



ACT
Government

ACT Health

FOI19-40



Dear 

Freedom of Information (FOI) Request: FOI19/40

I refer to your application under section 30 of the *Freedom of Information Act 2016* (the Act), received by ACT Health Directorate on 22 July 2019 in which you sought access to:

“minutes from all meetings held by the Culture Review Oversight Group (excluding the public communiques released).”

I am an Information Officer appointed by the Director-General of ACT Health under section 18 of the Act to deal with access applications made under Part 5 of the Act. ACT Health Directorate was required to provide a decision on your access application by **19 August 2019**.

Decision on access

Searches were completed for relevant documents and two documents were identified that fall within the scope of your request. I have decided not to grant access to these documents as I consider them, on balance, contrary to the public interest to release under the test set out in section 17 of the Act.

In reaching my access decision, I have taken the following into account:

- The FOI Act;
- The contents of the documents that fall within the scope of your request; and
- The Human Rights Act 2004.

My reasons for deciding not to grant access to the documents are as follows;

Public Interest Factors Favouring Disclosure

The following factors were considered relevant factors in favour of the disclosure of the documents:

- Schedule 2.1 (a) (i) promote open discussion of public affairs and enhance the government’s accountability; and
- Schedule 2.2 (a) (ii) contribute to positive and informed debate on important issues or matters of public interest.

Public Interest Factors Favouring Non-Disclosure

The following factors were considered relevant in favour of the non-disclosure of the documents:

- Schedule 2.2 (a) (ii) prejudice the protection of an individual's right to privacy or any other right under the Human Rights Act 2004.
- Schedule 2.2 (a) (xii) prejudice an agency's ability to obtain confidential information; and
- Schedule 2.2 (a) (xv) prejudice the management function of an agency or the conduct of industrial relations by an agency.

Balancing of Public Interest Factors

The disclosure of this information could reasonably be expected to prejudice the agency's ability to obtain confidential information in future. Employees would be disinclined to provide honest and open feedback, reducing the capacity for meaningful engagement in Culture improvement processes. Employees were assured that the culture review would be a confidential process, and this was the reason an independent panel was established. The staff management functions of the agency could be detrimentally impacted by the release of the meeting minutes with areas identified as requiring improvement being publicly identified. This would limit the ability to gather important and accurate data/feedback and reduce the important work being conducted by the Directorate.

Although I consider the factors favouring disclosure to be relevant, I believe that these are fulfilled by the publication of a communique following each meeting. The Directorate has also committed to regularly updating the Legislative Assembly on the progress of the implementation of the panel's recommendations. The factors favouring the disclosure are significantly outweighed by the factors favouring non-disclosure, therefore on balance, the information identified is considered contrary to the public interest and I have decided not to disclose this information.

Charges

Processing charges are not applicable to this request.

Online publishing – disclosure log

Under section 28 of the Act, ACT Health maintains an online record of access applications called a disclosure log. The scope of your access application, my decision and documents released to you in response to your access application will be published in the ACT Health disclosure log not less than three days but not more than 10 days after the date of this decision. Your personal contact details will not be published.

Ombudsman review

My decision on your access request is a reviewable decision as identified in Schedule 3 of the Act. You have the right to seek Ombudsman review of this outcome under section 73 of the Act within 20 working days from the day that my decision is published in ACT Health's disclosure log, or a longer period allowed by the Ombudsman.

If you wish to request a review of my decision you may write to the Ombudsman at:

The ACT Ombudsman
GPO Box 442
CANBERRA ACT 2601
Via email: ACTFOI@ombudsman.gov.au.

ACT Civil and Administrative Tribunal (ACAT) review

Under section 84 of the Act, if a decision is made under section 82(1) on an Ombudsman review, you may apply to the ACAT for review of the Ombudsman decision.

Further information may be obtained from the ACAT at:

ACT Civil and Administrative Tribunal
Level 4, 1 Moore St
GPO Box 370
Canberra City ACT 2601
Telephone: (02) 6207 1740
<http://www.acat.act.gov.au/>

If you have any queries concerning ACT Health Directorate's processing of your request, or would like further information, please contact the FOI Coordinator on (02) 5124 9829 or email HealthFOI@act.gov.au.

Yours sincerely



Vanessa Dal Molin
Executive Branch Manager
Office of the Director-General

19 August 2019

FREEDOM OF INFORMATION REQUEST SCHEDULE

Please be aware that under the *Freedom of Information Act 2016*, some of the information provided to you will be released to the public through the ACT Government's Open Access Scheme. The Open Access release status column of the table below indicates what documents are intended for release online through open access.

Personal information or business affairs information will not be made available under this policy. If you think the content of your request would contain such information, please inform the contact officer immediately.

Information about what is published on open access is available online at: <http://www.health.act.gov.au/public-information/consumers/freedom-information>

NAME	WHAT ARE THE PARAMETERS OF THE REQUEST	File No
[REDACTED]	<i>minutes from all meetings held by the Culture Review Oversight Group (excluding the public communiques released).</i>	FOI19/40

Ref No	No of Folios	Description	Date	Status	Reason for non-release or deferral	Open Access release status
1.	1 – 4	Culture Review Oversight Group Minutes	28 March 2019	Refused release	Schedule 2.2 (a) (ii) (xii) and (xv)	NO
2.	5 – 12	Culture Review Oversight Group Minutes	11 June 2019	Refused release	Schedule 2.2 (a) (ii) (xii) and (xv)	NO
Total No of Docs						
2						