

## Notice of Decision and Reasons for Decision

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Applicant:	'FR2'
Agency:	Melbourne Health
Decision date:	19 September 2023
Exemptions considered:	Sections 33(1), 35(1)(b), 38 in conjunction with the <i>Children Youth and Families Act 2005</i> (Vic)
Citation:	'FR2' and <i>Melbourne Health</i> (Freedom of Information) [2024] VICmr 42 (19 September 2023)

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FREEDOM OF INFORMATION – health records – mental health triage – mental health referrals – *Children Youth and Families Act 2005* (Vic)

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 as I have:

- (a) released further information to the Applicant;
- (b) exempted certain information that the Agency considered was not exempt from release; and
- (c) applied a further exemption under the FOI Act.

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

The effect of my decision is that less information in some of the documents is to be released to the Applicant than that to which the Agency granted access. However, given the information was released by the Agency to the Applicant, it is not possible in a practicable sense to revoke information that I have determined is exempt from release where it has already been released to the Applicant.

Where I am satisfied it is practicable to provide the Applicant with an edited copy of the documents with irrelevant and exempt information deleted in accordance with section 25, I have determined to grant access to the documents in part. Where it is not practicable to do so, access is refused 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 indicating exempt or irrelevant information in accordance with my decision has been provided to the Agency.

My reasons for decision follow.

Joanne Kummrow  
**Public Access Deputy Commissioner**

19 September 2023

## Reasons for Decision

### Background to review

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

Whole of file related to mental health at any facility from there creation dates until today.
2. The Agency identified 193 pages of documents falling within the terms of the Applicant's request and granted access to 81 documents in part and refused access to 25 documents in full under sections 33(1), 33(4)(b) 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.
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.
9. In conducting a review under section 49F, section 49P requires that I make a new or 'fresh decision'. Therefore, my review does not involve determining whether the Agency's decision is correct, but rather requires my fresh decision to be the 'correct or preferable decision'.<sup>1</sup> This involves ensuring my decision is correctly made under the FOI Act and any other applicable law in force at the time of my decision.

### Initial view provided to Agency

10. During the review, OVIC staff provided the Agency with an initial assessment that:
  - (a) section 33(4)(b) does not apply to the documents;

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

- (b) certain information to which the Agency refused access under section 35(1)(b) is not exempt under this provision but could be exempt from release under other provisions such as sections 30(1) and 33(1).
11. The Agency was provided with an opportunity to consider the initial view and provide a response.
  12. In response, the Agency advised it no longer relies on section 33(4)(b) and submitted that information it exempted under that section is instead exempt from release under sections 33(1) and 35(1)(b). It further submitted that it relies on sections 30(1) and 33(1) where section 35(1)(b) is not upheld.

## **Review of exemptions**

### ***Section 33(1) – Documents affecting personal privacy of third parties***

13. 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**);<sup>2</sup> and
  - (b) such disclosure would be ‘unreasonable’.

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

14. Information relating to a person’s ‘personal affairs’ includes information that identifies any person or discloses their address or location. It also includes any information from which this may be reasonably determined.<sup>3</sup>
15. A document will disclose a third party’s personal affairs information if it is capable, either directly or indirectly, of identifying that person.
16. The documents are the Applicant’s medical records and contain information that identifies several third parties, including their names, contact details and information they provided to the Agency about themselves or the Applicant.
17. As such, I am satisfied the documents contain the personal affairs information of third parties.

#### *Would disclosure of the personal affairs information be unreasonable?*

18. The concept of ‘unreasonable disclosure’ involves balancing the public interest in the disclosure of official information with the interest in protecting the personal privacy of an individual in the particular circumstances.
19. In *Victoria Police v Marke*,<sup>4</sup> 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

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

<sup>3</sup> Section 33(9).

<sup>4</sup> [2008] VSCA 218 at [76].

amounts to an unreasonable disclosure of someone's personal affairs will necessarily vary from case to case'.<sup>5</sup> 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'.<sup>6</sup>

20. In determining whether disclosure of the personal affairs information would be unreasonable in the circumstances, I have considered the following factors:
- (a) the nature of the personal affairs information;
  - (b) the circumstances in which the information was obtained;
  - (c) the Applicant's interest in the information;
  - (d) whether any public interest would be promoted by release of the personal affairs information;
  - (e) the likelihood of disclosure of information, if released;
  - (f) Whether the individuals to whom the information relates object, or would be likely to object, to the release of the information;<sup>7</sup>
  - (g) whether disclosure of the information would or would be reasonably likely to endanger the life or physical safety of any person;<sup>8</sup> and
  - (h) whether the disclosure would increase the risk to a primary person's safety from family violence.<sup>9</sup>
21. The names, position titles and contact details of the medical or other professionals and Agency officers were acquired by the Agency in carrying out their usual professional duties and responsibilities in providing healthcare services to the Applicant. As such, I consider the personal affairs information concerns these individuals in their professional capacity, rather than in a personal or private capacity.
22. The documents also contain information that was provided to and from third parties on a confidential basis to the Agency. In these circumstances, I consider disclosure would be unreasonable for the following reasons:
- (a) I acknowledge the Applicant's interest in this information, as it relates to their own medical records. However, I must consider the specific circumstances of this matter, weighing the Applicant's interest in the documents with the privacy of those persons whose details appear in the documents.

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<sup>5</sup> Ibid.

<sup>6</sup> Ibid at [79].

<sup>7</sup> Section 33(2C).

<sup>8</sup> Section 33(2A).

<sup>9</sup> Section 33(2AB).

