

**OFFICE OF THE INFORMATION
COMMISSIONER (W.A.)**

**File Ref: F2009346
Decision Ref: D0252010**

Participants:

Dalbir Singh Malik
Complainant

- and -

**Office of the Public Sector Standards
Commissioner**
Respondent

DECISION AND REASONS FOR DECISION

FREEDOM OF INFORMATION - refusal of access – review report – clause 3 – personal information – clauses 3(3) and 3(4) – prescribed details – clause 3(6) – public interest.

Freedom of Information Act 1992: sections 21, 30(f) and 102(3); Schedule 1, clauses 3(1), 3(3), 3(4) and 3(6); Schedule 2, Glossary, clause 1

Freedom of Information Regulations 1993: regulations 9(1) and 9(2)

Public Sector Management Act 1994

Police Force of Western Australia v Winterton (1997) WASC 504

Police Force of Western Australia v Kelly and Smith (1996) 17 WAR 9

Re Weygers and Department of Education and Training [2007] WAICmr 16

Re P and Ministry of Justice [1996] WAICmr 22

Re N and Royal Perth Hospital [2009] WAICmr 21

Re Mossenson and Others and Kimberley Development Commission [2006]

WAICmr 3

Re Byrnes and Department of Environment and Anor [2006] WAICmr 6

DPP v Smith [1991] 1 VR 63

DECISION

The decision of the agency is varied. I find that the information listed in the schedule to this decision is exempt under clause 3(1) of Schedule 1 to the *Freedom of Information Act 1992*.

Sven Bluemmel
INFORMATION COMMISSIONER

27 October 2010

REASONS FOR DECISION

1. This complaint arises from a decision of the Office of the Public Sector Standards Commissioner ('the agency') to refuse Mr Dalbir Malik ('the complainant') access to documents under the *Freedom of Information Act 1992* ('the FOI Act').

BACKGROUND

2. The agency was established under the *Public Sector Management Act 1994* ('the PSM Act') to, among other things, administer the Public Sector Standards in Human Resource Management ('the Standards'). The Standards are binding minimum requirements for the conduct of human resource processes and the making of human resource decisions.
3. In February 2009, the complainant, who is an employee of a government agency, applied for a Manager's position with that agency. The complainant was interviewed by an interview panel ('the Panel') for that position but his application was unsuccessful. The complainant complained to the agency about a breach of the Standards, in particular the Recruitment, Selection and Appointment Standard ('the Standard'), in relation to his application.
4. Following the receipt of the complainant's complaint, the agency appointed an external consultant as the Conciliation and Review Officer to investigate the claim and provide a report ('the Report') to the former Public Sector Standards Commissioner ('the Commissioner'). On 24 June 2009, the Commissioner advised the complainant by letter of her decision ('the decision letter'), which was that a breach of standard had not been demonstrated and that, for the reasons explained in the decision letter, the matter was now concluded.
5. On 26 June 2009, the complainant applied under the FOI Act to the agency for access to various documents relevant to his complaint, including the Report. Following further correspondence the agency agreed, on 1 July 2009, to extend the scope of the application to include additional documents.
6. The agency provided the complainant with its decision on access on 13 August 2009. The agency decided to release certain documents in full and defer access to another document. The agency also refused access to the 17 pages that comprised the Report on the ground that the document was exempt under clauses 11(1)(a)-(c) of Schedule 1 to the FOI Act.
7. The complainant requested an internal review of that decision. On 11 September 2009, the agency decided to, among other things, give the complainant access to the deferred document but to maintain its claim that the Report was exempt under clauses 11(1)(a)-(c).
8. Neither of the agency's notices of decision explained to the complainant how or in what way the requirements of each of clauses 11(1)(a)-(c) were satisfied in this case. The agency's initial notice of decision simply stated that the Report was considered "*to be exempt matter as provided under the FOI Act Schedule 1*

11(1)(a) to (c). This provision relates to the effective operation of agencies”. The notice of decision on internal review added nothing further. Neither of those notices complied with s.30(f) of the FOI Act. Section 30(f) requires an agency that refuses access to documents to set out in its decision - in addition to the reasons for the refusal - its findings on the material questions of fact underlying those reasons and reference to the material on which its findings were based.

