

Notice of Decision and Reasons for Decision

Applicant:	'FD9'
Agency:	Department of Energy, Environment and Climate Action
Decision date:	10 May 2023
Exemptions considered:	Sections 30(1), 33(1), 35(1)(b), 25
Citation:	'FD9' and Department of Energy, Environment, and Climate Change (Freedom of Information) [2023] VICmr 44 (10 May 2023)

FREEDOM OF INFORMATION – workplace investigation – external consultant – information that could identify a participant – information communicated in confidence – removal of personal affairs information – disclosure not contrary to the public interest

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 a document requested by the Applicant under the FOI Act.

My decision on the Applicant's request differs from the Agency's decision in that I have determined to release additional information in the documents where I am satisfied it is not exempt from release under section 30(1), 33(1) or 35(1)(b). However, I consider certain information in the documents is exempt under sections 33(1) and 35(1)(b).

As I am satisfied it is practicable to provide the Applicant with an edited copy of one document with exempt information deleted in accordance with section 25, access to the document is granted in part. The remaining documents are exempt in full.

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

A marked-up copy of the documents with information I am satisfied is exempt has been provided to the Agency.

My reasons for decision follow.

Sven Bluemmel
Information Commissioner

10 May 2023

Reasons for Decision

Background to review

1. The Applicant made a request to the Agency for access to certain documents. Following consultation with the Agency, the Applicant clarified the initial request and sought access to:
 1. A copy of the Final Report and Recommendations.
 2. In relation to the transcripts between the investigator and two individuals..., a copy of each full transcript; and
 3. A copy of any complaint email which has my name in the email, for the [specified] period.
2. The Agency identified four documents falling within the terms of the Applicant's request and refused access to the documents in full under sections 33(1), 30(1) and 35(1)(b). The Agency's decision letter sets out the reasons for its decision.

Review application

3. The Applicant sought review by the Information Commissioner under section 49A(1) of the Agency's decision to refuse access to the 'Final Report and Recommendations' (**the Report**) only. I note the report also contains annexures the Agency determined exempt and of which the Applicant also seeks review.
4. I have examined a copy of the documents subject to review.
5. The Applicant and the Agency were invited to make a written submission under section 49H(2) in relation to the review.
6. I have considered all communications and submissions received from the parties.
7. 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.
8. 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.

Review of exemptions

Section 30(1) – Internal working documents

9. In its decision, the Agency refused access to Document 4 in full on the basis of section 30(1).
10. 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.

11. The exemption does not apply to purely factual material in a document.¹
12. The term 'officer of an Agency' is defined in section 5(1). It includes a member of an agency, a member of an agency's staff, and any person engaged by or on behalf of an agency, whether or not they are subject to the *Public Administration Act 2004* (Vic).

Does the document 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?

13. Document 4 is a report authored by an external consultant who was engaged by the Agency to conduct an independent review into certain incidents within a particular work area within the Agency. In these circumstances, I am satisfied the external consultant is an 'officer' of the Agency for the purposes of the FOI Act.
14. Having reviewed the document, I am also satisfied it contains opinion, advice and recommendations prepared by the Agency officer.

Was the document 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?

15. I am satisfied the document was created in the course of the deliberative processes involved in the functions of the Agency, namely as an employer with obligations under workplace legislation to provide for a safe workplace for its employees.²

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

16. In determining if disclosure of the document would be contrary to the public interest, I must consider all relevant facts and circumstances remaining mindful the object of the FOI Act is to facilitate and promote the disclosure of information.
17. In relation to section 30(1), the Agency made confidential submissions in support of its position that disclosure of the report, in particular the methodologies, analysis, findings and recommendations, representing the opinions of the author, could undermine the complaints handling and investigative processes relied upon by the department and its investigators and that therefore disclosure of the investigation report in full would be contrary to the public interest.
18. In this case, I have given weight to 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 document and the broader context giving rise to the creation of the document;
 - (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 document 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;

¹ Section 30(3).

² See, for example, *Occupational Health and Safety Act 2004* (Vic).

