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Information Commissioner

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Notice of Decision and Reasons for Decision

Applicant:	'BW6'
Agency:	Victoria Police
Decision Date:	6 August 2020
Exemptions considered:	Sections 31(1)(d), 31(1)(e), 33(1) and 38 of the <i>Freedom of Information Act 1982</i> (Vic) in conjunction with section 115(6) of the <i>Coroners Act 2008</i> (Vic)
Citation:	'BW6' and Victoria Police (<i>Freedom of Information</i>) [2020] VICmr 217 (6 August 2020)

FREEDOM OF INFORMATION – police documents – law enforcement documents – Information Report – police investigation – agency correspondence

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.

While I am satisfied certain documents are exempt under sections 31(1)(d) and 33(1), I have decided to release additional information in the documents.

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

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

My reasons for decision follow.

Joanne Kummrow

Public Access Deputy Commissioner

6 August 2020

Reasons for Decision

Background to review

1. The Applicant made a request to the Agency for access to the following documents:

...a copy of Information Reports [Number to Number] pertaining to [the Applicant's] investigation
2. In its decision, the Agency identified thirty-three documents falling within the terms of the Applicant's request and relied on the exemptions under sections 31(1)(d), 31(1)(e), 33(1) and 35(1)(b) to refuse access to parts of the documents. The Agency's decision letter sets out the reasons for its decision.

Review

3. The Applicant sought review by the Information Commissioner under section 49A(1) of the Agency's decision to refuse access.
4. I have reviewed the documents and been briefed by OVIC staff who inspected information in the documents the Agency exempted under section 31(1).¹
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, including:
 - (a) the Agency's decision on the FOI request;
 - (b) information provided with the Applicant's review application; and
 - (c) information received from the Agency on [date].
7. During the review, the Applicant confirmed they seek review of all information in the documents exempted by the Agency.
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 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

10. I am limited to the extent to which I can discuss how Information Reports are used within the Agency and in law enforcement generally. It is clear from the nature of the documents, their intended purpose is for information gathering by police investigators and Agency officers.

¹ Section 63D provides such documents may only be inspected at an agency's premises and the Information Commissioner is not entitled to take possession of them.

11. Having considered information provided by the Agency in relation to the creation, use and dissemination of Information Reports within the Agency, I am satisfied information in the documents was gathered by the Agency while carrying out its investigative function and is sensitive in nature.
12. For the above reasons, I am constrained in the amount of information I can include in this notice about the reasons for my decision, as to do so would disclose information I have determined is exempt under the FOI Act.

Section 31(1)(e)

13. Section 31(1)(e) provides:

31 Law enforcement documents

Subject to this section, a document is an exempt document if its disclosure under this Act would, or would be reasonably likely to—

(1)

...

- (e) endanger the lives or physical safety of persons engaged in or in connection with law enforcement or persons who have provided confidential information in relation to the enforcement or administration of the law;

14. I have considered the following factors in deciding whether disclosure of the documents would be reasonably likely to endanger the lives or physical safety of the Agency's staff or people who provided confidential information to the Agency:
 - (a) there must be a real chance of the apprehended endangerment occurring, rather than a fanciful or remote chance;²
 - (b) the danger to a relevant person must arise from the disclosure of the specific document rather than from other circumstances;³
 - (c) the risk to which the exemption refers may not be from the Applicant themselves, it may be from another person should the information become generally known;⁴
 - (d) whether it would be reasonably likely there would be a danger to physical safety, not that physical harm will definitively occur;⁵
 - (e) physical safety is not just about actual safety, it is also about a person's perception as to whether they are safe;⁶
 - (f) the focus of the relevant test is upon the impact on a relevant person, not upon the motives of the Applicant;⁷and
 - (g) the fact Information Reports are not generally made public and treated as confidential.
15. As stated above, the exempt information was gathered by the Agency in carrying out its investigative function. While I note the sensitivity of the information, given the matter to which it relates, on the information before me at the time of my decision, I am not satisfied all information in the

² *Department of Agricultural and Rural Affairs v Binnie* [1989] VR 836 at [842].

³ *Re Lawless and Secretary to Law Department* [1985] 1 VAR 42 at [50]-[51].

⁴ *Department of Agricultural and Rural Affairs v Binnie* [1989] VR 836 at [844].

⁵ *Ibid.*

⁶ *O'Sullivan v Police (Vic)* [2005] 22 VAR 426; [2005] VCAT 532 at [19].

⁷ *Ibid* at [19].

documents, if disclosed, would endanger the life or physical safety of the persons who provided the information or the Agency officers who gathered and reported the information. Accordingly, I am not satisfied all information in the documents is exempt under section 31(1)(e).

16. The Schedule of Documents in **Annexure 1** sets out my decision in relation to section 31(1)(e).

Section 31(1)(d)

17. Section 31(1)(d) provides:

31 Law enforcement documents

Subject to this section, a document is an exempt document if its disclosure under this Act would, or would be reasonably likely to—

(1)

...

