

[REDACTED]

Dear [REDACTED]

REFUSE TO DEAL WITH YOUR ACCESS APPLICATION

I refer to your application received by ACT Health Directorate (ACTHD) on **Thursday 15 December 2022**, rescoped on **Friday 23 December 2022**, in which you sought access to information under the *Freedom of Information Act 2016* (FOI Act).

This application requested access to:

'Documents that relate to Local Outbreaks prepared by, provided to, or otherwise considered by the following Officer:

iii. Dr Kerryn Coleman, the Chief Health Officer at the relevant time, when deciding to make the Public Health (Closure of Non-Essential Business or Undertaking) Emergency Direction 2020 of 23 March 2020;

iv. Dr Kerryn Coleman, the Chief Health Officer at the relevant time, when deciding to make the Public Health (Closure of Non-Essential Business or Undertaking) Emergency Direction 2020 (No 2) of 25 March 2020;

v. Dr Kerryn Coleman, the Chief Health Officer at the relevant time, when deciding to make the Public Health (Closure of Non-Essential Business or Undertaking) Emergency Direction 2020 (No 3) of 31 March 2020;

vi. Dr Kerryn Coleman, the Chief Health Officer at the relevant time, when deciding to make the Public Health (Closure of Non-Essential Business or Undertaking) Emergency Direction 2020 (No 4) of 25 March 2020;

i. Briefing packs provided to Dr Kerryn Coleman and Dr Vanessa Johnston, and Annexures thereof;

ii. Summaries provided to Dr Kerryn Coleman and Dr Vanessa Johnston;

iii. Analysis or recommendations regarding the Local Outbreaks;

iv. Recommendations arising from the Local Outbreaks that suggested Dr Kerryn Coleman and Dr Vanessa Johnston ought to make a certain order;

v. Any reasons for decision or records thereof.

For the avoidance of doubt, the following documents are not sought:

i. Any document the subject of legal professional privilege, or cabinet privilege;

ii. To the extent that a document contains personal information, that document should be redacted so as to not be capable of identifying that person. The location of relevant Local Outbreaks should be retained generally in a de-identified manner.'

I am an Information Officer appointed by the Director-General of ACT Health Directorate (ACTHD) under section 18 of the FOI Act to deal with access applications made under Part 5 of the Act. ACTHD was required to provide a decision on your access application by **Tuesday 17 January 2023**.

Decisions

ACTHD sent you a letter on **Tuesday 10 January 2023** to express an intention to refuse to deal with your application in accordance with section 43 of the FOI Act;

- Section 43 (1)(a) dealing with the application would require an unreasonable and substantial diversion of the respondent's resources.

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

- The FOI Act;
- The views of relevant third parties;
- The *Human Rights Act 2004*; and
- The *Information Privacy Act 2014*.

A consultation period of 10 working days was given, which ended on **Tuesday 17 January 2023**.

The resources required to collate all the briefs requested within the scope of your application would require extensive examination across multiple business areas and/or individual staff within the agency. I have decided this is an unreasonable and substantial diversion of resources. Further, it is my decision that the public interest would not be served by the substantial expenditure of resources required processing your request.

You may wish to submit another application request with a further refined or reduced scope, or you may consider other avenues the information you are seeking can be obtained.

Charges

Processing charges are not applicable to this request.

Disclosure Log

Under section 28 of the FOI Act, ACTHD maintains an online record of access applications called a disclosure log. The scope of your access application, my decision and documents 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
Website: 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.

Yours sincerely,



Vanessa Dal Molin
Executive Branch Manager - COVID-19 Policy and Support
COVID-19 Response | Population Health Division
ACT Health Directorate

18 January 2023