9. On 16 September 2009, the complainant applied to me for external review of the agency’s decision and raised a number of issues.

REVIEW BY INFORMATION COMMISSIONER

10. Following the receipt of this complaint, I required the agency to produce to me the original of its FOI file maintained in respect of the complainant’s access application and the originals of the documents the subject of the access application. Having examined that material, my A/Principal Legal Officer wrote to the complainant to advise that the Report was clearly within the scope of his access application but that the other issues he had raised were either not within the scope of his application or were not matters within my jurisdiction.
11. My officer also wrote to the agency seeking further information to support the agency’s claims for exemption under clause 11 of Schedule 1 to the FOI Act. On 27 May 2010, the agency withdrew its claims for exemption under clauses 11(1)(a)-(c) but in substitution claimed that the Report was exempt under clauses 3(1) and 6(1) of Schedule 1 to the FOI Act. My officer advised the complainant of those new exemption claims and invited him to make written submissions to me, which he did on 4 June 2010.
12. In addition, it was established that the Report included nine attachments, over and above the 17 pages originally identified by the agency. The agency claimed that attachments 1-4 of the Report were exempt under clauses 3(1) and 6(1) of Schedule 1 to the FOI Act and that attachments 5-9 were exempt under clauses 3(1), 6(1) and 8(2).
13. As part of my office’s discussions with the agency, it was noted some of the information in the Report was contained in an internal memorandum dated 5 June 2009 (‘the Memorandum’) that the agency had disclosed to the complainant in the course of dealing with his access application, following its consultation with a number of third parties referred to in the Memorandum. On the basis that a good deal of the information in the Memorandum was also contained in the Report, my officer asked the agency to consider consulting the same third parties to obtain their views in relation to the disclosure of that same information in the Report. By letter of 10 June 2010, the agency advised me that it declined to consult further with the third parties.
14. On 16 July 2010, I provided both parties with a letter setting out my preliminary view of this complaint. My preliminary view was that the Report (including all of the attachments) was not exempt under clause 6(1) and that attachments 5-9 were not exempt under clause 8(2). It was also my preliminary view that some

of the information contained in the Report and the attachments was exempt under clause 3(1) but that much of this information amounted to ‘prescribed details’, which is not exempt under that provision by virtue of the limitations on the exemption in clauses 3(3) and 3(4).

15. I considered that it was practicable to give the complainant access to an edited copy of the Report with the exempt information deleted and I invited the agency to reconsider its decision in light of my preliminary view. I also invited the complainant to withdraw his complaint in respect of the matter that I considered was exempt under clause 3(1). Both parties were invited to provide me with submissions.
16. By letter dated 4 August 2010, the agency accepted my preliminary view and withdrew its claims for exemption under clauses 6(1) and 8(2). Further, the agency accepted my preliminary view in relation to the information that I considered to be prescribed details and withdrew its claim for exemption for that matter. Subsequently, the agency provided me with an edited copy of the Report - deleting only information that it maintained was exempt under clause 3(1) in accordance with my preliminary view - and agreed to give the complainant access to it.
17. Following the agency’s acceptance of my preliminary view, I asked the agency to consult the third parties whose identities would be disclosed by the release of prescribed details and invite them to be joined as parties to this complaint and/or to provide me with submissions. On 15 October 2010, the agency advised me that all of the third parties had consented to the disclosure of prescribed details in the manner proposed by the agency. None of the third parties made submissions to me or sought to be joined as a party to the complaint.
18. On 30 July 2010, the complainant provided me with further submissions and information. He did not withdraw his complaint in relation to the information that, in my preliminary view, was exempt under clause 3(1) but maintained his request for access to a complete and unedited copy of the Report.