- (d) disclose methods or procedures for preventing, detecting, investigating, or dealing with matters arising out of, breaches or evasions of the law the disclosure of which would, or would be reasonably likely to, prejudice the effectiveness of those methods or procedures;

18. 'Reasonably likely' means there is a real chance of an event occurring; it is not fanciful or remote.⁸

19. 'Prejudice' means to hinder, impair or undermine and includes actual prejudice as well as impending prejudice.⁹

20. The exemption in section 31(1)(d) does not apply to methods and procedures that are widespread and well known.¹⁰

21. The Agency relied on this exemption in relation to parts of the Information Reports.

22. In its decision, the Agency states:

Part of the deleted information comprises details of the methods and procedures used by police during the course of the investigation into this matter. I am satisfied that the release of this information would be reasonably likely to prejudice the future effective use of those methods and procedures pursuant to the provisions of section 31(1)(d) of the [FOI] Act.

23. I note certain information relates to surveillance. I acknowledge it is well known that, in certain circumstances, law enforcement agencies carry out surveillance as part of an investigation. Where an individual is charged with an offence on the basis of evidence gathered from police surveillance, details of the circumstances and manner in which surveillance was conducted will likely be apparent from information disclosed through the criminal trial process. However, what is not well known are the circumstances in which the Agency determines whether surveillance is warranted, or in what manner surveillance is to be carried out where an individual is yet to be charged, may not have been charged, or is not aware of having been under surveillance.

24. If information about surveillance to be undertaken by the Agency were to be released prior to a person being charged, it would allow that individual to make efforts to evade being the subject of effective surveillance. I am satisfied this would be reasonably likely to prejudice the effectiveness of surveillance as an investigative method.

⁸ *Bergman v Department of Justice Freedom of Information Officer* [2012] VCAT 363 at [65], quoting *Department of Agriculture and Rural Affairs v Binnie* [1989] VR 836.

⁹ *Ibid*, *Bergman* at [66], referring to *Sobh v Police Force of Victoria* [1994] VicRp 2; [1994] 1 VR 41 at [55].

¹⁰ *XYZ v Victoria Police* [2010] VCAT 255 at [177].

25. Having been briefed by OVIC staff, who inspected documents exempted by the Agency under section 31(1)(d), I am satisfied the exempted information relates to methods and procedures employed by Agency officers in carrying out its investigative function.
26. Further, I am satisfied the relevant information is not widespread or well known amongst the public. Having considered the likely effect of disclosing this information under the FOI Act, which provides for unrestricted and unconditional release of information, I am satisfied disclosure would be reasonably likely to undermine the use by the Agency and the effectiveness of such methods and procedures in carrying out its investigative and law enforcement functions.
27. Accordingly, I am satisfied the relevant information in the documents is exempt under section 31(1)(d).
28. The Schedule of Documents in **Annexure 1** sets out my decision in relation to section 31(1)(d).

Section 38

29. A document is 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).
30. For section 38 to apply to an enactment, an enactment must be formulated with such precision that it specifies the actual information to which access is sought to be refused.
31. The Agency relies on section 38 in conjunction with section 115(6) of the *Coroners Act 2008* (Vic) (**Coroners Act**) to exempt part of one document.
32. Section 115(6) of the Coroners Act states:

...

 - (6) A document relating to the investigation of a death or a fire that is held by a coroner must not be released by a coroner except as permitted under this Act or any other law.

Is there an enactment in force?

33. I am satisfied the Coroners Act is an enactment in force for the purposes of section 38.

Does the Coroners Act apply specifically to the information in the documents?

34. The document contains a brief amount of information that relates to the operation of the Coroners Act.
35. The information redacted by the Agency merely refers to documents that were collected by the Agency for the purpose of a potential investigation to be conducted by the Coroner. I am satisfied the document is not currently held by the Coroner. Therefore, it is not a document to which section 115(6) of the Coroners Act applies.
36. The information is not characterised as being a document provided to the Coroner, but makes reference to documents provided to the Coroner.

37. Accordingly, I am not satisfied the requirements of section 115(6) of the Coroners Act are met, and the relevant document is not exempt under section 38.
38. The Schedule of Documents in **Annexure 1** sets out my decision in relation to section 38.

Section 33(1)

39. 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'.

Do the documents contain personal affairs information?

40. 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
41. It has also been held information relates to an individual's personal affairs if it 'concerns or affects that person as an individual'.¹³
42. 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
43. The documents contain the following personal affairs information:
- (a) names of police officers and Agency officers and other persons, who provided information to police investigators;
 - (b) position titles/ranks;
 - (c) registered numbers;
 - (d) relationship descriptors;
 - (e) residential addresses;
 - (f) licence numbers;
 - (g) telephone numbers; and
 - (h) other contextual information which is reasonably capable of identifying third parties.
44. Accordingly, I am satisfied the documents contain the personal affairs information of individuals other than the Applicant.

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].

Would disclosure of the personal affairs information be unreasonable?

45. The concept of 'unreasonable disclosure' involves balancing the public interest in disclosure of official information with the protection of a person's right to privacy in the particular circumstances.
46. The Supreme Court of Victoria Court of Appeal has 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'.¹⁵ The Court also stated, '[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
47. The proper application of section 33(1) involves consideration of 'all matters relevant, logical and probative to the existence of conditions upon which the section is made to depend'.¹⁷
48. In determining whether disclosure of personal affairs information in documents would be unreasonable in this matter, I have considered the following factors:

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

The nature of the personal affairs information is outlined above. The information was obtained by the Agency in the context of undertaking an investigation into allegations made against the Applicant. I also note my considerations outlined above, noting Information Reports generally remain confidential. My assessment of this factor varies according to the persons to whom the information relates, as follows.

