



ACT
Government

ACT Health

Ref FOI18-84



Dear 

Freedom of Information (FOI) request

I refer to my correspondence of 30 October 2018 in response to your application to access information under the *Freedom of Information Act 2016* (the Act).

Decision on access

I can inform you that review period for the release of eight deferred documents is now completed.

I have decided to grant partial access to one document identified at folio 27 in the Schedule of documents included as Attachment A. The document released to you is provided at Attachment B to this letter.

The information redacted in the document is, I consider to be information that would, on balance, be contrary to the public interest to disclosure under the test set out in section 17 of the Act.

In reaching my access decision, I have taken the Act and the content of the document that fall within the scope of your request into account.

The Act has a presumption in favour of disclosure. As a decision maker I am required to decide where, on balance, public interests lies. As part of this process I must consider factours favouring disclosure and non-disclosure. In accordance with Schedule 2.2(a)(ii) of the Act, the redacted information is personal information about an individual and is therefore considered to be contrary to public interest as it could prejudice the protection of an individual's right to privacy.

Notice of Ombudsman Review

I have received notice of an application, initiated by an affected third party, for Ombudsman review under section 75 of the Act regarding my decision on your FOI access application FOI18-84.

Access to the remaining seven documents identified at folio's 1,2,4,6,11,18 & 20 in the schedule of documents at Attachment A will be deferred until the review period, as permitted under part 8 of the Act, has ended.

Unless resolved by mediation under section 81 of the Act, the Ombudsman will decide whether to conduct a review into my decision, made under section 35(1)(a) of the Act, to disclose information requested by the FOI access application.

In accordance with section 82 of the Act, and following a review, the Ombudsman may confirm, vary or set aside and substitute the original access application decision.

The outcome of the Ombudsman's review is expected by Friday 25 January 2019 and will be published online at <http://www.health.act.gov.au/public-information/consumers/freedom-information/disclosure-log> as soon as reasonably practicable after the decision is made.

If a review is not undertaken, my decision will be carried out and the information will be disclosed following the end of the review period as permitted under part 8 of the Act.

Further information on the Ombudsman's review process can be obtained at <http://www.ombudsman.act.gov.au>.

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 of 30 October 2018 and document released to you were published on the disclosure log on 13 November 2018. This decision and the documents released to you will be published in the disclosure log not less than three days but not more than 10 days after date of decision. Your personal contact details will not be published.

You may view the ACT Health disclosure log at <http://www.health.act.gov.au/public-information/consumers/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 in ACT Health 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/>

Should you have any queries in relation to your request, please do not hesitate to contact the FOI Coordinator on 5124 9829 or email HealthFOI@act.gov.au.

Yours sincerely



Conrad Barr
Executive Branch Manager
Health Protection Service

12 December 2018