THE DISPUTED INFORMATION

19. I consider that it is generally practicable to edit the Report in the manner proposed by the agency. However, where paragraphs have been heavily edited, I consider that, in some cases, it is not practicable to provide access to the small amounts of information proposed to be disclosed, in line with the decision of the Supreme Court in *Police Force of Western Australia v Winterton* (1997) WASC 504. In that case, Scott J held that the editing of documents should be done in such a way that the document does not lose either its meaning or its context. I agree with that view and, therefore, I have decided that whole paragraphs should be redacted in circumstances where otherwise the information proposed to be disclosed in those paragraphs would lose its meaning or context.
20. Accordingly, the information listed in the schedule to this decision is the information that the agency claims is exempt under clause 3(1), together with the additional information which I consider it is not practicable to disclose. The

Report is dated 8 April 2009 and headed “*Conciliation & Review Officer’s Breach of Standard Claim – Review Report*”; attachment 1 appears to be notes prepared by the complainant before a meeting with the author of the Report; attachment 2 is a series of emails between the complainant and the author of the Report; attachment 3 is a series of emails between officers of agencies and the author of the Report; attachment 4 is a record of interview with the complainant; and attachments 5 – 9 are records of interviews with third parties.

CLAUSE 3 – PERSONAL INFORMATION

21. The agency claims that the disputed information is exempt under clause 3(1) of Schedule 1 to the FOI Act. Clause 3 relevantly provides as follows:

“3. *Personal information*

- (1) *Matter is exempt matter if its disclosure would reveal personal information about an individual (whether living or dead).*
- (2) *Matter is not exempt matter under subclause (1) merely because its disclosure would reveal personal information about the applicant.*
- (3) *Matter is not exempt matter under subclause (1) merely because its disclosure would reveal, in relation to a person who is or has been an officer of an agency, prescribed details relating to -*
 - (a) *the person;*
 - (b) *the person’s position or functions as an officer; or*
 - (c) *things done by the person in the course of performing functions as an officer.*
- (4) *Matter is not exempt matter under subclause (1) merely because its disclosure would reveal, in relation to a person who performs, or has performed, services for an agency under a contract for services, prescribed details relating to -*
 - (a) *the person;*
 - (b) *the contract; or*
 - (c) *things done by the person in performing services under the contract.*
- (5) *...*
- (6) *Matter is not exempt matter under subclause (1) if its disclosure would, on balance, be in the public interest.”*

22. In the Glossary to the FOI Act, the term ‘personal information’ is defined to mean:

“...information or an opinion, whether true or not, and whether recorded in a material form or not, about an individual, whether living or dead -

- (a) *whose identity is apparent or can reasonably be ascertained from the information or opinion; or*
 - (b) *who can be identified by reference to an identification number or other identifying particular such as a fingerprint, retina print or body sample.”*
23. The purpose of the exemption in clause 3(1) is to protect the privacy of individuals about whom information may be contained in documents held by State and local government agencies. The definition of ‘personal information’ in the Glossary makes it clear that any information or opinion about a person from which that person can be identified is exempt information under clause 3(1).

The complainant’s submissions

24. The complainant’s submissions are contained in his letters to me of 15 September 2009, 4 June 2010 and 30 July 2010. The complainant advised me that an unedited version of the Report is important to him for the purposes of his appeal in a related matter. The complainant advised me that he is not seeking the names of the other applicants for the Manager’s position.
25. The complainant submits, in brief, as follows:
- All of the information contained in the Report relates to a consideration of whether the Panel members appointed to select an applicant for the position he applied for discharged their functions and obligations as members of the Panel correctly. Consequently, the information about those persons would, if disclosed, only reveal details of functions performed by individuals as officers of agencies and is not, thus, exempt under clause 3(1).
 - Since the Report is the basis of the Commissioner’s decision to reject the complainant’s breach of standard appeal, transparency and fairness require its disclosure to him.
 - Without a complete copy of the Report, it is not possible to confirm:
 - whether all issues raised in the complainant’s claim were properly and thoroughly investigated;
 - whether due process was followed and no undue influence was exerted during the decision-making process, in contravention of the PSM Act;
 - whether the decision made by the Commissioner was in line with the recommendations made by the author of the Report, or was significantly different; and
 - what deficiencies in the recruitment and selection processes were highlighted in the Report and whether those deficiencies had a material effect on the outcome of his breach of standard claim.