Individuals acting in their official capacity

The Agency exempted the personal affairs information of Agency officers, who conducted official duties in relation to the investigation.

On the information before me, I do not consider it would be unreasonable to release the personal affairs information of Agency officers in the context of these individuals carrying out their official duties.¹⁸ This factor weighs in favour of disclosure.

Other persons

The Agency exempted the personal affairs information of other third parties, such as witnesses and other individuals relevant to the Agency's investigation. The nature of investigation work involves gathering of information from various parties so that the Agency may call on the information at a later date to perform their duties. Given the nature of the investigation, the information gathered is inherently sensitive.

I acknowledge the Applicant may know certain persons named in the documents. However, even where an applicant claims to know the identity of a third party, disclosure of that person's personal affairs information may still be unreasonable in the circumstances.¹⁹ This factor weighs against disclosure.

¹⁵ [2008] VSCA 218 at [76].

¹⁶ [2008] VSCA 218 at [79].

¹⁷ [2008] VSCA 218 at [104].

¹⁸ *Milthorpe v Mt Alexander Shire Council* (1997) 12.

¹⁹ *AB v Department of Education and Early Childhood Development* [2011] VCAT 1263 at [58]; *Akers v Victoria Police* [2003] VCAT 397.

(b) 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 a document is a relevant consideration in determining whether disclosure would be unreasonable.²⁰

The submission provided by the Applicant indicates they seek access to the documents to interrogate the processes used by the Agency during the investigation involving themselves.

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. This factor weighs in favour of disclosure.

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

I acknowledge the Applicant's personal interest in seeking access to the information. As above, my assessment of this factor varies according to the persons to whom the information relates, as follows.

Individuals acting in their official capacity

Public sector employees are required to conduct themselves with integrity, impartiality, accountability and respect. Individuals can raise concerns of suspected wrongdoing by public sector employees by making a report to the relevant agency or authority.

I consider the public interest would be promoted by the release of the personal affairs information of third parties acting in their professional or official capacity, as the information may enable the Applicant to identify any individuals they consider may have acted unlawfully, and provide those details to the relevant agency or authority.

Accordingly, I consider there is public interest in the release of information relating to third parties acting in their official capacity. This factor weighs in favour of disclosure.

Other third parties

The Agency exempted the personal affairs information of other third parties relevant to the Agency's investigation. In my view the public interest lies in maintaining the confidentiality of third parties who willingly provide information to the Agency in order to investigation potential crimes. As described above, I acknowledge the Applicant may already know some of the third party individuals named in the documents. However, even where an applicant claims to know the identity of a third party, disclosure of that person's personal affairs information may still be unreasonable in the circumstances.²¹ This factor weighs against disclosure.

²⁰ *Victoria Police v Marke* [2008] VSCA 218 at [104].

²¹ *AB v Department of Education and Early Childhood Development* [2011] VCAT 1263 at [58]; *Akers v Victoria Police* [2003] VCAT 397.

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

I do not have any information before me as to the views of most of the persons to whom the information relates. However, the Agency consulted with two police members, one of whom did not consent to the release of their personal affairs information. The Agency submits consultation was deemed impracticable for the remaining individuals due to:

- i. the number of third parties that appear in the documents;
- ii. the lapse of time since the creation of some of the documents; and
- iii. the sensitive nature of some of the information in the documents.

Having considered the nature of the information and the circumstances in which it was obtained, I am of the view certain individuals, whose personal affairs information is in the documents, and who provided information to the Agency voluntarily would be reasonably likely to object to the release of that information to the person about whom they provided the information. This factor weighs against disclosure.

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

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

- (f) Whether the disclosure of the information would, or would be reasonably likely to endanger the life or physical safety of any person²²

Finally, section 33(2A) requires that I consider whether disclosure of information in the documents would, or would be reasonably likely, to endanger the life or physical safety of any person. Having reviewed the documents, I am of the view there are no reasonable grounds to consider safety concerns exist in relation to the effect of disclosure of this information to the Applicant.

49. Having weighed up the above factors, on balance, I am satisfied disclosure of certain personal affairs information in the documents would be unreasonable in the circumstances. However, I am not satisfied disclosure of the personal affairs information relating to Agency officers would be unreasonable.
50. The Schedule of Documents in **Annexure 1** sets out my decision in relation to section 33(1).

Deletion of exempt or irrelevant information

51. 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.
52. Determining what is 'practicable' requires consideration of the effort and editing involved in making the deletions 'from a resources point of view'²³ and the effectiveness of the deletions. Where

²² Section 33(2A).

²³ *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].

deletions would render a document meaningless, they are not 'practicable', and release of the document is not required under section 25.²⁴

53. I have considered the effect of deleting exempt information from the documents in accordance with section 25. I am satisfied it is practicable to delete the exempt information in certain documents as to do so would not require substantial time and effort, and the edited documents would retain meaning.

Section 35(1)(b)

54. In light of my decision in relation to section 33(1), it is not necessary for me to consider the application of section 35(1)(b) to the same information in one of the documents.

Conclusion

55. While I am satisfied certain documents are exempt under sections 31(1)(d) and 33(1), I have decided to release additional information in the documents.
56. As I am satisfied it is practicable to provide an edited copy of the documents with exempt information deleted in accordance with section 25, I have determined to grant access to the documents in part.
57. The Schedule of Documents in **Annexure 1** sets out my decision in relation to each document.