- (b) The personal information was provided to the Agency with an expectation of privacy and confidentiality. I have formed this view given the sensitivity of the information and the circumstances in which it was provided.
  - (c) The Agency obtains highly sensitive and personal information from patients in its care, as well as from third parties in the context of providing medical treatment and health care services to patients. Disclosure of the relevant information would disclose the identity of third parties who provided information in confidence to the Agency.
  - (d) I accept the Agency relies on information of this nature to be provided by third parties voluntarily. I consider there is a public interest against disclosure of such information in circumstances where maintaining the confidentiality of the information provides for an open and frank exchange of relevant and timely information between Agency officers and third parties.
  - (e) If individuals are unable to provide relevant and timely information to medical staff to assist medical practitioners in determining a necessary treatment and care plan without it being disclosed, I consider the appropriateness and quality of care that is provided to patients may suffer as a result. Such an outcome could be detrimental to health outcomes for patients.
  - (f) Given the nature and context in which the information was communicated to the Agency by third parties, I consider it reasonable the third parties would likely object to the release of their personal affairs information. For certain third parties, I note they have specifically sought to remain anonymous.
  - (g) Having considered the nature of the information and the circumstances in which it was obtained, I consider it reasonably likely release of the information could lead to the persons to whom it relates suffering stress and anxiety.
  - (h) I have also considered the effect of disclosure on the safety of third parties.
23. As noted above, I accept the Applicant's strong personal interest in obtaining full access the requested information as redactions made to a person's health records can create a sense of disappointment and frustration, regardless of whether only a small amount of material is withheld.
24. However, for the reasons set out above, I am satisfied certain personal affairs information in the documents is exempt from release under section 33(1).
25. The Schedule of Documents in **Annexure 1** outlines my decision in relation to section 33(1).

***Section 35(1)(b) – Information obtained in confidence***

26. A document is exempt from release under section 35(1)(b) if two conditions are satisfied:
- (a) disclosure would divulge information or matter communicated in confidence by or on behalf of a person or a government to an agency or a Minister; and
  - (b) disclosure would be contrary to the public interest as it would be reasonably likely to impair the ability of an agency or a Minister to obtain similar information in the future.

*Was the information communicated to the Agency?*

27. Whether information communicated by an individual to an agency was communicated in confidence is a question of fact.<sup>10</sup>
28. In doing so, it is necessary to consider the position from the perspective of the communicator, noting confidentiality can be expressed or implied from the circumstances of a matter.<sup>11</sup>
29. Generally, section 35(1)(b) only applies to information communicated to an agency from an outside source. However, in certain circumstances, section 35(1)(b) may apply to confidential information communicated to an agency by an agency officer. For example, in the context of an internal complaint and investigations, or confidential communications between different parts of an agency.<sup>12</sup>
30. I consider the Agency has applied section 35(1)(b) more broadly than the provision allows. However, I am satisfied certain information the Agency exempted from release under section 35(1)(b) is information that was voluntarily provided to the Agency, by a person, or persons, for the purpose of the Agency providing medical treatment and assessment to the Applicant.
31. The Agency has provided OVIC with a copy of its record of third party consultation. Having considered that information, the content of the documents subject to review, and the circumstances in which the information was communicated to the Agency, I accept the information was communicated in confidence to the Agency.

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

32. Section 35(1)(b) also requires I consider whether the Agency would be impaired from obtaining similar information in the future if the information were to be disclosed under the FOI Act. This involves considering whether others in the position of the communicator would be reasonably likely to be inhibited or deterred from providing similar information to the Agency in the future should the information be disclosed.
33. The public interest test in section 35(1)(b) is narrow, in that it is directed toward the impact release would have on an agency's ability to obtain the same type of information in the future. I note the exemption will not be made out of an agency's impairment goes no further than showing potential communicators of the information may be less candid than they would otherwise have been.<sup>13</sup>
34. In the context of the Agency, being a healthcare provider, the voluntary provision of personal and sensitive information in a clinical context is necessary for the Agency to be able to effectively discharge its medical and healthcare functions. Importantly, I also consider the withholding of such information from the Agency would have a detrimental impact on the medical outcomes and wellbeing of patients.

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<sup>10</sup> *Ryder v Booth* [1985] VR 869 at [883]; *XYZ v Victoria Police* [2010] VCAT 255 at [264].

<sup>11</sup> *XYZ v Victoria Police* [2010] VCAT 255 at [265], referring to *Barling v Medical Board of Victoria* (1992) 5 VAR 542, 561-562.

<sup>12</sup> See *Sportsbet v Department of Justice* [2010] VCAT 8 at [71]-[78], citing *Birnbauer v Inner and Eastern Health Care Network* (1999) 16 VAR 9; *XYZ v Victoria Police* [2010] VCAT 255 at [287]-[288].

<sup>13</sup> *Smeaton v Victorian WorkCover Authority* [2012] VCAT 1549 at [69], approving *Birnbauer v Inner and Eastern Health Care Network* [1999] 16 VAR 9.

35. I am of the view if individuals were aware their identity and the information they provide in confidence to the Agency would be disclosed in response to an FOI request, they would be less likely to communicate similar information in the future. I consider this would be a significant and detrimental outcome for the Agency, which relies on receiving such information to provide timely medical treatment and health services to patients.
36. In weighing these competing considerations, I consider the need to protect personal and sensitive information provided in confidence to the Agency for a clinical purpose and in the interests of its patients, outweighs the Applicant's personal interest in obtaining access to the relevant information.
37. The Schedule of Documents in **Annexure 1** outlines my decision in relation to section 35(1)(b).

### ***Section 38 – Documents subject to a secrecy provision***

38. A document will be exempt under section 38 if:
  - (a) there is an enactment in force;
  - (b) that applies specifically to the kind of information in the document; and
  - (c) the enactment must prohibit persons, referred to in the enactment, from disclosing that specific kind of information (either absolutely or subject to exceptions or qualifications).
39. For section 38 to apply, an enactment must be formulated with such precision that it specifies the actual information sought to be withheld.