- (e) whether disclosure of the document would give merely a part explanation, rather than a complete explanation for the taking of a particular decision or the outcome of a process, which the Agency would not otherwise be able to explain upon disclosure of the document;
 - (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.
19. I have determined it would not be contrary to the public interest to disclose certain information in the document. As such, I am not satisfied the entire document is exempt from release for the following reasons:
- (a) The document includes background and factual information. It discusses a range of issues including workplace morale, behaviours, grievances, career opportunities and pathways, and governance and safety. Some of these issues are discussed more broadly and are not attributed to any particular person.
 - (b) Excluding information that identifies, or could be used to identify, a particular individual I am satisfied the information to be released would not impair the Agency's ability to undertake a similar workplace review in the future, including obtaining the voluntary cooperation of participants.
 - (c) In releasing certain information in the document that confirms the findings and recommendations made to the Agency by the external consultant, I do not consider disclosure of this information would undermine the provision of similar information to the Agency in the future.
 - (d) While I acknowledge independent workplace reviews require the voluntary participation of employees and other relevant persons, it will not always be in the public interest to release sensitive documents of this nature. However, I consider the release of certain information in this particular document would build trust in the Agency's fulfilment of its obligations as a public sector employer and its ability to meet its workplace safety obligations.
 - (e) I consider this approach is consistent with the object of the FOI Act, which is to create a general right 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'. Given the content and context of the document, I consider the public interest weighs in favour of disclosure rather than secrecy.
 - (f) While public interest considerations are often finely balanced, I am satisfied disclosure of the document in part would serve the public interest in transparency, especially for persons who participated in the review or work within the relevant area of the Agency. This is particularly so in the absence of other information or communication provided by the Agency to staff as to any steps taken, or to be taken, to address issues identified in the document and raised by the review participants about workplace culture and related issues.
 - (g) Similar investigations have been undertaken in similar contexts where, while sensitive and sometimes critical in nature, a final document was published in the interests of transparency for participants, the agency's staff and the public more generally. In such cases, the health and safety of a public sector workplace can be critical to an agency carrying out its important public functions.

- (h) I consider members of the public are capable of understanding that documents of this nature are created at a particular point in time where actions may not have been completed or where a course of decision making is not ultimately pursued.
- (i) If the Agency considers there is a risk that information in the document to be released will be misinterpreted by the Applicant or others, it is open to the Agency to provide additional information to inform the content to be released or any actions taken, or being taken, by the Agency in response to the document.

20. For the above reasons, I am satisfied disclosure of the document would not be contrary to the public interest, and the document is not exempt under section 30(1).

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

Section 33(1) – Personal affairs information

22. For completeness, I have further considered the application of section 33(1) to the information I have determined is not exempt under section 30(1) or 35(1)(b) in Document 4.

23. 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 (a **third party**);³ and
- (a) such disclosure would be ‘unreasonable’.

Do the documents contain personal affairs information of third parties?

24. Information relating to the ‘personal affairs’ of another person includes information that identifies any person or discloses their addresses or location. It also includes and information from which such information may be reasonably determined.⁴

25. A document will disclose a third party’s personal affairs information if it is capable, either directly or indirectly, of identifying that person. As the nature of disclosure under the FOI Act is unrestricted and unconditional, this is to be interpreted by reference to the capacity of any member of the public to identify a third party.⁵

26. A third party’s opinion or observations about another person’s conduct can constitute information related to the personal affairs of a third party.⁶

27. In relation to the annexures exempted by the Agency pursuant to section 33(1), I am satisfied those documents contain the personal affairs information of third parties, being their names and contact information as well as records of their experiences and opinions or observations.

28. Given the Applicant participated in the review, and would be familiar with the other participants, and may be familiar with their views, I have interpreted this broadly to include the following information in Document 4:

- (a) where the opinions disclosed are specific to a work area or issue, such that the persons who expressed those views could be deduced;

³ Sections 33(1) and 33(2).

⁴ Section 33(9).

⁵ *O’Sullivan v Department of Health and Community Services (No 2)* [1995] 9 VAR 1 at [14]; *Beauchamp v Department of Education* [2006] VCAT 1653 at [42].

⁶ *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].

- (b) similarly, where the language used in the report could lead to the identification of an individual or small group of individuals; and
- (c) where the report refers to direct quotes – where the language used could be identified by the Applicant as they are familiar with the other participants involved in the review.

29. Accordingly, I will further consider whether the disclosure of the personal affairs information identified above would be unreasonable.

