

Notice of Decision and Reasons for Decision

Applicant:	'BU5'
Agency:	Department of Health and Human Services
Decision date:	30 June 2020
Exemptions considered:	Sections 33(1), 30(1)
Citation:	'BU5' and Department of Health and Human Services (Freedom of Information) [2020] VICmr 196 (30 June 2020)

FREEDOM OF INFORMATION – Assessment Order (AO) and Temporary Treatment Order (TTO) validity – Mental Health Act – correspondence to agency – private psychiatrist – catalogue of contact with Agency – [named] database – preliminary assessments

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 that I have decided to release additional information in the document.

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

30 June 2020

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 amended their initial request.

2. The amended request seeks access to the following documents:

...any and all information and/or documents that have arisen in relation to myself, whether I am explicitly mentioned by name or otherwise, for all available date ranges, held by:

- [named] Hospital / [named] clinic (which is associated with the hospital), and the CATT unit associated with the hospital;
- [named] Hospital and any CATT unit associated with it;
- [named] Hospital [location] and any CATT unit associated with it;
- The Office of the Chief Psychiatrist and any department/ agent/ agency/ authority/ office/ administration/ minister/ ministry affiliated with, or in any way to, this office;
- General Health information, including, but not limited to, anything within, or affiliated with, My Health Record, Mental Health Complaints Commissioner, Disability Support Pension, Minister for Health;
- Any office operating within, or affiliated with, the Mental and Medical health branches of the Department of Health and Human Services.

3. In its decision, the Agency identified certain documents falling within the last dot point in the Applicant's request only. The Agency relied on the exemptions under sections 30(1) and 33(1) to refuse access to the documents in part. The Agency's decision letter sets out the reasons for its decision.

4. The documents identified are extracts from the database of the Office of the Chief Psychiatrist (**OCP**), which catalogues the Applicant's contact with the OCP. The Chief Psychiatrist provides system-wide oversight of Victoria's public mental health services,¹ and whose functions are defined under section 121 of the *Mental Health Act 2014* (Vic) (**Mental Health Act**).

5. A function of the Chief Psychiatrist is to give direction to mental health service providers regarding service provision, and to assist mental health services to comply with the Mental Health Act, regulations made under that Act and codes of practice.

Review

6. The Applicant sought review by the Information Commissioner under section 49A(1) of the Agency's decision to refuse access.

7. During the course of the review the Applicant informed OVIC they were of the view the Agency had not located all documents relevant to their FOI request. In accordance with section 61B(3) of the FOI Act, OVIC determined the subject matter of the Applicant's complaint could be dealt with by this review rather than under a separate complaint file.

¹ Department of Health and Human Services Office of the Chief Psychiatrist (Vic), *Annual Report 2018-2019* (2019) 9.

8. OVIC sought further information from the Agency regarding the documents, and further searches were conducted.
9. After conducting further searches and liaising with staff members, the Agency advised no further documents were identified.
10. I am satisfied the Agency did not, following further searches, locate any additional documents falling within the terms of the Applicant's request. I note it is open to the Applicant to make a new FOI request for any further documents falling outside the terms of the request to which they seek access.
11. I have examined copies of the documents subject to review. I note the Agency provided the Applicant with documents relating to the processing of this FOI request, with certain information removed. These documents are not subject to my review.
12. The Applicant and the Agency were invited to make a written submission under section 49H(2) in relation to the review.
13. I have considered all communications and submissions received from the parties, including:
 - (a) the Agency's decision on the FOI request;
 - (b) the information provided with the Applicant's review application;
 - (c) the Agency's submission dated [date]; and
 - (d) information provided by the Agency on [date].
14. In undertaking my review, I have had regard to the object of the FOI Act, which is to create a general right of access to information in the possession of the Government or other public bodies, limited only by exceptions and exemptions necessary to protect essential public interests, privacy and business affairs.