### ***Child Protection***

40. The documents subject to review include information relating to Child Protection referrals and involvement by Child Protection services.
41. I am satisfied the Applicant is aware of the involvement of Child Protection from information already released by the Agency in the documents.
42. Accordingly, while it was not considered by the Agency in its decision, I have considered the application of section 38 in conjunction with sections 41 and 191(1) of the CYF Act.
43. The Department of Families, Fairness and Housing (the **Department**) is responsible for enforcing and administering the law relating to Child Protection in Victoria under the CYF Act.
44. Child Protection files come into existence when the Department is notified or becomes aware of a child that is at risk to harm, wellbeing or other safety concerns. The CYF Act provides for voluntary reports from a person and mandatory reporting by persons in certain professions specified under the CYF Act.
45. The main functions of Child Protection are to:
  - (a) investigate matters where it is alleged that a child is at risk of significant harm;
  - (b) refer children and families to services that assist in providing the ongoing safety and wellbeing of children;



- (c) make applications to the Children's Court if the child's safety cannot be ensured within the family; and
  - (d) administer protection orders granted by the Children's Court.<sup>14</sup>
46. The Department publishes the *Child Protection Manual*, which is used by Child Protection practitioners and contains information for families. The manual is available at [www.cpmanual.vic.gov.au](http://www.cpmanual.vic.gov.au).
  47. The role and mandate of Child Protection is obviously an important and significant one. It is also comprehensively regulated under the CYF Act.
  48. Parliament has determined strict parameters apply to what information can be released in relation to Child Protection matters, including a prohibition on identifying any person who notified the Department about any child protection concerns (**notifiers**) and any subsequent investigations by the Department into or action taken to address any such concerns.
  49. By way of example, sections 41 and 191 of the CYF Act prohibit the disclosure of the name of notifiers, as well as any information likely to lead to the identification of a notifier, except in certain limited circumstances where disclosure is authorised. This reflects the strong need for confidentiality around child protection notifications and any subsequent inquiries or investigations conducted by the Department, in order to assure notifiers of confidentiality when making sensitive notifications to the Department in the interests of protecting a child from harm or possible harm.
  50. This means, when a person, who has been involved with Child Protection, or the parent or guardian of such a child, seeks access to information relating to Child Protection, the confidentiality provisions that apply to Child Protection records under the CYF Act are strictly applied.

*Application of the confidentiality provisions in the CYF Act*

51. Section 41 of the CYF Act provides:

**41 Identity of reporter or referrer confidential**

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

Penalty: 60 penalty units.  
...
- (2) Subsection (1) and (1A) do not apply if the person who made the report or referral—
  - (a) gives written consent to the Secretary; or
  - (b) gives written or oral consent to the community-based child and family service.

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<sup>14</sup> See Department of Families, Fairness and Housing, 'Child Protection' at <https://services.dffh.vic.gov.au/child-protection>.

52. Section 191 of the CYF provides:

**191 Confidentiality**

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

Penalty: 10 penalty units.

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

...

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

- (a) provided confidential Child Protection information to the Department of Families, Fairness and Housing in the course of a protective intervention investigation; or
- (b) notified the Department of their concerns for the wellbeing of a child.

54. Unauthorised disclosure of such information is an offence and carries penalties under the CYF Act, which demonstrates Parliament's intention that such information should remain protected.

55. I am satisfied the relevant sections of the CYF Act, as described above, prohibit the disclosure of the identity, or any information likely to lead to the identification of a notifier/reporter, or person who provides information in confidence to the Agency regarding the welfare or wellbeing of a child. This includes not only a report or record of confidential information, but the date on which the Agency received a Child Protection notification and any subsequent documents created containing details of the report or confidential information provided to the Agency.

56. There is no information before me to suggest any of the exceptions under the CYF Act authorise disclosure of the documents to the Applicant in this instance.

57. Having reviewed information in the documents and the information before me, I am satisfied:

- (a) the CYF Act is an enactment in force for the purposes of section 38;
- (b) the documents contain specific information prohibited from disclosure under sections 41(1) and 191(1) of the CYF Act;
- (c) these provisions prohibit persons, including the Agency, from disclosing the specific information in the documents that reveal the identity of a referrer as well as details of the report or confidential information provided to Child Protection; and

(d) the prohibition under sections 41(1) and 191(1) of the CYF Act is absolute, in that there are no exceptions or qualifications to the prohibition on disclosure.

58. Accordingly, I am satisfied certain information in the documents is exempt from release under section 38 of the FOI Act in conjunction with sections 41(1) and 191(1) of the CYF Act.

59. The Schedule of Documents in **Annexure 1** outlines my decision in relation to section 38.

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

60. While the Agency sought to rely on section 30(1) in the event other exemptions did not apply, in light of my decision on the exemptions, as discussed above, I consider it is unnecessary to consider this additional exemption.

#### ***Section 25 – Deletion of exempt or irrelevant information***

61. 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.

62. Determining what is ‘practicable’ requires consideration of the effort and editing involved in making the deletions ‘from a resources point of view’<sup>15</sup> and the effectiveness of the deletions. Where deletions would render a document meaningless, they are not ‘practicable’ and release of the document is not required under section 25.<sup>16</sup>

63. I am satisfied the name of the Agency officer who printed the documents for the purpose of processing the FOI request is irrelevant information for the purposes of the Applicant’s request.

64. I have considered the effect of deleting irrelevant and exempt information from the documents in accordance with section 25. Where I am satisfied it is practicable to delete such information from most of the documents, access to a document is granted in part. Where it is not practicable to do so, access is refused in full.