- Disclosure will increase the confidence of the 115,000 fulltime public sector employees in the way that the agency functions, since many employees are concerned at the very low rate of success of breach of standard claims, which the complainant estimates to be 5-10% across the entire public sector and less than 5% for the complainant's employer.
- Disclosure will reinforce transparency, fairness, openness and equity to the decision-making process of the agency, which at present is also a matter of serious concern to many public sector employees.
- Disclosure will increase confidence in the selection processes of government agencies.

The complainant contends that all of those matters indicate that the disclosure of the Report relates to public, rather than private, interests.

The agency's submission

26. The agency states that - in addition to the copy of the edited Report that it is now prepared to disclose to the complainant - it has already voluntarily provided the complainant with a copy of the Commissioner's decision letter and the Memorandum. The latter contains a summary of the complainant's breach of standard claim; the scope of the agency's review of that claim; the key individuals; the relevant facts and circumstances; the agency's assessment of the claim; the application of the Standard to the claim; and the Commissioner's determination. The agency considers that the Memorandum provides a "*balanced and complete analysis of the claim against the requirements of the Standard.*"
27. In view of the above, the agency submits that the disclosure of the disputed information would not significantly contribute to the complainant's understanding of why the agency made the decision that it did in respect of his claim that there had been a breach of the Standard.
28. The agency further submits that the public interests in accountability and transparency are satisfied by its disclosure of the Memorandum, the decision letter and an edited copy of the Report to the complainant.

Consideration

29. Having examined the disputed information, I consider that, if disclosed, it would reveal 'personal information' as defined in the FOI Act because that information would identify private individuals, a contractor and officers of government agencies. That information is *prima facie* exempt under clause 3(1). However, clause 3(1) is subject to the limits on exemption in clauses 3(2)-3(6). In my opinion, the limits in clauses 3(2)-3(4) and 3(6) are relevant to this matter.

30. It is evident that the complainant is aware of the identities of most of the persons referred to in the Report. However, the Supreme Court in *Police Force of Western Australia v Kelly and Smith* (1996) 17 WAR 9 at 14 noted that what is under consideration in dealing with an application under the FOI Act is the right of access to particular documents and that their character as exempt documents does not depend on what the applicant knows or claims to know of their content. In that case, Anderson J said:

“One would not expect the character of the documents as exempt documents to depend on whether, by some means, the subject matter of the documents, or some of it, had already got out ... it would mean that an applicant could overcome a claim of exemption by showing or claiming that he already knew something of the matter from other sources. I do not think that it could have been intended that exemption should depend on how much an applicant already knows or claims to know of the matter.”

31. I agree with that view and I consider that it holds true even where, as here, some of the disputed information is contained in emails sent by the complainant. However, the question of what the complainant knows may be relevant to the operation of clause 3(6) which relates to the public interest: see *Re Weygers and Department of Education and Training* [2007] WAICmr 16 at [22]-[23].

Clause 3(2)

32. Clause 3(2) provides that matter is not exempt under clause 3(1) merely because its disclosure would reveal personal information about the applicant (in this case, the complainant). The use of the word ‘merely’ in clause 3(2) means - according to its ordinary dictionary meaning - ‘solely’ or ‘no more than’ personal information about the applicant.
33. Having examined the Report I consider that some, although not all, of the personal information about the complainant is interwoven with personal information about other individuals. Where personal information about the complainant is inextricably interwoven with personal information about other people, disclosure of the former would do more than ‘merely’ reveal personal information about the complainant. In those circumstances, it is not possible for the agency to give access to that information without also disclosing personal information about the other individuals. Accordingly, unless the information about other people is, for example, ‘prescribed details’, the interwoven information will be exempt under clause 3(1) and the limit on exemption in clause 3(2) will not apply.