Review of exemptions

Section 30(1)

15. 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;
 - (a) 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
 - (b) disclosure of the matter would be contrary to the public interest.
16. The exemption does not apply to purely factual material in a document.²

Inpatient Assessment and Treatment Orders

17. The Agency exempted one section of text under section 30(1) in an email from one Agency officer of the Legal Team within the mental health branch of the Department to another staff member regarding the 'AO calculation of time'. I note that an 'AO' is an 'Assessment Order' made in

² Section 30(3).

accordance with the Mental Health Act that authorises the Agency to conduct a compulsory assessment of a person to determine whether they need compulsory mental health treatment. It provides authority for the person to be taken to a designated mental health service for treatment.

18. By way of background, while on an Assessment Order, a person must be examined according to treatment criteria in the Mental Health Act. The Order is valid for 24 hours, with options to extend at any time, or a subsequent Temporary Treatment Order may be made as a result of an examination.

Do the documents contain information in the nature of opinion, advice, recommendation, consultation or deliberation prepared by an officer?

19. In *Halliday v Office of Fair Trading*,³ the former Administrative Appeals Tribunal of Victoria held the words 'opinion, advice or recommendation' convey a meaning of matters in the nature of 'a personal view', 'an opinion recommended or offered' or 'a presentation worthy of acceptance'.
20. The term 'officer of an Agency' is defined in section 5(1). It includes a member of the agency, a member of the agency's staff, and any person engaged by or on behalf of the agency, whether or not that person is one to whom the provisions of the *Public Administration Act 2004* (Vic) apply.
21. Having reviewed the document, I am satisfied it contains the opinion and advice of an Agency officer. I am also satisfied the document does not contain purely factual information for the purposes of section 30(3).

Were the opinions, advice or recommendations provided in the course of the Agency's deliberative processes?

22. The term 'deliberative process' has been interpreted widely. In *Re Waterford and Department of Treasury (No. 2)*,⁴ the Commonwealth 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.

23. I am satisfied the Officer's opinion and advice were provided in the course of and for the purpose of the Agency's deliberative processes with respect to the operation of certain provisions of the Mental Health Act in relation to the Applicant.

Would it be contrary to the public interest for this information to be released?

24. I must also consider whether disclosure of this information would be contrary to the public interest. This requires a 'process of the weighing against each other conflicting merits and demerits'.⁵
25. In deciding if disclosure 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.
26. In deciding whether disclosure of the document would be contrary to the public interest, I have taken the following factors into consideration:⁶
 - (a) the right of every person to gain access to documents under the FOI Act;

³ (unreported, AAT of Vic, Coghlan PM, 20 July 1995).

⁴ [1981] 1 AAR 1.

⁵ *Sinclair v Maryborough Mining Warden* [1975] HCA 17; (1975) 132 CLR 473 at 485, adopted in *Department of Premier and Cabinet v Huls* [1999] VSCA 117 at [30].

⁶ *Huls v Victorian Casino and Gambling Authority* (1998) 12 VAR 483.

- (a) the degree of sensitivity of the issues discussed in the document and the broader context giving rise to the creation of the document;
- (b) the stage of a decision or status of policy development or a process being undertaken at the time the communications were made;
- (c) 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;
- (d) whether disclosure of the document 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 document; and
- (e) the public interest in the community being better informed about the way in which the agency carries out its functions, including its deliberative, consultative and decision making processes and whether the underlying issues require greater public scrutiny.

27. I have considered the following factors in determining whether release of the document would be contrary to the public interest:

(a) The nature of the document

The document was created by officers of the Agency's health service. I note it was created during its consideration of the calculation of time for a particular Assessment Order. The document does not constitute the Agency's final decision with respect to the calculation of time for an Assessment Order and represents only its initial thinking.

The Agency submits the subject matter of the document is highly sensitive as:

The advice that the department were to give in relation to this matter would directly impact the liberty of the relevant patient. In this sense, a preliminary opinion that is knowingly not made with the full details available.

I consider the document sensitive in nature in that it relates to the hospital's decision making process during compulsory medical care.

Queries raised within the health service and the resulting communication between the health service and the Agency, are aimed at identifying any concerns about treatment and care provided in a particular matter, as well as determining if there are relevant lessons that can be taken from the event. Complaints, investigations and findings that arise from such enquiries promote continuous improvement in practices, policies and procedures within the public health system. This factor weighs against disclosure.