65. The Schedule of Documents in **Annexure 1** outlines my decision in relation to section 25.

#### **Conclusion**

66. On the information before me, I am satisfied information in the documents is exempt from release under sections 33(1), 35(1)(b) and 38 in conjunction with sections 41(1) and 191(1) of the CYF Act.

67. The effect of my decision is that the information in some documents is to be released to the Applicant is less than that to which the Agency granted access. However, given the information was released by the Agency to the Applicant, it is not possible in a practicable

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<sup>15</sup> *Mickelborough v Victoria Police (General)* [2009] VCAT 2786 at [31]; *The Herald and Weekly Times Pty Limited v The Office of the Premier (General)* [2012] VCAT 967 at [82].

<sup>16</sup> *Honeywood v Department of Human Services* [2006] VCAT 2048 at [26]; *RFJ v Victoria Police FOI Division (Review and Regulation)* [2013] VCAT 1267 at [140] and [155].

sense to revoke information that I have determined is exempt from release where it has already been released to the Applicant.

68. The Schedule of Documents in **Annexure 1** sets out my decision in relation to each document.
69. A marked-up copy of the documents indicating exempt or irrelevant information in accordance with my decision has been provided to the Agency.

### **Review rights**

70. 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.<sup>17</sup>
71. The Applicant may apply to VCAT for a review up to 60 days from the date they are given this Notice of Decision.<sup>18</sup>
72. The Agency may apply to VCAT for a review up to 14 days from the date it is given this Notice of Decision.<sup>19</sup>
73. Information about how to apply to VCAT is available online at [www.vcat.vic.gov.au](http://www.vcat.vic.gov.au). Alternatively, VCAT may be contacted by email at [admin@vcat.vic.gov.au](mailto:admin@vcat.vic.gov.au) or by telephone on 1300 018 228.
74. The Agency is required to notify the Information Commissioner in writing as soon as practicable if either party applies to VCAT for a review of my decision.<sup>20</sup>

### **Third party review rights**

75. As I have determined to release documents that contain information to which the Agency refused access under sections 33(1) and 35(1)(b), if practicable, I am required to notify the relevant persons of their right to seek review by VCAT of my decision within 60 days from the date they are given notice.<sup>21</sup>
76. 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 via the Agency.

### **When this decision takes effect**

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

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<sup>17</sup> The Applicant in section 50(1)(b) and the Agency in section 50(3D).

<sup>18</sup> Section 52(5).

<sup>19</sup> Section 52(9).

<sup>20</sup> Sections 50(3F) and 50(3FA).

<sup>21</sup> Sections 49P(5), 50(3), 50(3AB) and 52(3).

**Annexure 1 – Schedule of Documents**

<b>Document No.</b>	<b>Date of Document</b>	<b>Document Description</b>	<b>No. of pages</b>	<b>Page No.</b>	<b>Agency Decision</b>	<b>OVIC Decision</b>
1.	[Date]	Total Case Progress Note	1	1	Released in part Section 33(1)	Release in part Section 25  The document is to be released in accordance with the marked-up version provided to the Agency with this decision.
2.	[Date]	Total Case Progress Note	1	2	Refused in full Sections 33(1), 35(1)(b)	Refuse in full Sections 33(1), 35(1)(b), 38
3.	[Date]	Total Case Progress Note	1	3	Released in part Section 33(1)	Release in part Section 25  The document is to be released in accordance with the marked-up version provided to the Agency with this decision.
4.	[Date]	Medical Review Progress Note	2	4	Refused in full Sections 33(1), 35(1)(b)	Refuse in full Sections 33(1), 38
5.	[Date]	Clinical Review Progress Note	2	6	Refused in full Sections 33(1), 35(1)(b)	Release in part Sections 33(1), 38, 25  The document is to be released in accordance with the marked-up version provided to the Agency with this decision.

Document No.	Date of Document	Document Description	No. of pages	Page No.	Agency Decision	OVIC Decision
6.	[Date]	Total Case Progress Note	5	8	<b>Refused in full</b> Sections 33(1), 35(1)(b)	<b>Refuse in full</b> Sections 33(1), 25
7.	[Date]	Total Case Progress Note	1	13	<b>Released in part</b> Sections 33(1), 35(1)(b)	<b>Refuse in full</b> Sections 33(1), 35(1)(b), 38
8.	[Date]	Total Case Progress Note	1	14	<b>Refused in full</b> Sections 33(1), 35(1)(b)	<b>Refuse in full</b> Sections 33(1), 38
9.	[Date]	Total Case Progress Note	1	15	<b>Released in part</b> Section 33(1)	<b>Refuse in full</b> Section 38
10.	[Date]	Total Case Progress Note	1	16	<b>Released in part</b> Section 33(1)	<b>Refuse in full</b> Section 38
11.	[Date]	Total Case Progress Note	3	17	<b>Refused in full</b> Sections 33(1), 35(1)(b)	<b>Refuse in full</b> Section 38, 25
12.	[Date]	Total Case Progress Note	1	20	<b>Refused in full</b> Sections 33(1), 35(1)(b)	<b>Refuse in full</b> Sections 33(1), 35(1)(b), 38, 25
13.	[Date]	Total Case Progress Note	2	21	<b>Refused in full</b> Sections 33(1), 35(1)(b)	<b>Refuse in full</b> Sections 33(1), 35(1)(b), 25
14.	[Date]	Total Case Progress Note	2	23	<b>Refused in full</b>	<b>Refuse in full</b>