Clauses 3(3) and 3(4)

34. Clauses 3(3) and 3(4) provide that information is not exempt merely because its disclosure would reveal ‘prescribed details’ in relation to officers or former officers of agencies or persons who perform or have performed services for agencies under a contract for services. The FOI Act makes a distinction

between private information – such as a person’s home address or health details – and information that relates solely to the person’s performance of functions, duties or services for an agency. The type of information that amounts to prescribed details is set out in regulations 9(1) and 9(2) of the *Freedom of Information Regulations 1993* (‘the Regulations’).

35. Regulation 9(1) provides, as follows:

“9(1) In relation to a person who is or has been an officer of the agency, details of –

- (a) the person’s name;*
- (b) any qualifications held by the person relevant to the person’s position in the agency;*
- (c) the position held by the person in the agency;*
- (d) the functions and duties of the person, as described in any job description document for the position held by the person; or*
- (e) anything done by the person in the course of performing or purporting to perform the person’s functions or duties as an officer as described in any job description document for the position held by the person.”*

36. Regulation 9(2) relates to persons performing services for an agency under a contract for services and is similar in scope. In effect, the Regulations provide that certain specified work-related information about an officer or contractor - even though it is ‘personal information’ as defined in the FOI Act - will not be exempt under clause 3(1).

37. The complainant submits that all of the information about individuals contained in the disputed information is prescribed details since that information forms part of a consideration as to whether the members of the Panel discharged their functions and duties as Panel members correctly.

38. As stated, the disputed information includes information about private individuals and officers of, or contractors to, various agencies. Clearly, information about the former is not covered by the limits on the exemption in clauses 3(3) and 3(4). The question is whether, as the complainant claims, the remainder of the disputed information is prescribed details as defined in the Regulations.

39. The Report was prepared to consider whether or not the Panel had breached the Standard in the course of selecting, interviewing and appointing a Manager. In my opinion, the Panel members, in the course of selecting, interviewing and appointing a person to fill the vacant position that the complainant had applied for, were acting in the course of their functions and duties as officers appointed to act as Panel members. Consequently, details of things done by the Panel members in the course of performing or purporting to perform their functions or duties as Panel members will be prescribed details.

40. Among other things, the Report contains information provided by the complainant; information provided by other individuals, including information as to how the Panel members carried out their functions and duties as Panel members; the issues to be considered; and the Conciliation and Review Officer's consideration of how the Panel members performed or purported to perform their functions or duties as Panel members.
41. In my view, much of the information contained in the Report is prescribed details because it reveals nothing more than the names and positions of officers and things done by them in the course of their functions and duties as officers of agencies - whether as Panel members or, in the case of the author of the Report, in the course of performing functions as a Conciliation and Review Officer. In relation to that information, clauses 3(3) and 3(4) operate to limit the exemption in clause 3(1): see *Re P and Ministry of Justice* [1996] WAICmr 22 at [35]. As stated in paragraphs [16]-[17] of the present decision, the agency has agreed to disclose information that is prescribed details and the relevant third parties have also consented to the disclosure of that information.
42. However, I do not consider that the disputed information consists of prescribed details as defined in the Regulations. The disputed information includes, among other things, information that does not appear to be correct; allegations that were not supported by evidence or investigated; information about personal relationships and attitudes; direct contact details for officers of agencies; and things said or done by officers that do not relate to things said or done by them in the course of exercising their functions and duties as Panel members. In my opinion, information of that type would reveal more than prescribed details and is not covered by the limits on exemption in clauses 3(3) and 3(4): see *Re N and Royal Perth Hospital* [2009] WAICmr 21 at [28]-[29] and *Re Mossenson and Others and Kimberley Development Commission* [2006] WAICmr 3 at [38].
43. Moreover, those parts of the disputed information that identify applicants for the Manager's position would not 'merely' reveal prescribed details because that matter would also reveal that those persons had applied for that position: see *Re Byrnes and Department of Environment and Anor* [2006] WAICmr 6. However, the complainant has advised me that he is not seeking access to that particular information and has consented to its deletion.