Would disclosure of the personal affairs information be unreasonable?

- 30. The concept of ‘unreasonable disclosure’ involves balancing the public interest in the disclosure of official information with the interest in protecting a third party’s personal privacy in the particular circumstances.
- 31. Whether the disclosure of a third party’s personal affairs information would be unreasonable may not be apparent from a document. Rather, it needs to be considered in the context of other information already known to an applicant or publicly available, and when considered in totality, would involve the unreasonable disclosure of a third party’s personal affairs information.⁷
- 32. In *Victoria Police v Marke*,⁸ the Victorian Court of Appeal held there is ‘no absolute bar to providing access to documents which relate to the personal affairs of others’. Further, the exemption under section 33(1) ‘arises only in cases of unreasonable disclosure’ and ‘[w]hat amounts to an unreasonable disclosure of someone’s personal affairs will necessarily vary from case to case’.⁹ The Court further held, ‘[t]he protection of privacy, which lies at the heart of [section] 33(1), is an important right that the FOI Act properly protects. However, an individual’s privacy can be invaded by a lesser or greater degree’.¹⁰
- 33. In relation to section 33(1), the Agency’s confidential submissions emphasised that protecting the privacy of the individuals identified within the exempted documents outweighs any public interest which might be satisfied through the release of the information.
- 34. I noted above at paragraph [13] that I am satisfied the consultants who prepared the report are Agency officers for the purposes of the FOI Act. 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.¹¹ Therefore, it is necessary to consider ‘all matters relevant, logical and probative to the existence of conditions upon which the section is made to depend’.¹²
- 35. In determining whether disclosure of personal affairs information in the documents would be unreasonable, I have considered the following factors:

(a) The nature of the personal affairs information and the circumstances in which it was obtained

Determining whether the personal affairs information of an agency officer is exempt under section 33(1) must be considered in the context of the particular circumstances of each matter.¹³ In my view, subject to special circumstances, there is nothing particularly sensitive about matters occurring or arising out of the course of an agency officer’s professional duties or work responsibilities as a public servant.¹⁴

⁷ [2008] VSCA 218 at [94].

⁸ [2008] VSCA 218 at [76].

⁹ Ibid.

¹⁰ Ibid at [79].

¹¹ *Coulson v Department of Premier and Cabinet (Review and Regulation)* [2018] VCAT 229.

¹² [2008] VSCA 218 at [104].

¹³ *Coulson v Department of Premier and Cabinet (Review and Regulation)* [2008] VCAT 229.

¹⁴ *Re Milthorpe v Mt Alexander Shire Council* (1997) 12 VAR 105.

The review conducted by the external consultant in Document 4 relied on the voluntary provision of free and fulsome information from Agency officers within a small cohort of Agency officers working in a specialised area. In this case, I accept the participants provided their personal affairs information to the consultant on the basis they would not be named or identified in the document, and the specific nature of the information they provided would be held in confidence due to its sensitive nature concerning a review of workplace health and wellbeing.

I further acknowledge the Agency's submissions and accept that parts of the documents contain individual observations or opinions, often reinforced or demonstrated by a quote provided by a participant, which means the information is sensitive in nature given its content and the context in which it was provided.

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

The personal affairs information sought by the Applicant is not available in the public domain.

(c) Whether the individuals to whom the personal affairs information relates object or would be likely to object to the release of their personal affairs information

There is no information before me about the views of participants concerning the release of their personal affairs information in the documents. I accept consultation with the participants as to their views on disclosure is not practicable given the circumstances. In any case, I consider participants would be reasonably likely to object to the disclosure of their personal affairs information in the documents.

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

As discussed in relation to section 35(1)(b) below, there is a public interest in Agency officers being sufficiently comfortable and confident to voluntarily participate in a sensitive workplace review. I am satisfied disclosure of the experiences of Agency officers would undermine the confidentiality of participants and their confidence in the conduct and integrity of similar future reviews.

(e) The Applicant's interest in the information

While I acknowledge the Applicant's interest in obtaining access to the document, I do not consider their personal interest overrides the important public interest in the Agency being able to conduct comprehensive and confidential workplace reviews. However, this public interest also needs to be balanced with the public interest in ensuring transparency into the Agency's ability to fulfil its statutory obligations to provide a safe and fair workplace.