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.²⁵
59. The Applicant may apply to VCAT for a review up to 60 days from the date they are given this Notice of Decision.²⁶
60. The Agency may apply to VCAT for a review up to 14 days from the date it is given this Notice of Decision.²⁷
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.²⁸
63. If a review application is made to VCAT, my decision will be subject to any VCAT determination.

²⁴ *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].

²⁵ The Applicant in section 50(1)(b) and the Agency in section 50(3D).

²⁶ Section 52(5).

²⁷ Section 52(9).

²⁸ Sections 50(3F) and (3FA).

Third party review rights

64. I have decided to release documents that contain the personal affairs information of third parties. Namely, the names and ranks of Agency officers performing their official duties that appear throughout the document.
65. If I decide to disclose a document claimed to be exempt by an agency under section 33(1), if practicable, I must notify those persons, who have a right to apply to VCAT for a review of my decision, of their right to do so within 60 days from the date they are given notice of my decision.
66. In considering the meaning of 'practicable' in relation to other sections of the FOI Act, VCAT has stated:

The use of the word 'practicable' in the legislation to my mind connotes a legislative intention to apply common sense principles. 'Practicable' is not a term of art or a term of precise meaning.

.... The use of the word indicates there should be imported into the process the exercise of judgment by the agency concerned. It does not allow for the conclusion that because a task is possible, it must, ergo, be undertaken.²⁹

67. On balance, I am satisfied it is practicable to notify the third parties whose personal affairs information is to be disclosed of their right of review as they are currently employed or were formerly employed by the Agency.

When this decision takes effect

68. Subject to a VCAT review application being made, my decision does not take effect until the 60 day review period for the relevant third parties expires.

²⁹ *Re Schubert and Department of Premier and Cabinet* (2001) 19 VAR 35 at [45].

Annexure 1 – Schedule of Documents

Document No.	Date of Document	Document Description	Number of Pages	Agency Decision	OVIC Decision	OVIC Comments
1.	[date]	[Information Report (IR) Number]	3	Released in part Sections 31(1)(d), 33(1)	<p>Release in part Sections 31(1)(d), 33(1), 25</p> <p>The information exempted by the Agency under sections 31(1)(d) and 33(1) is exempt and is to remain deleted in accordance with section 25, except for the following information, which is not exempt under section 33(1):</p> <ul style="list-style-type: none"> the names and ranks of Agency officers performing their official duties that appear throughout the document. 	<p>Section 31(1)(d): I am satisfied the release of the information deleted by the Agency under section 31(1)(d) would be reasonably likely to prejudice the effectiveness of the investigation methods and procedures of the Agency. Accordingly, I am satisfied the information deleted by the Agency is exempt under section 31(1)(d) and is to be remain deleted in accordance with section 25.</p> <p>Section 33(1): I am satisfied it would be unreasonable to release certain personal affairs information of third parties for the reasons set out in the notice of decision above. However, I do not consider it would be unreasonable to release the name and other identifying information of Agency officers. Accordingly, I am not satisfied this information is exempt under section 33(1).</p> <p>Section 25: I have considered the effect of deleting exempt</p>

Annexure 1 – Schedule of Documents

Document No.	Date of Document	Document Description	Number of Pages	Agency Decision	OVIC Decision	OVIC Comments
						information from the documents in accordance with section 25 and am satisfied it is practicable to do so.
2.	[date]	[Information Report (IR) Number]	2	Released in part Sections 31(1)(d), 33(1)	<p>Release in part Sections 31(1)(d), 33(1), 25</p> <p>The information exempted by the Agency under sections 31(1)(d) and 33(1) is exempt and is to remain deleted in accordance with section 25, except for the following information, which is not exempt under section 33(1):</p> <ul style="list-style-type: none"> the names and ranks of Agency officers performing their official duties that appear throughout the document. 	<p>Section 31(1)(d): See comments for Document 1.</p> <p>Section 33(1): See comments for Document 1.</p> <p>Section 25: See comments for Document 1.</p>
3.	[date]	[Information Report (IR) Number]	2	Released in part Sections 31(1)(d), 33(1)	<p>Release in part Sections 31(1)(d), 33(1), 25</p> <p>The information exempted by the Agency under sections 31(1)(d) and 33(1) is exempt and is to remain deleted in accordance with section 25, except for the following information, which is not exempt under section 33(1):</p>	<p>Section 31(1)(d): See comments for Document 1.</p> <p>Section 33(1): See comments for Document 1.</p> <p>Section 25: See comments for Document 1.</p>

Annexure 1 – Schedule of Documents

Document No.	Date of Document	Document Description	Number of Pages	Agency Decision	OVIC Decision	OVIC Comments
					<ul style="list-style-type: none"> the names and ranks of Agency officers performing their official duties that appear throughout the document. 	
4.	[date]	[Information Report (IR) Number]	1	Released in part Sections 31(1)(d), 33(1)	<p>Release in part Sections 31(1)(d), 33(1), 25</p> <p>The information exempted by the Agency under sections 31(1)(d) and 33(1) is exempt and is to remain deleted in accordance with section 25, except for the following information, which is not exempt under section 33(1):</p> <ul style="list-style-type: none"> the names and ranks of Agency officers performing their official duties that appear throughout the document. 	<p>Section 31(1)(d): See comments for Document 1.</p> <p>Section 33(1): See comments for Document 1.</p> <p>Section 25: See comments for Document 1.</p>
5.	[date]	[Information Report (IR) Number]	2	Released in part Sections 31(1)(d), 33(1) Section not subject to FOI	<p>Release in part Sections 31(1)(d), 33(1), 25</p> <p>The information exempted by the Agency under sections 31(1)(d) and 33(1) is exempt and is to remain deleted in accordance with section 25, except for the following information, which is not exempt under section 33(1):</p>	<p>I note the Agency submits a part of this document is not subject to the FOI Act. My view is that, even if it were subject to the FOI Act, it would be exempt from release under section 31(1)(d).</p> <p>Section 31(1)(d): See comments for Document 1.</p>

