

Our reference: **CHSFOI23-24.06**

[REDACTED]

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 Canberra Health Services (CHS) on Thursday 27 July 2023 and rescoped on **Tuesday 8 August 2023**.

This application requested access to:

The subject line of all final Ministerial briefs between the 8th of May 2023 and 8th of July 2023 generated for or directed to any ACT Government Minister.

This request includes, wherever possible, the date of the brief, the internal reference, position of authority it was written by, and which Minister it was addressed to.

This request includes briefs prepared for Question Time, but not for Estimates or Annual Reports.

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 **Tuesday 19 September 2023**.

The information has been extracted into one document holding the information within the scope of your access application. The document was created for the purpose of your request and captures information sourced from HPE Content Manager (Record Management System).

I have identified additional information that is a health record for the purposes of the *Health Records (Privacy and Access) Act 1997*. The identified information is directly related to correspondence to the ACT Ministers for Health, Mental Health and Justice Health regarding the treatment, health, illness, or disability of consumers of CHS. Section 12 of the FOI Act specifies that the FOI Act does not apply to health records. This information has not been assessed in this response.

Decisions

I have decided to grant partial access to the one document.

The documents released to you are provided as Attachment A to this letter. My access decisions are detailed further below 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;
- The views of relevant third parties; and
- The *Human Rights Act 2004*.

Partial Access

The document is also partially comprised of 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 regarding personal information.

Public Interest Factors Favouring Disclosure

The following factors were considered relevant in favour of the disclosure of the documents:

- Schedule 2, 2.1 (a)(i) promote open discussion of public affairs and enhance the government's accountability; and
- Schedule 2, 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)(ii) prejudice the protection of an individual's right to privacy or any other right under the *Human Rights Act 2004*.

On balance, the factors favouring disclosure did not outweigh the factor favouring non-disclosure as the redacted information contains names of constituents that are non-ACT Government employees. Therefore, I 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, 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
Allara House
15 Constitution Avenue
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



Josephine Smith,
Executive Branch Manager
Strategy and Governance

30 August 2023

CHSFOI23-24.06 - Subject line of all final ministerial briefs from 8 May - 8 July 2023