(f) The likelihood of further disclosure of the information, if released

The FOI Act does not impose any conditions or restrictions on an applicant's use of documents disclosed under the FOI Act. Accordingly, it is necessary to consider the likelihood and potential effects of further dissemination of the third party's personal affairs information if released. While there is no information before me to suggest the information will be widely disseminated by the Applicant, I consider it is reasonably likely the personal privacy of the third parties named in the documents will be impacted should their personal affairs information be disclosed.

(g) Whether disclosure of the information would or would be reasonably likely to endanger the life or physical safety of any person

Consideration of this factor is required under section 33(2A) when determining whether a third party's personal affairs information should be disclosed to an applicant. In this case, there is no information before me to suggest this is a relevant factor.

36. Having considered the above factors, on balance, I am satisfied the disclosure of certain personal affairs information in the documents would be unreasonable in the circumstances and therefore is exempt under section 33(1).
37. However, I am not satisfied certain information in Document 4 is exempt under section 33(1) where it relates to the people who conducted the investigation.
38. My decision in relation to section 33(1) is set out in the Schedule of Documents in **Annexure 1**.

Section 35(1)(b) – Confidential information that would be contrary to the public interest to disclose

39. 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.
40. Whether information communicated by an individual was communicated in confidence is a question of fact.¹⁵
41. In relation to section 35(1)(b), the Agency's confidential submissions set out information provided by complainants as part of the investigation were obtained in confidence, citing *Gunawan v Department of Education* (unreported, VCAT, Davis SM, 15 December 1998) in which the Member observed that the public interest "overwhelmingly supports the ability of investigating agencies to properly investigate matters".

Was the information obtained in confidence?

42. When determining whether information was communicated in confidence, it is necessary to consider the position from the perspective of the communicator.¹⁶ I have carefully considered the material in the documents subject to review, and in particular, the perspectives of the third parties who were interviewed and provided documentary evidence as part of the investigation.
43. In the context of this matter, I am satisfied that those who made statements and provided evidence to the external consultant did so in circumstances in which a certain degree of confidentiality can reasonably be implied based on the sensitive nature and context of the review.
44. Therefore, I am satisfied certain information in the documents contains information communicated in confidence to the Agency.
45. However, I am not satisfied the whole of Document 4 is made up of such information where it does not relate to information provided by third parties or does not identify third parties.

Would disclosure of the document 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?

46. In relation to the information obtained directly from Agency staff during the workplace enquiry, I consider this information to be sensitive in nature and reveals the subjective experiences of the third

¹⁵ *Ryder v Booth* [1985] VR 869 at 883; *XYZ v Victoria Police* [2010] VCAT 255 at [264].

¹⁶ *Ibid.*

parties in relation to the subject matter of the investigation. Accordingly, I am of the view that the level of candour provided by third parties would be impacted in the event that expressly agreed upon confidentiality could be diminished by the release of these documents under FOI.

47. Without an open information flow, an investigation may not be successful in obtaining accurate and sufficiently detailed information, potentially resulting in flawed or inconclusive findings. It is in the public interest to ensure information provided during an investigation into workplace safety is communicated freely, is adequately documented by Agency staff, and is treated with the necessary degree of confidentiality.
48. I consider disclosure of the documents would likely inhibit Agency officers from voluntarily participating in workplace investigations. This includes the provision of information and the making of complaints out of concern information provided to the Agency could be disclosed under the FOI Act. This would be a significant and detrimental outcome that would impede the integrity and efficacy of the Agency's workplace investigations.
49. Accordingly, I am satisfied disclosure of certain information in the documents would be contrary to the public interest, and they are exempt in full under section 35(1)(b).
50. My decision in relation to section 35(1)(b) is set out in the Schedule of Documents in **Annexure 1**.

Section 25 – Deletion of exempt or irrelevant information

51. 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.
52. Determining what is 'practicable' requires consideration of the effort and editing involved in making the deletions 'from a resources point of view'¹⁷ 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 25.¹⁸
53. I have considered whether it is practicable to provide the Applicant with an edited copy of the documents with irrelevant and exempt information deleted from the documents in accordance with section 25. I am satisfied it is practicable to delete the exempt information in Document 4 as it will not require substantial time and effort, and the edited document will retain meaning.
54. However, in my view, it is not practicable for the Agency to delete the exempt information from the annexures, because the deleting the exempt information would render the documents meaningless.