Clause 3(6)

44. Clause 3(6) provides that matter will not be exempt under clause 3(1) if its disclosure would, on balance, be in the public interest. Accordingly, it remains for me to consider whether the disclosure of personal information about private individuals - as well as personal information about officers of agencies that is not 'prescribed details' - would, on balance, be in the public interest. Pursuant to s.102(3) of the FOI Act, the onus is on the complainant, as the access applicant, to establish that the limit on exemption in clause 3(6) applies.

Balancing the public interest factors

45. Determining whether disclosure would, on balance, be in the public interest involves identifying those public interests that favour disclosure and those that weigh against it and making a determination as to where the balance lies.
46. The public interest is not defined in the FOI Act. I consider that the term is best described in *DPP v Smith* [1991] 1 VR 63 at p.65 where the Supreme Court of Victoria said:

“The public interest is a term embracing matters, among others, of standards of human conduct and of the functioning of government and government instrumentalities tacitly accepted and acknowledged to be for the good order of society and for the well-being of its members. The interest is therefore the interest of the public as distinct from the interest of an individual or individuals.”
47. In my view, the complainant’s claim that he needs a full copy of the Report for the purposes of an appeal is a private, rather than a public interest, although I accept the complainant’s submission that there are a number of public interests that arise in relation to the disclosure of the disputed information.
48. In favour of disclosure, I recognise that there is a public interest in applicants being able to exercise their rights of access under the FOI Act and a public interest in applicants being able to access personal information about them that is held by a government agency. That latter public interest is also recognised in s.21 of the FOI Act which provides that the fact that matter is personal information about the applicant must be considered as a factor in favour of disclosure for the purpose of making a decision as to whether it is in the public interest for the matter to be disclosed. Accordingly, I have taken s.21 into consideration for the purposes of weighing up factors in favour of disclosure.
49. I consider that there is a public interest in persons - such as the complainant - who make complaints to proper authorities, being informed of what action has been taken in respect of those complaints and the outcome of that action.
50. I also consider that there is a public interest in informing the public, where possible, of the basis for decision-making and the material considered relevant to the decision-making process and a public interest in the accountability of agencies for their actions and decisions.
51. The agency acknowledges that there is a public interest in accountability for, and openness in, the manner in which it discharges its functions and obligations on behalf of the public of Western Australia but submits that, in the present case, those particular public interests are satisfied by its disclosure of the Memorandum, the Commissioner’s decision letter and an edited copy of the Report to the complainant. Moreover, the agency submits that the disclosure of that information means that the complainant would not be significantly assisted in understanding the determination made in respect of his claim by the disclosure of the disputed information.

52. I agree that disclosure of information about the agency's decision-making processes would increase the confidence of public sector employees in the agency's commitment to transparency and proper process, although the complainant provided me with nothing other than his assertions that there are concerns about those processes or that "*many employees are concerned at the very low rate of success of reach of standard claims*".
53. In the present case, the complainant has been notified of the action taken in respect of his complaint and the outcome of that action. The documents already disclosed to the complainant, together with the disclosure of an edited copy of the Report set out, among other things, the process and scope of the review; the relevant facts; the agency's assessment and the Commissioner's determination. In light of that, I consider that the public interests in openness and accountability have been largely satisfied in this case. I note that the proposed deletions to the body of the Report are comparatively minor and, in my view, a copy of the Report edited as proposed will enable the complainant to confirm the matters he seeks to confirm, where those issues are referred to in the Report.
54. Weighing against disclosure, I recognise a strong public interest in maintaining personal privacy. That public interest is acknowledged by the inclusion in the FOI Act of the exemption in clause 3(1) and, in my view, that public interest may only be displaced by some other, considerably stronger, public interest that requires the disclosure of private information about another person. In this case, the officers concerned have not consented to the disclosure of the disputed information contained in the Report and none of that information amounts, in my view, to prescribed details.
55. I do not agree that the public interest necessarily requires the disclosure of a full, unedited, copy of the Report, particularly where that is balanced against the public interest in the protection of personal privacy. Since information disclosed under the FOI Act is, in effect, information disclosed to the world at large, I do not consider that it is in the public interest for information relating to complaints made to government agencies that affect particular individuals to be placed in the public domain by way of the FOI process, where that information is not prescribed details and where there is no demonstrable benefit to the public by doing so. In my view, there is a very strong public interest in protecting the privacy of individuals in those circumstances. The FOI Act is intended to make government, its agencies and officers more accountable, not to unnecessarily intrude upon the privacy of individuals.
56. With regard to the direct contact details, including email addresses, of officers, I accept that there is a public interest in members of the public being able to contact government agencies and officers. However, I agree with the view of the former A/Information Commissioner in *Re Mossenson* at [38]-[39] that – given the provision of website addresses and contact numbers for government agencies both online and in hardcopy directories such as the telephone directory – the public interest does not require that the direct contact details of officers be disclosed unless those officers choose to provide them. Accordingly, I do not consider that the public interest in citizens being able to readily contact