(b) The nature of the information

In *Howard v Treasurer*,⁷ the Commonwealth Administrative Appeals Tribunal held the more sensitive the issues involved in a communication, the more likely it will be the communication should not be disclosed.

⁷ (Cth) (1985) 7 ALD 626; 3 AAR 169.

The document consists of the Agency officer's notes, observations, assessments and analysis with respect to the medical care of the Applicant. I consider the information is not a complete record of all matters considered by the Agency in reaching a decision as to implementing an Assessment Order and a Temporary Treatment Order. It gives a partial explanation of the considerations and deliberations made by the Agency at a point in time.

Further, I am not satisfied it is in the public interest to disclose the information in the document as I do not consider the community would be better informed about the way in which the Agency carries out its functions, including its deliberative, consultative and decision making processes. This factor weighs against disclosure.

(c) The effect of disclosure

Disclosure of information in the document may have an adverse effect on the integrity or effectiveness of future assessments conducted by the Agency in that medical officers seeking to report contributing factors to incidents may alter their responses to influence an Agency decision.

I note the Applicant's submission:

If the material represents a frank and honest appraisal the opinions therein contained, releasing it to the public can have no negative effect on public interest – an honest appraisal of how an Act ought to be interpreted with regard to a given situation cannot in any way harm public interest because it would, presumably, be in the interest of the public for OCP to continue to have frank and honest discussions of this kind.

While Agency officers are professionally obliged to provide their opinions and comments with respect to managing patients, I accept there is a public interest in them being able to record details of early discussions between Agency officers without concerns such information will be disclosed to patients. Therefore, I am satisfied the impact of routinely disclosing documents of this nature would undermine the robustness of the Agency's process in developing patient plans. This factor weighs against disclosure.

(d) Nature of disclosure under FOI

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.⁸

I accept there is a risk if preliminary documents were routinely disclosed under the FOI Act, where no restrictions or conditions can be placed upon a document's further use or dissemination, medical and hospital personnel may be inhibited to provide their opinions where an element of discretion exists.

There is no information before me to suggest the Applicant intends to disseminate the document if disclosed in full. However, having considered the nature of the document and the information it contains, I consider this factor weighs against disclosure.

28. I note the view of the Victorian Civil Administrative Tribunal (**VCAT**) in a case concerning a request for documents held by the OCP concerning a decision made that had an effect on the Applicant.⁹ In this matter, the role of the Chief Psychiatrist under the Mental Health Act was considered, namely the role in investigating complaints about care and treatment provided by publicly funded clinical mental health services, and whether that information provided voluntarily by services on the understanding

⁸ [2008] VSCA 218 at [68].

⁹ *JPP v Department of Health and Human Services* (Review and Regulation) [2016] VCAT 884, at [17].

that it is provided in confidence, will be used only for the purposes of responding to the complaint and will not be itself released to the complainant. It was found there was no evidence that the release of the information would improve the quality of the decision making processes of the Chief Psychiatrist.¹⁰

29. While noting the right of every person to seek access to documents under the FOI Act, I consider it would be contrary to the public interest to disclose certain information in the document due to the likelihood it would undermine the Agency's development of plans for managing clinical incidents and the ability of Agency officers to freely record their opinions and details of consultations.
30. Accordingly, I am satisfied it would be contrary to the public interest to release the relevant information, have determined the document is exempt under section 30(1).
31. The Schedule of Documents in **Annexure 1** details my decision with respect to the document.

Section 33(1)

32. 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;¹¹ and
 - (b) such disclosure would be 'unreasonable'.

Does the document contain personal affairs information?

33. Information relates to the 'personal affairs' of a person if it is reasonably capable of identifying them, or of disclosing their address or location.¹²
34. It has also been held information relates to an individual's personal affairs if it 'concerns or affects that person as an individual'.¹³
35. As the nature of disclosure under the FOI Act is unrestricted and unconditional, this is to be interpreted by the capacity of any member of the public to identify a third party.¹⁴
36. The document contains the full names and contact details of Agency officers and third parties. These are officers of the Agency (ie. staff of the Office of the Chief Psychiatrist), staff of a health service who provided services to the Applicant, and a private practitioner who provided services to the Applicant.
37. Accordingly, I am satisfied the document contains the personal affairs information of persons other than the Applicant.

