

Dear [REDACTED]

DECISION ON YOUR ACCESS APPLICATION

I refer to your application under section 30 of the *Freedom of Information Act 2016* (FOI Act), received by ACT Health Directorate (ACTHD) on **Monday 30 August 2021**. In accordance with section 43(2) of the FOI Act this application will be combined and treated as one application with another received addressed to the ACT Health Improvement Branch on the same day.

This application requested access to:

*'I am requesting documents under the Freedom of Information Act that are containing: instructions, notices, evidence to support, in regards to the wearing of face masks by your internal staff and public that was sent to you from either the State or Federal Authorities in 2021. *Notes*: to keep the scope of the docs requested reasonable see below.
- by docs I am referring to communications ie emails, memos, minutes of decision meeting, guides, Q&A. that I expect your offices would be sent due to virus outbreak.
Such Docs would have been used to convey following info and directive or policy
WHAT the State & Federal Authority wants you to do regarding mask wearing WHY include evidence & reason why staff and/or public should obey mask mandate.
WHO these docs should show where they originated and be ideally dated also WHEN I am only after those docs covering this 2021 delta variant covid19 outbreak EXCEPTION and finally what is permitted as Exceptions for staff and public including any advice on who is bearing responsibility should any legal claim arise from staff or public suffering harm from mask-wearing (risk management).'*

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 **Monday 27 September 2021**.

My access decisions are detailed further in the following statement of reasons. 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*.

Decisions on access

I have decided to refuse to deal with the application in accordance with;

Section 43 (1) A respondent may refuse to deal with an access application wholly or in part only if – (f) an earlier access application for the same government information –

- (i) was made in the 12 months before the application was made; and
- (ii) access to the information was refused; and
- (iii) the relevant public interest factors are materially the same as those considered in deciding the earlier application.

Please see the below links to the relevant earlier applications available on the ACTHD disclosure log;

https://www.health.act.gov.au/sites/default/files/2021-08/FOI21-22%20ACTHD%20Response_DL.pdf

https://www.health.act.gov.au/sites/default/files/2021-08/FOI21-23%20ACTHD%20Response_DL.pdf

Therefore, I am satisfied that ACTHD does not hold any additional information relevant to the scope of your request.

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 any 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

A handwritten signature in black ink, appearing to read 'Vanessa Dal Molin', written in a cursive style.

Vanessa Dal Molin

Executive Branch Manager

Policy and Support Services, COVID-19

27 September 2021