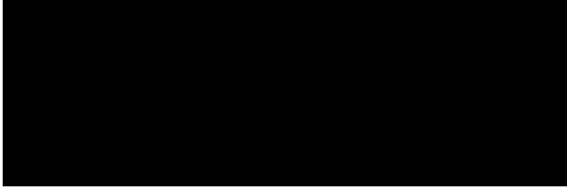




ACT
Government

ACT Health

FOI18-84



Dear [REDACTED]

Freedom of information request: FOI18/84

I refer to your application under section 30 of the *Freedom of Information Act 2016* (the Act), received by ACT Health on 12 September 2018.

In your application you requested:

"...any and all correspondence held or created by the health directorate between the health directorate and/or the chief health officer with the NSW and federal counterparts in relation to PFAS and/ or PFOS and/ or contamination of any water source or body of water in the Wreck Bay community. I seek correspondence between June 27, 2018 and September 12, 2018."

I am an Information Officer appointed by the Chief Executive Officer under section 18 of the Act to deal with access applications made under Part 5 of the Act. ACT Health was required to provide a decision on your access application by 1 November 2018.

Decision on access

Searches were completed for relevant documents and 36 documents were identified that fall within the scope of your request.

I have included as Attachment A to this decision the schedule of relevant documents. This provides a description of each document that falls within the scope of your request and the access decision for each of those documents.

I have decided to grant full access to one documents and partial access to 25 documents.

I have decided to defer access to eight documents as affected third parties have objected to the disclosure. The third parties may apply for review of my release decision within 20 working days after my decision is published in the ACT Health's disclosure log, or a longer period allowed by the Ombudsman. I will write to you to advise when access is no longer deferred.

My access decisions are detailed further in the following statement of reasons and the documents released to you are provided as Attachment B to this letter.

I have decided to grant access, under section 50 of the Act, to copies of documents with redactions applied to information that I consider would be contrary to the public interest to disclose.

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

- the FOI Act, particularly Schedule 2;
- the content of the documents that fall within the scope of your request;
- the views of relevant third parties; and
- the *Human Rights Act 2004*

My reasons for deciding not to grant access to the identified documents and components of these documents are as follows.

Folios 3, 5, 7-10, 12-17, 19, 21-23, 25-26 and 28-36 of the identified documents are composed of, or contain 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 as the information contained in these folios is personal information about individuals.

I have identified that there are no factors favouring disclosure of this information under Schedule 2, section 2.1 and I have identified that the following factor favours non-disclosure:

- Schedule 2 2.2 (ii) - prejudice the protection of an individual's right to privacy or any other right under the *Human Rights ACT 2004*.

On balance, the information identified is contrary to the public interest and I have decided not to disclose this information.

Charges

Documents identified for release at Attachment A will be provided to you on receipt of fees associated with processing your access application, being \$34.65. An itemised determination of fees is attached with this letter.

Online publishing – disclosure log

Under section 28 of the Act, ACT Health maintains an online record of access applications called a disclosure log. Your original 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.

You may view ACT Health's disclosure log at <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 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 on 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 the ACT Health's processing of your request, or would like further information, please contact the FOI Coordinator on 6205 1340 or e-mail HealthFOI@act.gov.au.

Yours sincerely



Conrad Barr
Director
Health Protection services

30 October 2018