Would disclosure of the documents be unreasonable?

38. The concept of 'unreasonable disclosure' involves balancing the public interest in the disclosure of official information with the protection of a person's right to privacy in the circumstances of a matter.

¹⁰ *JPP v Department of Health and Human Services* (Review and Regulation) [2016] VCAT 884 at [25].

¹¹ Sections 33(1) and (2).

¹² Section 33(9).

¹³ *Hanson v Department of Education & Training* [2007] VCAT 123 at [9].

¹⁴ *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].

39. In *Victoria Police v Marke*¹⁵ by the Supreme Court of Victoria Court of Appeal in which it was held there is 'no absolute bar to providing access to documents which relate to the personal affairs of others', and 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'.
40. As also stated in *Victoria Police v Marke*, '[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 to a lesser or greater degree'.¹⁶
41. I note the Agency determined it was not unreasonable to release the names of the Applicant's private health practitioner or their treating practitioner at the health service. Therefore, I must decide whether it would be unreasonable to disclose the names of the staff who handled two matters relating to the Applicant at the OCP, the names of staff at the Agency who provided advice to the OCP and the names of staff at a health service.
42. In relation to the remainder of the personal affairs information, in determining whether disclosure of the personal information in the document would be unreasonable, I have considered the following factors:

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

The nature of the personal affairs information is the names of people. The information was obtained in the context of providing health services to the Applicant. The information includes the names of mental health services staff, such as Psychiatrists, Clinical Advisors, and administrative staff.

The Applicant submitted the release of personal affairs information would not be unreasonable given the high-level roles that some of the persons occupy.

On the information before me, I do not consider it would be unreasonable to release the personal affairs information of those people who had direct contact with the Applicant, or who were medical practitioners acting in their capacity of providing professional advice regarding the treatment of the Applicant. This factor weighs strongly in favour of disclosure.

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

The Applicant is seeking the names of Agency staff who were involved in decision making in relation to [their] medical care. In my view, the ability to obtain such information provides an important mechanism for ensuring the integrity of such information.

I therefore acknowledge the Applicant's personal interest in seeking access to the information and note that, should the Applicant have concerns about the conduct of health staff in relation to their care, they may raise these concerns with the Mental Health Complaints Commissioner. This factor weighs in favour of disclosure.

While I acknowledge the Applicant's personal interest in seeking access to the information, there is no information before me to suggest the public interest would be promoted by the release of the personal affairs information of some of the third parties captured. This factor weighs against disclosure where those people did not directly provide services to the Applicant and their names appear in the documents only incidentally.

¹⁵ [2008] VSCA 218 at [76].

¹⁶ [2008] VSCA 218 at [79].

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

The Agency advised it consulted with some of the third parties in accordance with section 33(2B) and I have taken into consideration those views of people who objected to the release of their names.

I note the views held in *Marke*,¹⁷ where the VCAT noted that for a third-party to object to the release of personal affairs information is a relevant consideration to be taken into account, but it is not determinative.

The Agency advised some Agency staff objected to the release of their names. It did not consult with some of the third parties, and as such I do not have any information before as to the views of those persons to whom the information relates. Having considered the nature of the information and the circumstances in which it was obtained, I am of the view some individuals, whose personal affairs information is in the documents, would be reasonably likely to object to the release of that information in the document. This weighs against disclosure.

(d) The Applicant's interest in the information, and whether their purpose for seeking the information is likely to be achieved

The FOI Act provides a general right of access that can be exercised by any person, regardless of their motive or purpose for seeking access to a document. However, the reasons why an applicant seeks access to a document is a relevant consideration in determining whether disclosure would be unreasonable.¹⁸

The Applicant's detailed review request indicates they seek access to the documents 'to be able to cross-reference my own notes' in relation to being 'directly affected by the contents of the documents discussing whether or not I was being illegally detained in hospital.'