Annexure 1 – Schedule of Documents

Document No.	Date of Document	Document Description	Number of Pages	Agency Decision	OVIC Decision	OVIC Comments
					<ul style="list-style-type: none"> the names and ranks of Agency officers performing their official duties that appear throughout the document. 	<p>Section 25: See comments for Document 1.</p> <p>Section 33(1): See comments for Document 1.</p>
6.	[date]	[Information Report (IR) Number]	1	Released in part Sections 31(1)(d), 33(1)	<p>Release in part Sections 31(1)(d), 33(1), 25</p> <p>The information exempted by the Agency under sections 31(1)(d) and 33(1) is exempt and is to remain deleted in accordance with section 25, except for the following information, which is not exempt under section 33(1):</p> <ul style="list-style-type: none"> the names and ranks of Agency officers performing their official duties that appear throughout the document. 	<p>Section 31(1)(d): See comments for Document 1.</p> <p>Section 33(1): See comments for Document 1.</p> <p>Section 25: See comments for Document 1.</p>
7.	[date]	[Information Report (IR) Number]	2	Released in part Sections 31(1)(d), 33(1)	<p>Release in part Sections 31(1)(d), 33(1), 25</p> <p>The information exempted by the Agency under sections 31(1)(d) and 33(1) is exempt and is to remain deleted in accordance with section 25, except for the following information, which is not</p>	<p>Section 31(1)(d): See comments for Document 1.</p> <p>Section 33(1): See comments for Document 1.</p> <p>Section 25: See comments for Document 1.</p>

Annexure 1 – Schedule of Documents

Document No.	Date of Document	Document Description	Number of Pages	Agency Decision	OVIC Decision	OVIC Comments
					<p>exempt under section 33(1):</p> <ul style="list-style-type: none"> the names and ranks of Agency officers performing their official duties that appear throughout the document. 	
8.	[date]	[Information Report (IR) Number]	1	Released in part Sections 31(1)(d), 33(1)	<p>Release in part Sections 31(1)(d), 33(1), 25</p> <p>The information exempted by the Agency under sections 31(1)(d) and 33(1) is exempt and is to remain deleted in accordance with section 25.</p>	<p>Section 31(1)(d): See comments for Document 1.</p> <p>Section 33(1): I am satisfied it would be unreasonable to release certain personal affairs information of third parties for the reasons set out in the notice of decision above.</p> <p>Section 25: See comments for Document 1.</p>
9.	[date]	[Information Report (IR) Number]	2	Released in part Sections 31(1)(d), 31(1)(e), 33(1)	<p>Release in part Sections 31(1)(d), 31(1)(e), 33(1), 25</p> <p>The information exempted by the Agency under sections 31(1)(d), 31(1)(e), is exempt under section 31(1)(d), and 33(1) and is to remain deleted in accordance with section 25, except for the following information, which is not exempt under section 33(1):</p>	<p>Section 31(1)(d): See comments for Document 1.</p> <p>Section 31(1)(e): For the reasons outlined in the notice of decision above, I am not satisfied all information in the documents, if disclosed, would endanger the life or physical safety of the persons who provided the information or the Agency officers who</p>

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Document No.	Date of Document	Document Description	Number of Pages	Agency Decision	OVIC Decision	OVIC Comments
					<ul style="list-style-type: none"> the names and ranks of Agency officers performing their official duties that appear throughout the document. 	<p>gathered and reported the information. Accordingly, I am not satisfied all information in the documents is exempt under section 31(1)(e).</p> <p>However, I consider the information exempted by the Agency under section 31(1)(e) is exempt under section 31(1)(d) for the reasons set out in the notice of decision above.</p> <p>Section 33(1): See comments for Document 1.</p> <p>Section 25: See comments for Document 1.</p>
10.	[date]	[Information Report (IR) Number]	2	Released in part Sections 31(1)(d), 33(1)	<p>Release in part Sections 31(1)(d), 33(1), 25</p> <p>The information exempted by the Agency under sections 31(1)(d) and 33(1) is exempt and is to remain deleted in accordance with section 25, except for the following information, which is not exempt under section 33(1):</p> <ul style="list-style-type: none"> the names and ranks of Agency officers performing their official duties that appear throughout the 	<p>Section 31(1)(d): See comments for Document 1.</p> <p>Section 33(1): See comments for Document 1.</p> <p>Section 25: See comments for Document 1.</p>

