

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

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| Applicant | 'GF7' |
| Agency: | City of Stonnington |
| Agency decision: | Refuse access under sections 31(1)(d) and 33(1) of the <i>Freedom of Information Act 1982</i> (Vic) |
| OVIC review decision: | Same as Agency - Refuse access under sections 31(1)(d) and 33(1) of the <i>Freedom of Information Act 1982</i> (Vic) |
| Information requested: | CCTV footage |
| Citation: | 'GF7' and City of Stonnington (Freedom of Information) [2025] VICmr 112 (30 December 2025) |

FREEDOM OF INFORMATION – CCTV footage – position and operations of CCTV cameras – personal affairs information – law enforcement documents – third party consultation not practicable

Thank you for your request for review of a decision made by City of Stonnington (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 Agency's decision and made a fresh decision on [date] under section 49P of the FOI Act.

This letter sets out my decision.



If you are not satisfied with my decision, you have **60 days** from the date you receive this letter to apply to the Victorian Civil and Administrative Tribunal (VCAT) for a review. Please see the end of this letter about how to apply to VCAT.

Background

On [date], you sought a review of the Agency's decision to refuse you access to CCTV footage.

On [date], OVIC staff provided you with an initial view that it is likely sections 31(1)(d) and 33(1) of the FOI Act applied to your request, and therefore, access to the CCTV footage would likely be refused.

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You were invited to withdraw your review application given the likelihood the decision would be the same as the Agency's decision. Alternatively, you were invited to provide further information to support your review application.

You advised that you sought a formal review decision and provided further points in support of your request for access.

Reasons for decision

In making my decision, I have reviewed the footage and considered information provided in your review application and your response to OVIC staff's initial view, in addition to the Agency's reasons for decision and previous similar OVIC review decisions.

Relevant legislation

Section 31(1)(d) of the FOI Act applies when the following two conditions are satisfied:

- disclosure of the information would, or would be reasonably likely to disclose methods or procedures for preventing, detecting, investigating, or dealing with breaches of the law and
- release of the information would, or would be reasonably likely to, prejudice the effectiveness of those methods or procedures

Section 33(1) of the FOI Act applies when the following two conditions are satisfied:

- 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 and
- such a disclosure would be 'unreasonable'.

Reasons for decision

Section 31(1)(d)

I am satisfied the CCTV footage you seek is exempt under section 31(1)(d) of the FOI Act. The requested footage depicts various individuals entering and exiting a public facility and captures an alleged incident between various parties.

Access to the footage is denied on grounds that the effectiveness of using the CCTV cameras for public safety or law enforcement purposes is reasonably likely to be compromised if the position and scope of operation of the cameras becomes widely known. You state in your response to OVIC's initial view that the CCTV cameras at the relevant location are clearly visible. However, releasing the footage would reveal aspects of the operation of the CCTV cameras which I consider is not visible to the public, such as the range of vision of the cameras including any potential blind spots and the timing of recordings.¹ I am satisfied that the release of this information would disclose methods or procedures associated with detecting breaches of the law and the release could reasonably undermine the

¹ *Parker v Court Services Victoria* [2021] VCAT 461.

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effectiveness of these measures.

Section 33(1)

I am also satisfied the requested CCTV footage is exempt, in part, under section 33(1) of the FOI Act.

In your response to OVIC's initial view, you state that the CCTV cameras capture 'public spaces where no person can reasonably expect privacy or anonymity'. However, while I agree most people would reasonably accept they will be recorded in public spaces to assist with public safety, I consider most people would also consider it unreasonable to disclose such information to a member of the public outside of law enforcement.

I understand from your correspondence with OVIC that you were the victim in an incident that was reported to police and that the police did not ultimately pursue their investigation. Should you wish to pursue legal action, you may decide to subpoena that information where its disclosure can be subject to conditions that are not available under the FOI Act. Under the FOI Act I cannot place any restrictions on the dissemination of the requested information.

Section 25

I have considered whether the footage could be released to you with personal affairs information deleted. However, I consider that disclosure would continue to show the extent or limitations of the CCTV cameras. I also consider that the pixelation or otherwise removal of personal affairs information of others would not leave any information meaningful to you.

What this means

I am satisfied the CCTV footage you requested is exempt from release under sections 31(1)(d) and 33(1) of the FOI Act. As such, access to the requested footage is refused.

Your review application with OVIC is now closed.

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 reviewed. If you wish to do this, you must make a review application to VCAT within 60 days from the date you are given notice of my decision.

Information about how to make an application to VCAT is available at www.vcat.vic.gov.au.

VCAT can also be contacted by email at admin@vcat.vic.gov.au or by telephone on 1300 018 228.

Yours sincerely

Penny Eastman
Public Access Deputy Commissioner