Record Number	Title	Position of Authority when it was Written	Date of Brief	Which Minister Addressed to
MCHS23/185	Initiated Brief: (Minister for Health) Freedom of Information (FOI) Application from ██████████ - Alternative uses for Garran Surge Centre (CHSFOI22-23.49)	Deputy Chief Executive Officer	16/05/2023	Minister for Health
MCHS23/245	Initiated Brief: (Minister for Health and Minister for Mental Health) Freedom of Information (FOI) Application from ██████████ - Documents relating to the serious data breach reported on 21 March 2023 (CHSFOI22-23.52)	Chief Executive	11/05/2023	Minister for Health
MCHS23/265	Meeting - Minister for Health - Meeting with ██████████ - 17 May 2023	Chief Operating Officer	17/05/2023	Minister for Health
MCHS23/271	Initiated Brief: (Minister for Health) Canberra Health Services Renal Dialysis Service Provision update (Baxter Healthcare)	Chief Operating Officer	19/06/2023	Minister for Health
MCHS23/278	Initiated Brief: (Minister for Health) Avenues for Raising Concerns	Deputy Chief Executive Officer	09/05/2023	Minister for Health
MCHS23/282	Initiated Brief: (Minister for Health) Stand down of the Clinical Health Emergency Coordination Centre (CHECC)	Chief Executive	15/05/2023	Minister for Health
MCHS23/292	Initiated Brief: (Minister for Health) Canberra Health Services Brand Project – Brand Architecture	Deputy Chief Executive Officer	03/07/2023	Minister for Health
MCHS23/304	Initiated Brief: (Minister for Health) Canberra Health Services recruitment campaign	Deputy Chief Executive Officer	04/07/2023	Minister for Health
MCHS23/313	Media Event - Minister for Health - Weston Creek Imaging Service - Tuesday 30 May 2023 (12.30pm)	Deputy Chief Executive Officer	26/05/2023	Minister for Health
MCHS23/321	Initiated Brief: (Minister for Mental Health) Freedom of Information (FOI) Application from ██████████ Any documents held by CHS and/or ACTHD regarding an inquiry into the Dhulwa Mental Health Unit from April 6 2022 to May 2 2022 (CHSFOI22-23.55)	Chief Executive	25/05/2023	Minister for Health
MCHS23/322	Initiated Brief: (Minister for Health) Freedom of Information (FOI) Application from ██████████ - Correspondence between the Royal Hospital for Women and CHS and/or ACT Health regarding the gynaecology oncology service (CHSFOI22-23.56)	Chief Executive	19/06/2023	Minister for Health
MCHS23/323	Initiated Brief: (Minister for Health) Freedom of Information (FOI) Application from ██████████ - All documents relating to the decision to contract out Medical and Sonography Services by Canberra Health Services (CHSFOI22-23.58)	Chief Operating Officer	16/06/2023	Minister for Health
MCHS23/334	Request for Advice - Minister for Health - Advice following complaint regarding medical supply at The Canberra Hospital - Anonymous	Chief Executive	14/06/2023	Minister for Health
MCHS23/338	Request for Advice: (Minister for Health) Urology Elective Surgery Wait List Update	Chief Executive	23/06/2023	Minister for Health
MCHS23/339	Letter - Minister for Health - Arrangements for the supply and funding of blood, blood products and blood services - National Product Price List and National Supply Plan and Budget - The Hon Ged Kearney MP	Executive Director - Medical Services	09/06/2023	Minister for Health
MCHS23/341	Meeting - Minister for Health - Capital Region Muscular Dystrophy - Neuromuscular Services in Canberra - 6 July 2023 at 11.30am - 12.15pm	Chief Operating Officer	05/07/2023	Minister for Health
MCHS23/344	Event: (Minister for Health and Minister for Mental Health) Opening of the new Adolescent Unit – Wednesday, 5 July 2023 (9am to 9.30am)	Deputy Chief Executive Officer	29/06/2023	Minister for Health
MCHS23/346	Initiated Brief: (Minister for Mental Health) Canberra Health Services Disability Action and Inclusion Plan (DAIP)	Deputy Chief Executive Officer	23/06/2023	Minister for Health
MCHS23/350	Initiated Brief: (Minister for Health) Proposal to donate artworks to the ACT Legislative Assembly (Stronger Together Exhibition)	Deputy Chief Executive Officer	03/07/2023	Minister for Health
MCHS23/379	Initiated Brief - Minister for Health - National Diabetes in Schools Programs	Chief Operating Officer	30/06/2023	Minister for Health
MCHS23/380	Meeting - Minister for Health - Spiritual Health Association - 4 July 2023	Chief Executive	03/07/2023	Minister for Health

CHSFOI23-24.06 - Subject line of all final ministerial briefs from 8 May - 8 July 2023

Record Number	Title	Position of Authority when it was Written	Date of Brief	Which Minister Addressed to
MCHS23/245	Initiated Brief: (Minister for Health and Minister for Mental Health) Freedom of Information (FOI) Application from [REDACTED] - Documents relating to the serious data breach reported on 21 March 2023 (CHSFOI22-23.52)	Chief Executive	11/05/2023	Minister for Mental Health
MCHS23/279	Advisory Note: Minister for Mental Health - Adult Mental Health Unit Fire (8 May 2023)	Chief Executive	09/05/2023	Minister for Mental Health
MCHS23/293	Initiated Brief: (Minister for Mental Health) Canberra Health Services Brand Project – Brand Architecture	Chief Executive	23/05/2023	Minister for Mental Health
MCHS23/328	Initiated Advisory Note: (Minister for Health) Use of Body Worn Cameras in Canberra Health Services	Chief Executive	14/06/2023	Minister for Mental Health
MCHS23/333	Initiated Brief: (Minister for Mental Health) Comprehensive investigation report of the Adult Mental Health Unit (AMHU) incident - November 2022	Chief Operating Officer	15/06/2023	Minister for Mental Health
MCHS23/342	Event: (Minister for Mental Health) Opening of the new dedicated space for the Adolescent Day Program – Friday 23 June 2023 (1.30pm to 2.30pm)	Deputy Chief Executive Officer	21/06/2023	Minister for Mental Health
MCHS23/344	Event: (Minister for Health and Minister for Mental Health) Opening of the new Adolescent Unit – Wednesday, 5 July 2023 (9am to 9.30am)	Deputy Chief Executive Officer	29/06/2023	Minister for Mental Health