government agencies requires the disclosure of officers' individual contact details.

57. Also weighing against disclosure, is a public interest in the agency maintaining its ability to obtain sufficient information to enable it to discharge its obligations under the PSM Act to investigate breach of Standard claims. In the present circumstances, it appears to me that protecting the privacy of third parties whilst at the same time giving the complainant access to information as far as it is possible for the agency to do will adequately serve that particular public interest.
58. In weighing the competing public interests, I consider that the public interests in disclosure have largely been satisfied in this case and that the public interests in non-disclosure, in particular the public interest in maintaining the privacy of individuals, outweigh public interests in the disclosure of the disputed information.

CONCLUSION

59. I find that the disputed information as described in the schedule is exempt under clause 3(1) of Schedule 1 to the FOI Act.

SCHEDULE

Report: pages 1-17

The following information should be deleted:

- Page 3: Bullet points 2-3 and 5.
Page 4: Bullet points 1-2.
Page 7: Bullet point 4, sentence 2, words 4-5.
Page 11: Bullet points 1-2 under 5.3 and bullet point 4, except for the last sentence.
Page 12: Bullet point 5; bullet point 6, except for sentence 4; all except words 1-10 in bullet point 7; the name of the officer in lines 1, 3 and 4 of bullet point 8.
Page 13: All of page 13 except for line 1 and the first word on line 2; the first sentence in bullet point 2 (ie. paragraph 3); bullet point 3 (paragraph 4), words 8-9; and the last sentence in bullet point 5.
Page 14: Bullet point 3 and word 10 in line 3 of bullet point 4.
Page 16: Sentences 4-5 and words 11-12 in sentence 6 in bullet point 2; and the first paragraph under the heading "Issue 4".

Attachments 1-9

The following information should be deleted:

Attachment 1: Page 1, words 7-8 in line 1 of item 5. Page 2, (at the top of the page) sentences 2-5 of item 5; and sentence 1 of item 7.

Attachment 2: Email of 8 April 2009 2:24pm, the email address following “To”; email of 8 April 2009 9:36am, the email address in “From”; email of 7 April 2009 4:42pm, the email addresses in “To” and “Cc”; paragraph 4, sentence 1, word 18 and sentence 2, words 7-13; email of 6 April 2009 3:46pm, the email address in “To”, the salutation and words 23-25 of paragraph 4; email of 11 February 2009 1:01pm, the name following “To” and the salutation; email of 11 February 2009 12:21pm, all of the words following “From” and the sender’s name in the last line; email of 10 February 2009 12:45pm, all of the words following “To” and the salutation; email of 6 April 2009 2:16pm; all of the words following “To”, the name in line 1 (commencing “Please”) of that email, lines 2-17; email of 11 February 2009, 1:01pm, the address following “To” and the salutation; email of 11 February 2009, 12:21pm, all of the words following “From” and the sender’s name in the last line; email of 10 February 2009, 12:45pm, all of the words following “To” and the salutation; email of 7 April 2009, 2:53pm, the email addresses in “To” and “Cc”, paragraph 4, sentence 3, the name in words 8-9 and sentence 4, the name in words 1-3; email of 7 April 2009, 10:41am, the email address following “From” and paragraph 3, sentence 1, the name in words 8-9 and sentence 2, the name in words 11-12; email of 7 April 2009, 9:23am, the email addresses in “To” and “Cc”; email of 9 April 2009 8:50am, the email addresses following “To” and “Cc”; paragraphs 1-3 and 5 and the name in item 1 following paragraph 6; email of 8 April 2009 5:34pm, paragraph 1 and all of the contact details following the signature block; email of 7 April 2009 4:08pm, all of the words after the comma in paragraph 1.