Conclusion

55. My decision on the Applicant's request differs from the Agency's decision in that I have determined to release additional information in Document 4 where I am satisfied it is not exempt from release under sections 33(1), 30(1) and 35(1)(b).
56. As 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, access to the document is granted in part.
57. A marked-up copy of the document with information I am satisfied is exempt has been provided to the Agency.

¹⁷ *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].

¹⁸ *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].

Review rights

58. 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.¹⁹
59. The Applicant may apply to VCAT for a review up to 60 days from the date they are given this Notice of Decision.²⁰
60. The Agency may apply to VCAT for a review up to 14 days from the date it is given this Notice of Decision.²¹
61. 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.
62. 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.²²

Third party review rights

63. As I have determined to release information the Agency determined is exempt 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.²³
64. In this case, I am satisfied it is practicable to notify the relevant third parties of their review rights and confirm they will be notified of my decision on the date of decision.

When this decision takes effect

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

¹⁹ The Applicant in section 50(1)(b) and the Agency in section 50(3D).

²⁰ Section 52(5).

²¹ Section 52(9).

²² Sections 50(3F) and 50(3FA).

²³ Sections 49P(5), 50(3B) 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]	Email	10	Refused in full Sections 30(1), 33(1), 35(1)(b)	Not subject to review	
2.	[date]	Email	4	Refused in full Sections 30(1), 33(1), 35(1)(b)	Not subject to review	
3.	[date]	Email	4	Refused in full Sections 30(1), 33(1), 35(1)(b)	Not subject to review	
4.	[date]	[entity name] Workplace – Final Investigation Report	75	Refused in full Sections 30(1), 33(1), 35(1)(b)	Release in part Section, 33(1), 35(1)(b), 25 The document is to be released with exempt information identified by OVIC in the marked-up copy provided with this decision deleted in accordance with section 25.	Section 30(1): I am not satisfied the document contains information exempt under section 30(1) for the reasons described above. Section 33(1): The document contains the personal affairs information of persons other than the Applicant, being their names and personal experiences. I am satisfied the disclosure of certain personal affairs information would be unreasonable for the reasons outlined above. It is therefore exempt under section 33(1). However, where information is less sensitive, I do not consider it would be unreasonable to

Document No.	Date of Document	Document Description	No. of pages	Agency Decision	OVIC Decision	OVIC Comments
						<p>release and it is therefore not exempt.</p> <p>Section 35(1)(b): I am further satisfied the information I have identified exempt under section 33(1) is also exempt under section 35(1)(b) for the reasons described above.</p> <p>Section 25: I am satisfied it is practicable to provide the Applicant with an edited copy of the document with exempt information deleted in accordance with section 25.</p>
5.	[date]	Annexure 1	1	<p>Refused in full</p> <p>Sections 33(1), 35(1)(b)</p>	<p>Refuse in full</p> <p>Sections 33(1), 35(1)(b)</p>	<p>Section 33(1) and 35(1)(b): I am satisfied the document is exempt under both sections 33(1) and 35(1)(b) for the reasons described above in the Notice of Decision.</p> <p>Section 25: I am not satisfied it is practicable to provide the Applicant with an edited copy of the document with exempt and irrelevant information deleted in accordance with section 25 as to do so would</p>

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						render the document meaningless.
6.	[date]	Annexure 2	2	Refused in full Sections 33(1), 35(1)(b)	Refuse in full Sections 33(1), 35(1)(b)	Sections 33(1), 35(1)(b) and 25: See comments for Document 5 above.
7.	[date]	Annexure 3	3	Refused in full Sections 33(1), 35(1)(b)	Refuse in full Sections 33(1), 35(1)(b)	Sections 33(1), 35(1)(b) and 25: See comments for Document 5 above.
8.	[date]	Annexure 4	6	Refused in full Sections 33(1), 35(1)(b)	Refuse in full Sections 33(1), 35(1)(b)	Sections 33(1), 35(1)(b) and 25: See comments for Document 5 above.
9.	[date]	Annexure 5	1	Refused in full Sections 33(1), 35(1)(b)	Refuse in full Sections 33(1), 35(1)(b)	Sections 33(1), 35(1)(b) and 25: See comments for Document 5 above.
10.	[date]	Annexure 6	3	Refused in full Sections 33(1), 35(1)(b)	Refuse in full Sections 33(1), 35(1)(b)	Sections 33(1), 35(1)(b) and 25: See comments for Document 5 above.
11.	[date]	Annexure 7	2	Refused in full Sections 33(1), 35(1)(b)	Refuse in full Sections 33(1), 35(1)(b)	Sections 33(1), 35(1)(b) and 25: See comments for Document 5 above.
12.	[date]	Annexure 8	2	Refused in full Sections 33(1), 35(1)(b)	Refuse in full Sections 33(1), 35(1)(b)	Sections 33(1), 35(1)(b) and 25: See comments for Document 5 above.