Document No.	Date of Document	Document Description	No. of pages	Page No.	Agency Decision	OVIC Decision
					Sections 33(1), 35(1)(b)	Sections 33(1), 35(1)(b), 25
15.	[Date]	Total Case Progress Note	2	25	<b>Refused in full</b> Sections 33(1), 35(1)(b)	<b>Refuse in full</b> Sections 33(1), 35(1)(b), 25
16.	[Date]	Total Case Progress Note	2	27	<b>Refused in full</b> Sections 33(1), 35(1)(b)	<b>Refuse in full</b> Sections 33(1), 35(1)(b)
17.	[Date]	Total Case Progress Note	2	29	<b>Refused in full</b> Sections 33(1), 33(4)(b), 35(1)(b)	<b>Release in part</b> Sections 33(1), 35(1)(b), 25  The document is to be released in accordance with the marked-up version provided to the Agency with this decision.
18.	[Date]	Screening Register Detail	2	31	<b>Released in part</b> Sections 33(1), 33(4)(b), 35(1)(b), 25	<b>Release in part</b> Sections 33(1), 35(1)(b), 38, 25  The document is to be released in accordance with the marked-up version provided to the Agency with this decision.
19.	[Date]	Screening Register Note	2	33	<b>Released in part</b> Sections 33(1), 33(4)(b), 35(1)(b), 25	<b>Release in part</b> Sections 33(1), 35(1)(b), 38, 25  The document is to be released in accordance with the marked-up version provided to the Agency with this decision.

Document No.	Date of Document	Document Description	No. of pages	Page No.	Agency Decision	OVIC Decision
20.	[Date]	Screening Register Note	2	35	Released in part Sections 33(1), 33(4)(b), 35(1)(b), 25	Release in part Sections 33(1), 35(1)(b), 38, 25 The document is to be released in accordance with the marked-up version provided to the Agency with this decision.
21	[Date]	Screening Register Note	2	37	Released in part Sections 33(1), 33(4)(b), 35(1)(b), 25	Release in part Sections 33(1), 35(1)(b), 38, 25 The document is to be released in accordance with the marked-up version provided to the Agency with this decision.
22.	[Date]	Screening Register Detail	2	39	Released in part Sections 33(1), 33(4)(b), 35(1)(b), 25	Release in part Sections 33(1), 25 The document is to be released in accordance with the marked-up version provided to the Agency with this decision.
23.	[Date]	Screening Register Detail	3	41	Released in part Sections 33(1), 33(4)(b), 35(1)(b), 25	Release in part Sections 33(1), 35(1)(b), 38, 25 The document is to be released in accordance with the marked-up version provided to the Agency with this decision.
24.	[Date]	Screening Register Detail	3	44	Released in part	Release in part



Document No.	Date of Document	Document Description	No. of pages	Page No.	Agency Decision	OVIC Decision
					Sections 33(1), 33(4)(b), 35(1)(b), 25	Sections 33(1), 35(1)(b), 38, 25 The document is to be released in accordance with the marked-up version provided to the Agency with this decision.
25.	[Date]	Screening Register Detail	2	47	<b>Released in part</b> Sections 33(1), 35(1)(b), 25	<b>Release in part</b> Section 25 The document is to be released in accordance with the marked-up version provided to the Agency with this decision.
26.	[Date]	Clinical Review Progress Note	2	49	<b>Refused in full</b> Sections 33(1), 35(1)(b)	<b>Refuse in full</b> Sections 33(1), 38
27.	[Date]	Total Care Progress Note	1	51	<b>Released in part</b> Sections 33(1), 25	<b>Release in part</b> Section 25 The document is to be released in accordance with the marked-up version provided to the Agency with this decision.
28.	[Date]	Clinical Review Progress Note	1	52	<b>Refused in full</b> Sections 33(1), 35(1)(b)	<b>Release in part</b> Sections 33(1), 35(1)(b), 38, 25 The document is to be released in accordance with the marked-up version provided to the Agency with this decision.

Document No.	Date of Document	Document Description	No. of pages	Page No.	Agency Decision	OVIC Decision
29.	29/06/2022	Total Care Progress Note	1	53	Released in part Section 33(1)	Refuse in full Section 38
30.	[Date]	Total Care Progress Note	1	54	Refused in full Sections 33(1), 35(1)(b)	Refuse in full Sections 33(1), 35(1)(b), 38, 25
31.	[Date]	Total Care Progress Note	1	55	Released in part Section 33(1)	Refuse in full Section 38
32.	[Date]	Total Care Progress Note	1	56	Released in part Section 33(1)	Refuse in full Section 38
33.	[Date]	Total Care Progress Note	2	57	Released in part Sections 33(1), 35(1)(b)	Release in part Sections 33(1), 35(1)(b), 38, 25  The document is to be released in accordance with the marked-up version provided to the Agency with this decision.
34.	[Date]	Total Care Progress Note	1	59	Released in part Section 33(1)	Release in part Sections 38, 25  The document is to be released in accordance with the marked-up version provided to the Agency with this decision.
35.	[Date]	Total Care Progress Note	2	60	Refused in full	Refuse in full

Document No.	Date of Document	Document Description	No. of pages	Page No.	Agency Decision	OVIC Decision
					Sections 33(1), 35(1)(b)	Sections 33(1), 35(1)(b)
36.	[Date]	Total Care Progress Note	3	62	<b>Refused in full</b> Sections 33(1), 35(1)(b)	<b>Release in part</b> Sections 33(1), 38, 25  The document is to be released in accordance with the marked-up version provided to the Agency with this decision.
37.	[Date]	Total Care Progress Note	1	65	<b>Released in part</b> Section 33(1)	<b>Refuse in full</b> Section 38
38.	[Date]	Screening Register Detail	2	66	<b>Refused in full</b> Sections 33(1), 33(4)(b), 35(1)(b)	<b>Refuse in full</b> Sections 33(1), 35(1)(b), 38, 25
39.	[Date]	Screening Register Detail	3	68	<b>Released in part</b> Sections 33(1), 33(4)(b), 35(1)(b)	<b>Release in part</b> Sections 33(1), 35(1)(b), 38, 25  The document is to be released in accordance with the marked-up version provided to the Agency with this decision.
40.	[Date]	Screening Register Detail	3	71	<b>Released in part</b> Sections 33(1), 33(4)(b), 35(1)(b)	<b>Release in part</b> Sections 33(1), 35(1)(b), 38, 25

