



Dear 

### **DECISION ON YOUR ACCESS APPLICATION**

I refer to your application under section 30 of the *Freedom of Information Act 2016* (FOI Act), received by Canberra Health Services (CHS) on **Friday 4 June 2021**.

This application requested access to:

*'March Canberra Health Services workplace culture pulse survey results'*

I am an Information Officer appointed by the Chief Executive Officer of Canberra Health Services (CHS) under section 18 of the FOI Act to deal with access applications made under Part 5 of the Act. CHS was required to provide a decision on your access application by **Monday 26 July 2021**.

I have identified the document within the scope of your access application.

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;
- The views of relevant third parties; and
- The *Human Rights Act 2004*.

#### **Decisions**

I have decided to refuse access to the document. The identified document contains information that I consider, on balance, to be contrary to the public interest to disclose under the test set out in section 17 of the Act.

#### **Public Interest Factors Favouring Disclosure**

The following factors were considered relevant 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 2.1(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, 2.2(a)(xi) prejudice trade secrets, business affairs or research of an agency or person;
- Schedule 2, 2.2(a)(xii) prejudice an agency's ability to obtain confidential information;
- Schedule 2, 2.2(a)(xv) prejudice the management function of an agency or the conduct of industrial relations by an agency; and

- Schedule 2, 2.2(b)(v) the information is about unsubstantiated allegations of misconduct or unlawful, negligent or improper conduct and disclosure of the information could prejudice the fair treatment of an individual.

On balance, the factors favouring disclosure were outweighed by the factors favouring non-disclosure. The release of this information could reasonably expect to prejudice the trade secrets and business affairs of an agency. The comprehensive information contained within the report is presented in various ways and the questions asked have been developed and refined over many years, therefore, I believe is a third party's intellectual property.

I believe the agency's ability to obtain confidential information could be diminished as it would or could reasonably be expected to have a detrimental effect to conduct future surveys within the organisation. Participants complete this survey on a confidential basis and if released may reduce engagement and diminish the honest and truthful participation.

The Workplace Culture pulse survey is conducted with the ability to recognise and identify any areas with critical issues or concerns and review these in a manner to support any changes required or recommendations. The disclosure of this survey could prejudice the management function of an agency or the conduct of industrial relations by the agency and therefore has not been disclosed.

Another contributing factor in my decision is the concern some individuals, although not identified by name, within leadership or management positions may be unfairly scrutinised by the release of this survey having a detrimental effect within the organisation. The information in the report may be construed as unsubstantiated allegations of improper conduct. Therefore, and I have determined the information identified is contrary to the public interest and I have decided not to disclose this information.

#### **Charges**

Processing charges are not applicable to this request.

#### **Disclosure Log**

Under section 28 of the FOI Act, CHS maintains an online record of access applications called a disclosure log. The scope of your access application and my decision released to you will be published in the 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.

<https://www.health.act.gov.au/about-our-health-system/freedom-information/disclosure-log>.

#### **Ombudsman review**

My decision on your access request is a reviewable decision as identified in Schedule 3 of the FOI 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](mailto:ACTFOI@ombudsman.gov.au)  
Website: [ombudsman.act.gov.au](http://ombudsman.act.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/>

Further assistance

Should you have any queries in relation to your request, please do not hesitate to contact the FOI Coordinator on (02) 5124 9831 or email [HealthFOI@act.gov.au](mailto:HealthFOI@act.gov.au).

Yours sincerely



Raelene Burke  
**Executive Group Manager**  
People and Culture

12 July 2021