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13.	[date]	Annexure 9	3	Refused in full Sections 33(1), 35(1)(b)	Refuse in full Sections 33(1), 35(1)(b)	Sections 33(1), 35(1)(b) and 25: See comments for Document 5 above.
14.	[date]	Annexure 10	5	Refused in full Sections 33(1), 35(1)(b)	Refuse in full Sections 33(1), 35(1)(b)	Sections 33(1), 35(1)(b) and 25: See comments for Document 5 above.
15.	[date]	Annexure 11	3	Refused in full Sections 33(1), 35(1)(b)	Refuse in full Sections 33(1), 35(1)(b)	Sections 33(1), 35(1)(b) and 25: See comments for Document 5 above.
16.	[date]	Annexure 12	2	Refused in full Sections 33(1), 35(1)(b)	Refuse in full Sections 33(1), 35(1)(b)	Sections 33(1), 35(1)(b) and 25: See comments for Document 5 above.
17.	[date]	Annexure 13	12	Released outside the FOI Act	Not subject to review	Sections 33(1), 35(1)(b) and 25: See comments for Document 5 above.
18.	[date]	Annexure 14	8	Refused in full Sections 33(1), 35(1)(b)	Refuse in full Sections 33(1), 35(1)(b)	Sections 33(1), 35(1)(b) and 25: See comments for Document 5 above.
19.	[date]	Annexure 15	10	Refused in full Sections 33(1), 35(1)(b)	Refuse in full Sections 33(1), 35(1)(b)	Sections 33(1), 35(1)(b) and 25: See comments for Document 5 above.
20.	[date]	Annexure 16	11	Refused in full Sections 33(1), 35(1)(b)	Refuse in full Sections 33(1), 35(1)(b)	Sections 33(1), 35(1)(b) and 25: See comments for Document 5 above.

Document No.	Date of Document	Document Description	No. of pages	Agency Decision	OVIC Decision	OVIC Comments
21.	[date]	Annexure 17	13	Refused in full Sections 33(1), 35(1)(b)	Refuse in full Sections 33(1), 35(1)(b)	Sections 33(1), 35(1)(b) and 25: See comments for Document 5 above.
22.	[date]	Annexure 18	29	Refused in full Sections 33(1), 35(1)(b)	Refuse in full Sections 33(1), 35(1)(b)	Sections 33(1), 35(1)(b) and 25: See comments for Document 5 above.
23.	[date]	Annexure 19	31	Refused in full Sections 33(1), 35(1)(b)	Refuse in full Sections 33(1), 35(1)(b)	Sections 33(1), 35(1)(b) and 25: See comments for Document 5 above.
24.	[date]	Annexure 20	105	Released outside the FOI Act	Not subject to review	
25	[date]	Annexure 21	54	Released outside the FOI Act	Not subject to review	
26.	[date]	Annexure 22	2	Released outside the FOI Act	Not subject to review	
27.	N/A	Annexure 23	1	Released outside the FOI Act	Not subject to review	
28.	N/A	Annexure 24	10	Released outside the FOI Act	Not subject to review	
29.	N/A	Annexure 25	1	Released outside the FOI Act	Not subject to review	
30.	N/A	Annexure 26	2	Released outside the FOI Act	Not subject to review	
31.	N/A	Annexure 27	2	Refused in full Sections 33(1), 35(1)(b)	Refuse in full Sections 33(1), 35(1)(b)	Sections 33(1), 35(1)(b) and 25: See comments for Document 5 above.

