

Notice of Decision under section 49P of the *Freedom of Information Act 1982* (Vic)

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Agency:	Victoria Police
Applicant:	'GD8'
Agency decision:	Refuse access under section 25A(5) in conjunction with section 38 of the <i>Freedom of Information Act 1982</i> (Vic) and sections 30D and 30E(1) of the <i>Surveillance Devices Act 1999</i> (Vic)
OVIC ref:	C/26/00495
OVIC review decision:	Refuse access under section 25A(5) in conjunction with section 38 of the <i>Freedom of Information Act 1982</i> (Vic) and section 30E(1) of the <i>Surveillance Devices Act 1999</i> (Vic)
Decision date:	3 November 2025
Information requested:	Body worn camera footage
Citation:	'GD8' and Victoria Police (Freedom of Information) [2025] VICmr 97 (3 November 2025)

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FREEDOM OF INFORMATION – body worn camera footage – all requested documents would be exempt from release under the FOI Act – secrecy provision – *Surveillance Devices Act 1999* (Vic)

Thank you for your request for review of a decision made by Victoria Police (**the Agency**) to refuse you access to information you requested under the *Freedom of Information Act 1982* (Vic) (**the FOI Act**).

I confirm I have conducted a review of the decision made by the Agency and made a fresh decision under section 49P of the FOI Act. My decision and the reasons for it follow.



If you are not satisfied with my decision, you have **60 days** from the date you receive this decision to apply to the Victorian Civil and Administrative Tribunal (**VCAT**) for review.

### Background

On [date], you sought a review of the Agency's decision to refuse access to body worn camera footage under section 25A(5) of the FOI Act. The Agency considered the body worn camera footage you requested would be exempt from release in full under section 38 of the FOI Act in conjunction with sections 30D and 30E of the *Surveillance Devices Act 1999* (Vic) (**Surveillance Devices Act**).

On [date], OVIC staff provided you with their initial view that it was likely section 25A(5) of the FOI Act

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applied to your request, and therefore, access to the requested body worn camera footage would likely be refused. You were provided with similar decisions OVIC made on requests for body worn camera footage, setting out the reasons why such records are exempt from release under the FOI Act. The decisions are available here:

- <http://ovic.vic.gov.au/decision/fp4-and-victoria-police-freedom-of-information-2024-vicmr-26-12-march-2024/>
- <http://ovic.vic.gov.au/decision/ej3-and-victoria-police-freedom-of-information-2022-vicmr-112-1-april-2022/>
- <http://ovic.vic.gov.au/decision/fi5-and-victoria-police-freedom-of-information-2023-vicmr-85-18-august-2023/>

You were invited to withdraw your review application given the likelihood the decision in your matter would be the same as the decisions provided to you. Alternatively, you were invited to provide further information to support your review application. OVIC has not received a response from you.

## Reasons for decision

In making my decision, I have considered information provided in your review application, in addition to the Agency's reasons for decision and previous similar decisions of OVIC in relation to requests for body worn camera footage, listed above.

### *Relevant legislation*

Section 25A(5) of the FOI Act provides that FOI requests may be refused where it is apparent from the request that all documents sought would be exempt documents and where edited copies of the documents cannot be provided.

Section 38 of the FOI Act applies where there is a secrecy provision in other legislation that prohibits the release of a document under the FOI Act.

Section 30E(1) of the Surveillance Devices Act is a secrecy provision that prohibits the disclosure of body worn camera footage, including under the FOI Act.

A person who breaches section 30E(1) of the Surveillance Devices Act may be subject to a financial penalty, which indicates the seriousness of the prohibition on disclosure.

### *What this means*

I am satisfied the body worn camera footage you requested would be exempt from release under section 38 of the FOI Act in conjunction with section 30E(1) of the Surveillance Devices Act. I also find there is no obligation for the Agency to provide you with an edited copy of the body worn camera footage. As such, the Agency is not required to process your request due to section 25A(5) of the FOI Act.

Your review application to OVIC is now closed.

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The Agency will be provided with a copy of my decision.

## Your review rights

As noted on page 1, if you are not satisfied with my decision you can apply to VCAT for it to be further reviewed. If you wish to do this, you must make a review application to VCAT within 60 days from the date you receive my decision.

Information about how to make an application to VCAT is available at [www.vcat.vic.gov.au](http://www.vcat.vic.gov.au).

VCAT can also be contacted by email at [admin@vcat.vic.gov.au](mailto:admin@vcat.vic.gov.au) or by telephone on 1300 018 228.

Yours sincerely,

**Penny Eastman**

Public Access Deputy Commissioner