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Document No.	Date of Document	Document Description	Number of Pages	Agency Decision	OVIC Decision	OVIC Comments
					document.	
11.	[date]	[Information Report (IR) Number]	1	Released in part Sections 31(1)(d), 33(1)	<p>Release in part</p> <p>Sections 31(1)(d), 33(1), 25</p> <p>The information exempted by the Agency under sections 31(1)(d) and 33(1) is exempt and is to remain deleted in accordance with section 25, except for the following information, which is not exempt under section 33(1):</p> <ul style="list-style-type: none"> the names and ranks of Agency officers performing their official duties that appear throughout the document. 	<p>Section 31(1)(d): See comments for Document 1.</p> <p>Section 33(1): See comments for Document 1.</p> <p>Section 25: See comments for Document 1.</p>
12.	[date]	[Information Report (IR) Number]	2	Released in part Sections 31(1)(d), 33(1)	<p>Release in part</p> <p>Sections 31(1)(d), 33(1), 25</p> <p>The information exempted by the Agency under sections 31(1)(d) and 33(1) is exempt and is to remain deleted in accordance with section 25, except for the following information which is not exempt under section 33(1):</p> <ul style="list-style-type: none"> the names and ranks of Agency officers performing their official duties that appear throughout the 	<p>Section 31(1)(d): See comments for Document 1.</p> <p>Section 33(1): See comments for Document 1.</p> <p>Section 25: See comments for Document 1.</p>

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Document No.	Date of Document	Document Description	Number of Pages	Agency Decision	OVIC Decision	OVIC Comments
					document.	
13.	[date]	[Information Report (IR) Number]	6	Released in part Sections 31(1)(d), 33(1), 35(1)(b)	<p>Release in part</p> <p>Sections 31(1)(d), 33(1), 25</p> <p>The information exempted by the Agency under sections 31(1)(d) and 33(1) is exempt and is to remain deleted in accordance with section 25, except for the following information, which is not exempt under section 33(1):</p> <ul style="list-style-type: none"> the names and ranks of Agency officers performing their official duties that appear throughout the document. 	<p>Section 31(1)(d): See comments for Document 1.</p> <p>Section 33(1): See comments for Document 1.</p> <p>Section 25: See comments for Document 1.</p>
14.	[date]	[Information Report (IR) Number]	2	Released in part Sections 31(1)(d), 33(1)	<p>Release in part</p> <p>Sections 31(1)(d), 33(1), 25</p> <p>The information exempted by the Agency under sections 31(1)(d) and 33(1) is exempt and is to remain deleted in accordance with section 25, except for the following information, which is not exempt under section 33(1):</p> <ul style="list-style-type: none"> the names and ranks of Agency officers performing their official duties that appear throughout the 	<p>Section 31(1)(d): See comments for Document 1.</p> <p>Section 33(1): See comments for Document 1.</p> <p>Section 25: See comments for Document 1.</p>

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Document No.	Date of Document	Document Description	Number of Pages	Agency Decision	OVIC Decision	OVIC Comments
					document.	
15.	[date]	[Information Report (IR) Number]	3	Released in part Sections 31(1)(d), 33(1)	Release in part Sections 31(1)(d), 33(1), 25 The information exempted by the Agency under sections 31(1)(d) and 33(1) is exempt and is to remain deleted in accordance with section 25.	Section 31(1)(d): See comments for Document 1. Section 33(1): See comments for Document 1. Section 25: See comments for Document 1.
16.	[date]	[Information Report (IR) Number]	2	Released in part Sections 31(1)(d), 31(1)(e), 33(1)	Release in part Sections 31(1)(d), 33(1), 25 The information exempted by the Agency under sections 31(1)(d) and 33(1) is exempt and is to remain deleted in accordance with section 25. The information exempted by the Agency under section 31(1)(e) is exempt under sections 31(1)(d) and 33(1) is to remain deleted in accordance with section 25.	Section 31(1)(d): See comments for Document 1. Section 31(1)(e): See comments for Document 9. Section 33(1): See comments for Document 8. Section 25: See comments for Document 1.
17.	[date]	[Information Report (IR) Number]	4	Released in part Sections 31(1)(d), 33(1)	Release in part Sections 31(1)(d), 33(1), 25 The information exempted by the Agency under sections 31(1)(d) and 33(1) is exempt and is to remain deleted in	Section 31(1)(d): See comments for Document 1. Section 33(1): See comments for Document 1. Section 25: See comments for

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					<p>accordance with section 25, except for the following information on page 4, which is not exempt under section 33(1):</p> <p>(a) the name after the words ‘Manager Comment – 29/12/2004 14:41:54’; and</p> <p>(b) the name after the words ‘Manager Comment – 08/02/2005 14:23:33’.</p>	Document 1.
18.	[date]	[Information Report (IR) Number]	2	Released in part Sections 31(1)(d), 33(1)	<p>Release in part Sections 31(1)(d), 33(1), 25</p> <p>The information exempted by the Agency under sections 31(1)(d) and 33(1) is exempt and to remain deleted in accordance with section 25, except for the following information, which is not exempt under section 33(1):</p> <ul style="list-style-type: none"> the names and ranks of Agency officers performing their official duties that appear throughout the document. 	<p>Section 31(1)(d): See comments for Document 1.</p> <p>Section 33(1): See comments for Document 1.</p> <p>Section 25: See comments for Document 1.</p>
19.	[date]	[Information Report (IR) Number]	3	Released in part Sections 31(1)(d), 33(1)	<p>Release in part Sections 31(1)(d), 33(1), 25</p> <p>The information exempted by the Agency</p>	<p>Section 31(1)(d): See comments for Document 1.</p> <p>Section 33(1): See comments for Document 1.</p>