Document No.	Date of Document	Document Description	No. of pages	Page No.	Agency Decision	OVIC Decision
						The document is to be released in accordance with the marked-up version provided to the Agency with this decision.
41.	[Date]	Email	2	74	<b>Refused in full</b> Sections 33(1), 35(1)(b)	<b>Refuse in full</b> Sections 33(1), 35(1)(b), 25
42.	[Date]	Email	2	76	<b>Refused in full</b> Sections 33(1), 35(1)(b)	<b>Refuse in full</b> Sections 33(1), 35(1)(b), 25
43.	[Date]	Facsimile template	2	78	<b>Released in part</b> Section 33(1)	<b>Release in part</b> Section 25  The document is to be released in accordance with the marked-up version provided to the Agency with this decision.
44.	[Date]	Screening Register Detail	2	80	<b>Released in part</b> Section 33(1)	<b>Release in part</b> Sections 33(1), 25  The document is to be released in accordance with the marked-up version provided to the Agency with this decision.
45.	[Date]	Screening Register Detail	2	82	<b>Released in part</b> Sections 33(1), 33(4)(b), 35(1)(b)	<b>Release in part</b> Sections 33(1), 35(1)(b), 38, 25

Document No.	Date of Document	Document Description	No. of pages	Page No.	Agency Decision	OVIC Decision
						The document is to be released in accordance with the marked-up version provided to the Agency with this decision.
46.	[Date]	Screening Register Detail	2	84	Released in part Sections 33(1), 33(4)(b), 35(1)(b)	Refuse in full Sections 33(1), 35(1)(b), 38, 25
47.	[Date]	Screening Register Detail	2	86	Released in part Sections 33(1), 33(4)(b), 35(1)(b)	Release in part Sections 33(1), 35(1)(b), 38, 25  The document is to be released in accordance with the marked-up version provided to the Agency with this decision.
48.	[Date]	Screening Register Detail	2	88	Released in part Sections 33(1), 33(4)(b), 35(1)(b)	Release in part Sections 33(1), 35(1)(b), 38, 25  The document is to be released in accordance with the marked-up version provided to the Agency with this decision.
49.	[Date]	Screening Register Detail	2	90	Released in part Section 33(1)	Refuse in full Section 38
50.	[Date]	Screening Register Detail	2	92	Released in part Sections 33(1), 33(4)(b), 35(1)(b)	Release in part Sections 33(1), 35(1)(b), 38, 25

Document No.	Date of Document	Document Description	No. of pages	Page No.	Agency Decision	OVIC Decision
						The document is to be released in accordance with the marked-up version provided to the Agency with this decision.
51.	[Date]	Screening Register Detail	2	94	<b>Refused in full</b> Sections 33(1), 35(1)(b)	<b>Refuse in full</b> Sections 33(1), 35(1)(b), 25
52.	[Date]	Total Care Progress Notes	2	96	<b>Released in part</b> Sections 33(1), 33(4)(b), 35(1)(b)	<b>Release in part</b> Sections 33(1), 35(1)(b), 38, 25  The document is to be released in accordance with the marked-up version provided to the Agency with this decision.
53.	[Date]	Screening Register Note	1	98	<b>Refused in full</b> Sections 33(1), 35(1)(b)	<b>Release in part</b> Sections 33(1), 35(1)(b), 25  The document is to be released in accordance with the marked-up version provided to the Agency with this decision.
54.	[Date]	Screening Register Detail	2	99	<b>Released in part</b> Sections 33(1), 33(4)(b), 35(1)(b)	<b>Release in part</b> Sections 33(1), 35(1)(b), 38, 25  The document is to be released in accordance with the marked-up version provided to the Agency with this decision.
55.	[Date]	Screening Register Note	2	101	<b>Released in part</b>	<b>Release in part</b>

Document No.	Date of Document	Document Description	No. of pages	Page No.	Agency Decision	OVIC Decision
					Sections 33(1), 33(4)(b), 35(1)(b)	Sections 33(1), 35(1)(b), 38, 25
56.	[Date]	Screening Register Note	2	103	<b>Released in part</b> Sections 33(1), 33(4)(b), 35(1)(b)	<b>Release in part</b> Sections 33(1), 35(1)(b), 38, 25 The document is to be released in accordance with the marked-up version provided to the Agency with this decision.
57.	[Date]	Screening Register Note	1	105	<b>Released in part</b> Sections 33(1), 33(4)(b), 35(1)(b)	<b>Release in part</b> Sections 33(1), 38, 25 The document is to be released in accordance with the marked-up version provided to the Agency with this decision.
58.	[Date]	Screening register Detail	2	106	<b>Released in part</b> Sections 33(1), 33(4)(b), 35(1)(b)	<b>Release in part</b> Sections 33(1), 35(1)(b), 25 The document is to be released in accordance with the marked-up version provided to the Agency with this decision.
59.	[Date]	Letter	2	108	<b>Released in part</b> Sections 33(1), 33(4)(b), 35(1)(b)	<b>Release in part</b> Sections 33(1), 35(1)(b), 38, 25 The document is to be released in accordance with the marked-up version provided to the Agency with this decision.

