Section 25: See comment for Document 2.

Document No.	Date of Document	Document Description	No. of pages	Agency Decision	OVIC Decision	OVIC Comments
9.	[Year]	Interim Orders and notes	6	Released in full	Not subject to review	
10.	[Year]	Medical notes and correspondence	9	Released in part Section 33(1)	Release in part Sections 33(1), 25 The document is to be released with exempt information as identified by the Agency deleted in accordance with section 25.	Sections 33(1) and 25: See comments for Document 2.
11.	[Date]	Notices of protection applications	5	Released in full	Not subject to review	
12.	[Year]	Claims and expense documents	48	Released in full	Not subject to review	