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Document No.	Date of Document	Document Description	Number of Pages	Agency Decision	OVIC Decision	OVIC Comments
					<p>under sections 31(1)(d) and 33(1) is exempt and is to remain deleted in accordance with section 25, except for the following information, which is not exempt under section 33(1):</p> <ul style="list-style-type: none"> the names and ranks of Agency officers performing their official duties that appear throughout the document. 	<p>Section 25: See comments for Document 1.</p>
20.	[date]	[Information Report (IR) Number]	1	Released in part Sections 31(1)(d), 33(1)	<p>Release in part Sections 31(1)(d), 33(1), 25</p> <p>The information exempted by the Agency under sections 31(1)(d) and 33(1) is exempt and is to remain deleted in accordance with section 25, except for the following information, which is not exempt under section 33(1):</p> <ul style="list-style-type: none"> the names and ranks of Agency officers performing their official duties that appear throughout the document. 	<p>Section 31(1)(d): See comments for Document 1.</p> <p>Section 33(1): See comments for Document 1.</p> <p>Section 25: See comments for Document 1.</p>
21.	[date]	[Information Report (IR) Number]	4	Released in part Sections 31(1)(d), 33(1)	<p>Release in part Sections 31(1)(d), 33(1), 25</p> <p>The information exempted by the Agency</p>	<p>Section 31(1)(d): See comments for Document 1.</p> <p>Section 33(1): See comments for Document 1.</p>

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Document No.	Date of Document	Document Description	Number of Pages	Agency Decision	OVIC Decision	OVIC Comments
					<p>under sections 31(1)(d) and 33(1) is exempt and is to remain deleted in accordance with section 25, except for the following information, which is not exempt under section 33(1):</p> <ul style="list-style-type: none"> the names and ranks of Agency officers performing their official duties that appear throughout the document. 	<p>Section 25: See comments for Document 1.</p>
22.	[date]	[Information Report (IR) Number]	4	Released in part Sections 31(1)(d), 33(1)	<p>Release in part Sections 31(1)(d), 33(1), 25</p> <p>The information exempted by the Agency under sections 31(1)(d) and 33(1) is exempt and is to remain deleted in accordance with section 25, except for the following information, which is not exempt under section 33(1):</p> <ul style="list-style-type: none"> the names and ranks of Agency officers performing their official duties that appear throughout the document. 	<p>Section 31(1)(d): See comments for Document 1.</p> <p>Section 33(1): See comments for Document 1.</p> <p>Section 25: See comments for Document 1.</p>
23.	[date]	[Information Report (IR) Number]	2	Released in part Sections 31(1)(d), 33(1)	<p>Release in part Sections 31(1)(d), 33(1), 25</p> <p>The information exempted by the Agency</p>	<p>Section 31(1)(d): See comments for Document 1.</p> <p>Section 33(1): See comments for Document 1.</p>

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Document No.	Date of Document	Document Description	Number of Pages	Agency Decision	OVIC Decision	OVIC Comments
					<p>under sections 31(1)(d) and 33(1) is exempt and is to remain deleted in accordance with section 25, except for the following information, which is not exempt under section 33(1):</p> <ul style="list-style-type: none"> the names and ranks of Agency officers performing their official duties that appear throughout the document. 	<p>Section 25: See comments for Document 1.</p>
24.	[date]	[Information Report (IR) Number]	2	Released in part Sections 31(1)(d), 33(1), 38	<p>Release in part Sections 31(1)(d), 33(1), 25</p> <p>The information exempted by the Agency under section 38 in conjunction with section 115(6) of the Coroners Act is exempt under section 31(1)(d) and is to remain deleted in accordance with section 25.</p> <p>The information exempted by the Agency under section 31(1)(d) is exempt and is to remain deleted in accordance with section 25, except for the following information, which is not exempt under section 33(1):</p> <ul style="list-style-type: none"> the names and ranks of Agency officers performing their official duties that appear throughout the 	<p>Section 38: For the reasons outlined in the notice of decision above, I am not satisfied the information exempted by the Agency under section 38 is exempt. Rather, I am satisfied the information is exempt under section 31(1)(d).</p> <p>Section 31(1)(d): See comments for Document 1.</p> <p>Section 33(1): See comments for Document 1.</p> <p>Section 25: See comments for Document 1.</p>

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Document No.	Date of Document	Document Description	Number of Pages	Agency Decision	OVIC Decision	OVIC Comments
					document.	
25.	[date]	[Information Report (IR) Number]	2	Released in part Sections 31(1)(d), 33(1)	<p>Release in part Sections 31(1)(d), 25</p> <p>The information exempted by the Agency under section 31(1)(d) is exempt and is to remain deleted in accordance with section 25, except for the following information, which is not exempt under section 33(1):</p> <ul style="list-style-type: none"> the names and ranks of Agency officers performing their official duties that appear throughout the document. 	<p>Section 31(1)(d): See comments for Document 1.</p> <p>Section 33(1): See comments for Document 1.</p> <p>Section 25: See comments for Document 1.</p>
26.	[date]	[Information Report (IR) Number]	2	Released in part Sections 31(1)(d), 33(1)	<p>Release in part Sections 31(1)(d), 33(1), 25</p> <p>The information exempted by the Agency under sections 31(1)(d) and 33(1) is exempt and is to remain deleted in accordance with section 25, except for the following information, which is not exempt under section 33(1):</p> <ul style="list-style-type: none"> the names and ranks of Agency officers performing their official duties that appear throughout the 	<p>Section 31(1)(d): See comments for Document 1.</p> <p>Section 33(1): See comments for Document 1.</p> <p>Section 25: See comments for Document 1.</p>