<b>Document No.</b>	<b>Date of Document</b>	<b>Document Description</b>	<b>No. of pages</b>	<b>Page No.</b>	<b>Agency Decision</b>	<b>OVIC Decision</b>
60.	[Date]	Letter	2	110	Released in part Sections 33(1), 33(4)(b), 35(1)(b)	Release in part Sections 33(1), 35(1)(b), 38, 25 The document is to be released in accordance with the marked-up version provided to the Agency with this decision.
61.	[Date]	Total Care Progress Note	1	112	Released in part Section 33(1)	Release in part Sections 38, 25 The document is to be released in accordance with the marked-up version provided to the Agency with this decision.
62.	[Date]	Total Care Progress Note	1	113	Released in part Sections 33(1), 33(4)(b), 35(1)(b)	Release in part Sections 33(1), 35(1)(b), 38, 25 The document is to be released in accordance with the marked-up version provided to the Agency with this decision.
63.	[Date]	Total Care Progress Note	1	114	Released in part Section 33(1)	Refuse in full Section 38
64.	[Date]	Clinical review progress Note	3	115	Released in part Section 33(1)	Release in part Sections 38, 25



Document No.	Date of Document	Document Description	No. of pages	Page No.	Agency Decision	OVIC Decision
						The document is to be released in accordance with the marked-up version provided to the Agency with this decision.
65.	[Date]	Letter	2	118	Released in part Section 33(1)	<b>Release in part</b> Section 25  The document is to be released in accordance with the marked-up version provided to the Agency with this decision.
66.	[Date]	Fax cover sheet	2	120	Released in part Section 33(1)	<b>Release in part</b> Section 25  The document is to be released in accordance with the marked-up version provided to the Agency with this decision.
67.	[Date]	Medical Review Progress Note	2	122	Released in part Sections 33(1), 33(4)(b), 35(1)(b)	<b>Release in part</b> Sections 33(1), 35(1)(b), 38, 25  The document is to be released in accordance with the marked-up version provided to the Agency with this decision.
68.	[Date]	Total Care Progress Note	2	124	Released in part Section 33(1)	<b>Release in part</b> Section 25

Document No.	Date of Document	Document Description	No. of pages	Page No.	Agency Decision	OVIC Decision
						The document is to be released in accordance with the marked-up version provided to the Agency with this decision.
69.	[Date]	Total Care Progress Note	2	126	Released in part Section 33(1)	<b>Release in part</b> Section 25  The document is to be released in accordance with the marked-up version provided to the Agency with this decision.
70.	[Date]	Screening Register Detail	4	128	Released in part Sections 33(1), 33(4)(b), 35(1)(b)	<b>Release in part</b> Sections 33(1), 35(1)(b), 38, 25  The document is to be released in accordance with the marked-up version provided to the Agency with this decision.
71.	[Date]	Total Care Progress Note	1	132	Released in part Section 33(1)	<b>Refuse in full</b> Section 38
72.	[Date]	Total Care Progress Note	2	133	<b>Refused in full</b> Sections 33(1), 33(4)(b), 35(1)(b)	<b>Refuse in full</b> Sections 33(1), 35(1)(b), 25
73.	[Date]	Screening Register Detail	2	135	Released in part Sections 33(1), 33(4)(b), 35(1)(b)	<b>Release in part</b> Sections 33(1), 35(1)(b), 38, 25

Document No.	Date of Document	Document Description	No. of pages	Page No.	Agency Decision	OVIC Decision
						The document is to be released in accordance with the marked-up version provided to the Agency with this decision.
74.	[Date]	Screening Register Detail	2	137	Released in part Sections 33(1), 33(4)(b), 35(1)(b)	<b>Release in part</b> Sections 33(1), 35(1)(b), 38, 25  The document is to be released in accordance with the marked-up version provided to the Agency with this decision.
75.	[Date]	Outcome Measures - Adult	2	139	Released in part Section 33(1)	<b>Release in part</b> Section 25  The document is to be released in accordance with the marked-up version provided to the Agency with this decision.
76.	[Date]	Registration	3	141	Released in part Sections 33(1), 33(4)(b), 35(1)(b)	<b>Release in part</b> Sections 33(1), 25  The document is to be released in accordance with the marked-up version provided to the Agency with this decision.
77.	[Date]	Total Care Progress Note	1	144	Released in part Section 33(1)	<b>Released in part</b> Section 25

Document No.	Date of Document	Document Description	No. of pages	Page No.	Agency Decision	OVIC Decision
						The document is to be released in accordance with the marked-up version provided to the Agency with this decision.
78.	[Date]	Total Care Progress Note	1	145	Released in part Sections 33(1), 33(4)(b), 35(1)(b)	Released in part Sections 38, 25  The document is to be released in accordance with the marked-up version provided to the Agency with this decision.
79.	[Date]	Medical Review Progress Note	1	146	Released in part Sections 33(1), 33(4)(b), 35(1)(b)	Release in part Sections 33(1), 35(1)(b), 38, 25  The document is to be released in accordance with the marked-up version provided to the Agency with this decision.
80.	[Date]	Total Care Progress Note	3	147	Released in part Section 33(1)	Release in part Section 25  The document is to be released in accordance with the marked-up version provided to the Agency with this decision.
81.	[Date]	Letter	4	150	Released in part Section 33(1)	Release in part Section 25

Document No.	Date of Document	Document Description	No. of pages	Page No.	Agency Decision	OVIC Decision
						The document is to be released in accordance with the marked-up version provided to the Agency with this decision.
82.	[Date]	Facsimile cover sheet	2	154	Released in part Section 33(1)	Release in part Section 25  The document is to be released in accordance with the marked-up version provided to the Agency with this decision.
83.	[Date]	Total Care Progress Note	1	156	Released in part Section 33(1)	Refused in full Section 38
84.	[Date]	Total Care Progress Note	1	157	Released in part Section 33(1)	Release in part Section 25  The document is to be released in accordance with the marked-up version provided to the Agency with this decision.
85.	[Date]	Total Care Progress Note	1	158	Refused in full Sections 33(1), 33(4)(b), 35(1)(b)	Release in part Sections 33(1), 35(1)(b), 25  The document is to be released in accordance with the marked-up version provided to the Agency with this decision.