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32.	N/A	Annexure 28	4	Refused in full Sections 33(1), 35(1)(b)	Refuse in full Sections 33(1), 35(1)(b)	Sections 33(1), 35(1)(b) and 25: See comments for Document 5 above.
33.	[date]	Annexure 29	7	Refused in full Sections 33(1), 35(1)(b)	Refuse in full Sections 33(1), 35(1)(b)	Sections 33(1), 35(1)(b) and 25: See comments for Document 5 above.
34.	[date]	Annexure 30	2	Refused in full Sections 33(1), 35(1)(b)	Refuse in full Sections 33(1), 35(1)(b)	Sections 33(1), 35(1)(b) and 25: See comments for Document 5 above.
35.	[date]	Annexure 31	2	Refused in full Sections 33(1), 35(1)(b)	Refuse in full Sections 33(1), 35(1)(b)	Sections 33(1), 35(1)(b) and 25: See comments for Document 5 above.
36.	[date]	Annexure 32	1	Refused in full Sections 33(1), 35(1)(b)	Refuse in full Sections 33(1), 35(1)(b)	Sections 33(1), 35(1)(b) and 25: See comments for Document 5 above.
37.	[date]	Annexure 33	4	Refused in full Sections 33(1), 35(1)(b)	Refuse in full Sections 33(1), 35(1)(b)	Sections 33(1), 35(1)(b) and 25: See comments for Document 5 above.
38.	[date]	Annexure 34	3	Released outside the FOI Act	Not subject to review	
39.	N/A	Annexure 35	4	Released outside the FOI Act	Not subject to review	

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40.	[date]	Annexure 36	3	Refused in full Sections 33(1), 35(1)(b)	Refuse in full Sections 33(1), 35(1)(b)	Sections 33(1), 35(1)(b) and 25: See comments for Document 5 above.
41.	[date]	Annexure 37	2	Released outside the FOI Act	Not subject to review	
42.	[date]	Annexure 38	1	Released outside the FOI Act	Not subject to review	
43.	N/A	Annexure 39	7	Released outside the FOI Act	Not subject to review	
44.	N/A	Annexure 40	8	Released outside the FOI Act	Not subject to review	
45.	[date]	Annexure 41	19	Released outside the FOI Act	Not subject to review	
46.	N/A	Annexure 42	16	Released outside the FOI Act	Not subject to review	
47.	[date]	Annexure 43	2	Refused in full Sections 33(1), 35(1)(b)	Refuse in full Sections 33(1), 35(1)(b)	Sections 33(1), 35(1)(b) and 25: See comments for Document 5 above.
48.	N/A	Annexure 44	1	Released outside the FOI Act	Not subject to review	
49.	[date]	Annexure 45	1	Refused in full Sections 33(1), 35(1)(b)	Refuse in full Sections 33(1), 35(1)(b)	Sections 33(1), 35(1)(b) and 25: See comments for Document 5 above.
50.	[date]	Annexure 46	2	Refused in full Sections 33(1), 35(1)(b)	Refuse in full Sections 33(1), 35(1)(b)	Sections 33(1), 35(1)(b) and 25: See comments for Document 5 above.

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51.	N/A	Annexure 47	136	Released outside the FOI Act	Not subject to review	
52.	N/A	Annexure 48	26	Released outside the FOI Act	Not subject to review	
53.	[date]	Annexure 49	10	Refused in full Sections 33(1), 35(1)(b)	Refuse in full Sections 33(1), 35(1)(b)	Sections 33(1), 35(1)(b) and 25: See comments for Document 5 above.
54.	[date]	Annexure 50	8	Refused in full Sections 33(1), 35(1)(b)	Refuse in full Sections 33(1), 35(1)(b)	Sections 33(1), 35(1)(b) and 25: See comments for Document 5 above.
55.	[date]	Annexure 51	5	Released outside the FOI Act	Not subject to review	
56.	[date]	Annexure 52	8	Released outside the FOI Act	Not subject to review	
57.	[date]	Annexure 53	1	Released outside the FOI Act	Not subject to review	
58.	[date]	Annexure 54	3	Refused in full Sections 33(1), 35(1)(b)	Refuse in full Sections 33(1), 35(1)(b)	Sections 33(1), 35(1)(b) and 25: See comments for Document 5 above.