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Document No.	Date of Document	Document Description	Number of Pages	Agency Decision	OVIC Decision	OVIC Comments
					document.	
27.	[date]	[Information Report (IR) Number]	2	Released in part Sections 31(1)(d), 33(1)	<p>Release in part</p> <p>Sections 31(1)(d), 33(1), 25</p> <p>The information exempted by the Agency under sections 31(1)(d) and 33(1) is exempt and is to remain deleted in accordance with section 25, except for the following information, which is not exempt under section 33(1):</p> <ul style="list-style-type: none"> the names and ranks of Agency officers performing their official duties that appear throughout the document. 	<p>Section 31(1)(d): See comments for Document 1.</p> <p>Section 33(1): See comments for Document 1.</p> <p>Section 25: See comments for Document 1.</p>
28.	[date]	[Information Report (IR) Number]	2	Released in part Sections 31(1)(d), 33(1)	<p>Release in part</p> <p>Sections 31(1)(d), 33(1), 25</p> <p>The information exempted by the Agency under sections 31(1)(d) and 33(1) is exempt and is to remain deleted in accordance with section 25, except for the following information, which is not exempt under section 33(1):</p> <ul style="list-style-type: none"> the names and ranks of Agency officers performing their official duties that appear throughout the 	<p>Section 31(1)(d): See comments for Document 1.</p> <p>Section 33(1): See comments for Document 1.</p> <p>Section 25: See comments for Document 1.</p>

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Document No.	Date of Document	Document Description	Number of Pages	Agency Decision	OVIC Decision	OVIC Comments
					document.	
29.	[date]	[Information Report (IR) Number]	3	Released in part Sections 31(1)(d), 33(1)	<p>Release in part</p> <p>Sections 31(1)(d), 33(1), 25</p> <p>The information exempted by the Agency under sections 31(1)(d) and 33(1) is exempt and is to remain deleted in accordance with section 25, except for the following information, which is not exempt under section 33(1):</p> <ul style="list-style-type: none"> the names and ranks of Agency officers performing their official duties that appear throughout the document. 	<p>Section 31(1)(d): See comments for Document 1.</p> <p>Section 33(1): See comments for Document 1.</p> <p>Section 25: See comments for Document 1.</p>
30.	[date]	[Information Report (IR) Number]	2	Released in part Sections 31(1)(d), 33(1)	<p>Release in part</p> <p>Sections 31(1)(d), 25</p> <p>The information exempted by the Agency under section 31(1)(d) is exempt and is to remain deleted in accordance with section 25, except for the following information, which is not exempt under section 33(1):</p> <ul style="list-style-type: none"> the names and ranks of Agency officers performing their official duties that appear throughout the 	<p>Section 31(1)(d): See comments for Document 1.</p> <p>Section 33(1): See comments for Document 1.</p> <p>Section 25: See comments for Document 1.</p>

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Document No.	Date of Document	Document Description	Number of Pages	Agency Decision	OVIC Decision	OVIC Comments
					document.	
31.	[date]	[Information Report (IR) Number]	2	Released in part Sections 31(1)(d), 33(1)	<p>Release in part</p> <p>Sections 31(1)(d), 33(1), 25</p> <p>The information exempted by the Agency under sections 31(1)(d) and 33(1) is exempt and is to remain deleted in accordance with section 25, except for the following information, which is not exempt under section 33(1):</p> <ul style="list-style-type: none"> the names and ranks of Agency officers performing their official duties that appear throughout the document. 	<p>Section 31(1)(d): See comments for Document 1.</p> <p>Section 33(1): See comments for Document 1.</p> <p>Section 25: See comments for Document 1.</p>
32.	[date]	[Information Report (IR) Number]	19	Released in part Sections 31(1)(d), 33(1)	<p>Release in part</p> <p>Sections 31(1)(d), 33(1), 25</p> <p>The information exempted by the Agency under sections 31(1)(d) and 33(1) is exempt and is to remain deleted in accordance with section 25, except for the following information, which is not exempt under section 33(1):</p> <ul style="list-style-type: none"> the names and ranks of Agency officers performing their official duties that appear throughout the 	<p>Section 31(1)(d): See comments for Document 1.</p> <p>Section 33(1): See comments for Document 1.</p> <p>Section 25: See comments for Document 1.</p>

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Document No.	Date of Document	Document Description	Number of Pages	Agency Decision	OVIC Decision	OVIC Comments
					document.	
33.	[date]	[Information Report (IR) Number]	2	Released in part Sections 31(1)(d), 33(1)	<p>Release in part Sections 31(1)(d), 33(1), 25</p> <p>The information exempted by the Agency under sections 31(1)(d) and 33(1) is exempt and is to remain deleted in accordance with section 25, except for the following information, which is not exempt under section 33(1):</p> <ul style="list-style-type: none"> the names and ranks of Agency officers performing their official duties that appear throughout the document. 	<p>Section 31(1)(d): See comments for Document 1.</p> <p>Section 33(1): See comments for Document 1.</p> <p>Section 25: See comments for Document 1.</p>