In relation to those staff that did have direct contact with the Applicant, I consider the Applicant's purpose for seeking the information may be achieved by granting access to the personal affairs information of third parties acting within their professional or official capacity, as the information may enable the Applicant to accurately identify any individuals they consider may have acted unlawfully. I consider this factor weighs in favour of disclosure.

As noted above, I consider the release of Agency staff names who are senior officers in Victoria's health sector to be reasonable, given their leadership role, and their responsibilities to promote the rights and safety of people receiving mental health treatment in public mental health services.¹⁹ This weighs in favour of disclosure.

The Agency submits the following in relation to those staff that did not have direct involvement with the applicant:

The department submits that releasing the names of junior staff named within the documents, and mainly involved in an administrative capacity, would not further the Applicant's interests in any meaningful way.

I agree with this submission by the Agency and consider this factor weighs against disclosure in relation to those staff.

¹⁷ *Marke v Victoria Police* (2007) 28 VAR 84; [2007] VSC 522 at [45].

¹⁸ *Victoria Police v Marke* [2008] VSCA 218 at [104].

¹⁹ Section 120, *Mental Health Act 2014* (Vic).

(e) Whether release of the information could lead the persons to whom it relates suffering stress and anxiety

I note the view of the VCAT in the case noted above regarding a request for documents held by the same Agency, where it was noted that the disclosure would involve the unreasonable disclosure of information relating to the personal affairs of people other than those at a senior level, and would be an unreasonable intrusion as those officers should not have to consider the possibility of an Applicant seeking to raise his concerns directly.²⁰

Having considered the nature of some of the information and the circumstances in which it was obtained, I consider disclosure of certain information would be reasonably likely to lead to some of the individuals to which information relates suffering stress anxiety. This factor weighs against disclosure for those individuals.

43. Section 33(2A) requires, in deciding whether the disclosure of a document would involve the unreasonable disclosure of information relating to the personal affairs of any person, I must take into account whether the disclosure of the information would, or would be reasonably likely to, endanger the life or physical safety of any person. However, I do not consider this to be a relevant factor in this matter.
44. Having weighed up the above factors, I am satisfied disclosure of some of the personal affairs information in the documents is unreasonable and exempt under section 33(1). My decision in relation to each document is set out in the schedule of document at **Annexure 1** below.

Deletion of exempt or irrelevant information

45. 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.
46. Determining what is 'practicable' requires consideration of the effort and editing involved in making the deletions 'from a resources point of view'²¹ 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 25.²²
47. I have considered whether it is practicable to provide the Applicant with an edited copy of the documents with exempt information deleted in accordance with section 25. I am satisfied it is practicable as to do so would not require substantial time and effort, and the edited document would retain meaning.

Conclusion

48. On the information available, I am satisfied certain documents are exempt under sections 30(1) and 33(1).
49. As I have decided it is practicable to edit the documents to remove exempt information in accordance with section 25, I have determined to grant access to certain documents in part.
50. The Schedule of Documents in **Annexure 1** details my decision with respect to the document.

²⁰ *JPP v Department of Health and Human Services* (Review and Regulation) [2016] VCAT 884 at [37], with reference to views expressed *Smeaton v Victorian WorkCover Authority* (General) [2012] VCAT 1549 at [589].

²¹ *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].

²² *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

51. If either party to this review is not satisfied with my decision, they are entitled to apply to VCAT for it to be reviewed.²³
52. The Applicant may apply to VCAT for a review up to 60 days from the date they are given this Notice of Decision.²⁴
53. The Agency may apply to VCAT for a review up to 14 days from the date it is given this Notice of Decision.²⁵
54. 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.
55. 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.²⁶

Notification of third party review rights

56. Section 49P(5) provides if I make a decision to disclose a document claimed to be exempt under section 33(1), if practicable, I must notify any person who has a right to make an application for review of the decision under section 50(3) of the existence of that right.
57. I have decided to release documents that contain information relating to the personal affairs of third parties.
58. However, in the circumstances, I do not consider it is practicable to notify all persons who provided information the Agency claimed to be exempt under section 33(1).
59. In most instances, I consider there is insufficient information to ascertain the identity or contact details of the person to whom the information relates. For example, the personal affairs information is a name, or part of a name only. Therefore, I do not consider it would be practicable to notify these individuals of any review rights in the circumstances.
60. Therefore, where practicable to do so, the relevant persons will be notified of my decision of their right to apply to VCAT for a review within 60 days from the date they are given notice of my decision.