Document No.	Date of Document	Document Description	No. of pages	Page No.	Agency Decision	OVIC Decision
86.	[Date]	Total Care Progress Note	1	159	Released in part Section 33(1)	Release in part Section 25  The document is to be released in accordance with the marked-up version provided to the Agency with this decision.
87.	[Date]	Total Care Progress Note	1	160	Released in part Section 33(1)	Release in part Section 25  The document is to be released in accordance with the marked-up version provided to the Agency with this decision.
88.	[Date]	Total Care Progress Note	1	161	Released in part Section 33(1)	Release in part Section 25  The document is to be released in accordance with the marked-up version provided to the Agency with this decision.
89.	[Date]	Total Care Progress Note	1	162	Released in part Section 33(1)	Release in part Section 25  The document is to be released in accordance with the marked-up version provided to the Agency with this decision.
90.	[Date]	Total Care Progress Note	1	163	Released in part	Release in part

Document No.	Date of Document	Document Description	No. of pages	Page No.	Agency Decision	OVIC Decision
					Section 33(1)	Section 25 The document is to be released in accordance with the marked-up version provided to the Agency with this decision.
91.	[Date]	Total Care Progress Note	1	164	<b>Refused in full</b> Sections 33(1), 33(4)(b), 35(1)(b)	<b>Release in part</b> Sections 33(1), 35(1)(b), 25 The document is to be released in accordance with the marked-up version provided to the Agency with this decision.
92.	[Date]	Total Care Progress Note	1	165	<b>Released in part</b> Section 33(1)	<b>Release in part</b> Section 25 The document is to be released in accordance with the marked-up version provided to the Agency with this decision.
93.	[Date]	Screening Register Detail	2	166	<b>Released in part</b> Sections 33(1), 33(4)(b), 35(1)(b)	<b>Release in part</b> Sections 33(1), 35(1)(b), 38, 25 The document is to be released in accordance with the marked-up version provided to the Agency with this decision.
94.	[Date]	Screening Register Detail	2	168	<b>Released in part</b> Sections 33(1), 33(4)(b), 35(1)(b)	<b>Release in part</b> Sections 33(1), 35(1)(b), 38, 25

Document No.	Date of Document	Document Description	No. of pages	Page No.	Agency Decision	OVIC Decision
						The document is to be released in accordance with the marked-up version provided to the Agency with this decision.
95.	[Date]	Screening Register Detail	2	170	Released in part Sections 33(1), 33(4)(b), 35(1)(b)	<b>Release in part</b> Sections 33(1), 35(1)(b), 38, 25 The document is to be released in accordance with the marked-up version provided to the Agency with this decision.
96.	[Date]	Screening Register Detail	2	172	Released in part Sections 33(1), 33(4)(b), 35(1)(b)	<b>Release in part</b> Sections 33(1), 35(1)(b), 38, 25 The document is to be released in accordance with the marked-up version provided to the Agency with this decision.
97.	[Date]	Screening Register Detail	2	174	Released in part Sections 33(1), 33(4)(b), 35(1)(b)	<b>Release in part</b> Sections 33(1), 35(1)(b), 38, 25 The document is to be released in accordance with the marked-up version provided to the Agency with this decision.
98.	[Date]	[Specified] Admission Screening	1	176	Released in part Section 33(1)	<b>Release in part</b> Sections 33(1), 25



Document No.	Date of Document	Document Description	No. of pages	Page No.	Agency Decision	OVIC Decision
						The document is to be released in accordance with the marked-up version provided to the Agency with this decision.
99.	[Date]	Emergency Department Clinical Sheet	3	177	Released in part Section 33(1)	<b>Release in part</b> Section 25  The document is to be released in accordance with the marked-up version provided to the Agency with this decision.
100.	[Date]	Letter from Emergency Medicine	2	180	Released in part Section 33(1)	<b>Release in part</b> Section 25  The document is to be released in accordance with the marked-up version provided to the Agency with this decision.
101.	[Date]	Alert List	1	182	Released in part Section 33(1)	<b>Release in part</b> Section 25  The document is to be released in accordance with the marked-up version provided to the Agency with this decision.
102.	[Date]	Results	4	183	Released in part Section 33(1)	<b>Release in part</b> Section 25

Document No.	Date of Document	Document Description	No. of pages	Page No.	Agency Decision	OVIC Decision
						The document is to be released in accordance with the marked-up version provided to the Agency with this decision.
103.	[Date]	Screening Register Detail	2	187	Released in part Sections 33(1), 33(4)(b), 35(1)(b)	<b>Release in part</b> Sections 33(1), 35(1)(b), 38, 25  The document is to be released in accordance with the marked-up version provided to the Agency with this decision.
104.	[Date]	Screening Register Detail	2	189	Released in part Sections 33(1), 33(4)(b), 35(1)(b)	<b>Release in part</b> Section 25  The document is to be released in accordance with the marked-up version provided to the Agency with this decision.
105.	[Date]	Screening Register Detail	1	191	Released in part Section 33(1)	<b>Refuse in full</b> Section 38
106.	[Date]	Screening Register Detail	1	192	Released in part Sections 33(1), 33(4)(b), 35(1)(b)	<b>Release in part</b> Sections 33(1), 35(1)(b), 38  The document is to be released in accordance with the marked-up version provided to the Agency with this decision.