

3 April 2026

'GJ1'

Copy provided to Maribyrnong City Council

By email only

Dear 'GJ1'

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

Agency:	Maribyrnong City Council
Agency decision:	Refuse access to certain information under section 33(1) of the <i>Freedom of Information Act 1982</i> (Vic)
OVIC review decision:	Same as Agency
Information requested:	Council documents relating to a specific address
Citation:	'GJ1' and Maribyrnong City Council (<i>Freedom of Information</i>) [2026] VICmr 25 (3 April 2026)

FREEDOM OF INFORMATION – personal affairs information – local government – council – dumped rubbish

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

I have conducted a review of the decision made by the Agency and made a fresh decision under section 49P of the FOI Act.

This letter sets out my decision and the reasons for it.



If you disagree with my decision, you have **60 days** from today to apply to the Victorian Civil and Administrative Tribunal (VCAT) for a further review. Details about applying to VCAT are at the end of this letter.

Background

On [date], you sought a review of the Agency's decision to refuse access to documents under section 33(1) of the FOI Act.

You also raised a complaint about the adequacy of the Agency's search for documents. OVIC made enquiries with the Agency concerning your complaint. As I am satisfied that the Agency made a thorough and diligent search for documents, OVIC has decided not to take any further action in relation to your complaint.

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.

Relevant legislation

Section 33(1) of the FOI Act applies where information relates to another person and disclosure of the information would be unreasonable in all the circumstances.

A document will involve the disclosure of personal affairs information if any member of the public could directly or indirectly identify an individual or their address or location from the information.

The documents concern dumped rubbish and animal management notifications made to the Agency by members of the public and the issuing of a Property Information Request Certificate.

The information exempted under section 33(1) of the FOI Act consists of names of Agency officers, the names, addresses and contact information of the individuals notifying the Agency, and the names of the owners of the specified property. Certain reference numbers are also exempted.

I have decided it would be unreasonable to release the personal affairs information exempted under section 33(1) having considered the following factors:

- members of the public contacted the Agency with the expectation of confidentiality and would not want their identity to be disclosed, especially as it could undermine relationships with their neighbours
- although Agency officers and members of the public were not consulted about the release of their personal information, it is likely they would not agree to the release of their information to you
- there is no information before me about the reasons you are seeking this information
- there is no information before me indicating that disclosure would be in the public interest
- people could be dissuaded from making notifications to councils if they believed their identity may be made public, which could in turn affect councils' ability to provide services.

OFFICIAL

What this means

The information identified by the Agency is therefore exempt under section 33(1) and no further information is to be released to you.

As I have made my decision, your review is now closed with OVIC.

Your review rights

As noted on page 1 of this decision, if you are not satisfied with my decision, you can apply to VCAT for it to be reviewed.

If you wish to seek review of my decision, 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

Sean Morrison

Information Commissioner