When this decision takes effect

61. My decision does not take effect until the relevant review periods (as stated above) expire.
62. If a review application is made to VCAT, my decision will be subject to any VCAT determination.

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

²⁴ Section 52(5).

²⁵ Section 52(9).

²⁶ 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.	Various	Contact 1 – Consultation from Private Psychiatrist	19	Released in part Section 33(1)	<p>Release in part Sections 33(1), 25</p> <p>The document is to be released with the information exempted by the Agency under section 33(1) to remain deleted in accordance with section 25, except for the following information which is not exempt:</p> <ul style="list-style-type: none"> • pages 7, 8, 9, 10, 11, 12, 13, 14: release name in the fifth row of ‘Comments’ column at the time of ‘[date] 05:28’; • page 10: release name preceding job title after the eighth word in bottom ‘Comments’ section; • page 11: release name after the third word in bottom ‘Comments’ section; • page 16: release name appearing under Column Heading ‘Case Owner’; and • page 19: release name after letter’s date, above postal 	<p>Section 33(1): I have identified the following personal affairs information in the document:</p> <ul style="list-style-type: none"> • the name of the OCP staff member who handled a notification to it about the Applicant; • the names of staff at a health service; and • the names of Agency staff. <p>I am satisfied disclosure of this information would not be unreasonable for the reasons outlined above.</p> <p>However, I consider it would be unreasonable to release the names of Agency officers who did not have direct contact with the Applicant and whose duties within the Agency are administrative only.</p> <p>Section 25: I am satisfied it is practicable to delete exempt information in the document in accordance with section 25.</p>

Annexure 1 – Schedule of Documents

Document No.	Date of Document	Document Description	Number of Pages	Agency’s Decision	OVIC Decision	OVIC Comments
					address.	effort, and the edited document would retain meaning.
2.	Various	Contact 2 – Assessment Order Validity	57	Released in part Sections 30(1), 33(1)	<p>Release in part Sections 30(1), 33(1), 25</p> <p>The document is to be released with:</p> <ul style="list-style-type: none"> • the information exempted by the Agency under section 30(1) to remain deleted in accordance with section 25; and • the following personal affairs information to remain deleted, as it is exempt under section 33(1), in accordance with section 25: <ul style="list-style-type: none"> ○ pages 12 and 13 in ‘Comments’ section, name of the ‘[named] branch’ staff member and following five words that were exempted by the Agency; ○ email address and first and last name of person referred to in first dot point above that appears throughout the 	<p>Section 33(1): I have identified the following personal affairs information in the document:</p> <ul style="list-style-type: none"> • the name of the OCP staff member who took a complaint from the Applicant; • the names of health care providers; and • the names of agency staff. <p>I am satisfied disclosure of this information would not be unreasonable for the reasons outlined above.</p> <p>However, I consider it would be unreasonable to release the names of Agency officers who did not have direct contact with the Applicant and whose duties within the Agency are administrative only.</p> <p>Section 30(1): The document contains information in the nature of opinion and</p>

Annexure 1 – Schedule of Documents

Document No.	Date of Document	Document Description	Number of Pages	Agency's Decision	OVIC Decision	OVIC Comments
					<p>document;</p> <ul style="list-style-type: none"> ○ pages 14 and 15: name and email address of person 'cc' to the email; ○ page 38: the name of the person under heading 'Case Owner' and all other instances of this name throughout the document; and ○ page 41: name of person that appears in top left hand (as it appears this is the person who printed the email) and all other instances of this name throughout the document. 	<p>recommendation produced in the course of, and for the purpose of, the Agency's deliberative process in providing medical care for the Applicant. I am satisfied it would be contrary to the public interest to release certain information in the document. Accordingly, the relevant information in the document is exempt under section 30(1).</p> <p>Section 25: I am satisfied it is practicable to delete exempt information in the document in accordance with section 25. effort, and the edited document would retain meaning.</p>