Attachment 3: In the following emails: email of 5 April 2009 10:05pm, the addresses in “From” and “To”; email of 5 April 2009 10:03pm, the address in “From” and the telephone numbers in words 7-8 and 17 in sentence 1 and the name in words 7-8 in sentence 2; email of 5 April 2009 11:14am, the address in “From”; email of 5 April 2009 10:09am, the address in “To”, the telephone number and email address in words 9-12 in sentence 2 of the last paragraph and all of the contact details following the signature block; email of 3 April 2009 9:04am, all of the contact details following the signature block; email of 2 April 2009 4:41pm, the address in “From”; email of 2 April 2009 3:50pm, all of the contact details following the signature block; email of 2 April 2009 3:39pm, the address in “From” and sentences 2 and 3 in paragraph 2; email of 1 April 2009 3:55pm, the address in “To” and all of the contact details following the signature block; email of 7 April 2009 10:19am, the addresses in “From”, “To” and “Cc”, words 4-5 in sentence 2 of item 2 and the contact details in the signature block.

Attachment 4: Page 1, paragraph 1, sentence 1, words 1-3 and sentence 2, words 1-2; paragraph 2, words 11-12 and 20-21.

Page 2, paragraph 2, sentence 4, the words in brackets and sentence 5 words 1-2.

Page 3, paragraph 4, sentences 4-5; paragraph 6, sentence 1; and words 1-8 in sentence 7.

Page 4, paragraph 3; paragraph 4, sentence 3, word 6 (the name) and the name in words 8-10 of the second last line; paragraphs 5 and 6; paragraph 8, sentence 3, word 10; paragraph 9, words 8-9; paragraph 10, sentences 3-5; and paragraph 11.

Page 5, words 4-5 in line 1; words 5-10 in line 15; lines 16-17 and lines 26-34.

Page 6, lines 1-4; line 23, words 11-12 (the name); line 26, words 7-9; line 28, words 3-4 and lines 29-39.

Page 7, lines 1-11; line 17, word 2; line 19, word 3; line 23, word 10; lines 24-28; and the last word in line 29.

Page 8, line 5, the last two words; line 13, words 1-2 and line 22 (the name).

Attachment 5: Page 1, after the heading, the last word in line 4 and the first word in line 5; words 3-4 in line 7; words 5-14 in line 12; lines 13-18; words 2-3 in line 24; words 2-4 in line 29; words 6-18 in line 30 and lines 31-36.

Page 2, line 7, words 5-7; line 13, words 8-13; lines 14-29; words 2-4 in line 30; words 3-5 in line 34; the last three words in line 35; line 36; the last five words in line 37; and line 38.

Page 3, words 5-9 in line 22 and lines 32-39.

Page 4, words 5-12 in line 21.

Attachment 6: Page 1, after the heading, lines 20-32.

Page 2, words 3-5 in line 21; words 3-13 in line 25; lines 26-29; lines 32-35.

Page 3, in full.

Page 4, lines 1-6; words 3-16 in line 12; lines 13-14; words 9-10 in line 15; words 11-15 in line 20; lines 21-28.

Page 5, word 5 in line 1; word 1 in line 2; words 5-13 in line 3; and line 4; words 4-5 in line 7; lines 8-16; lines 23-32.