



ACT
Government

Transport Canberra and
City Services

FREEDOM OF INFORMATION COVERSHEET

The following information is provided pursuant to section 28 of the *Freedom of Information Act 2016*.

FOI reference: TCCSFOI 2018-004

Information to be published	Status
1. Access application	Published
2. Decision notice and schedule	Published
3. Documents	Not Published
4. Additional Information Identified	No
5. Fees	n/a
6. Processing time (In working days)	32 days (extension granted)
7. Decision made by Ombudsman	n/a
8. Additional Information Identified by Ombudsman	n/a
9. Decision made by ACAT	n/a
10. Additional Information Identified by ACAT	n/a

[REDACTED]

Contact: [REDACTED]
Direct Line: [REDACTED]
Email Address: [REDACTED]
Supervisor: [REDACTED]
Our Reference: [REDACTED]

18 January 2018

Territory and Municipal Services
Canberra ACT

ATTENTION: Freedom of Information Officer

By Email Only: tamsfoi@act.gov.au

Dear Madam or Sir

RE: [REDACTED]

We act for the abovenamed.

Our client: [REDACTED]

We **enclose** photos of the incident site for your information. We note that the area in which our client [REDACTED] however it is possible that individuals may have thought this area was the responsibility of the Territory.

We request the following documents pursuant to the provisions of the *Freedom of Information Act*:

1. All records in relation to the incident and any other relevant documents;
2. Complaints about other incidents in this area in the last five years.
3. If the complaints were directed to another non-government entity, correspondence reporting the incident to that body, or advising the complainant to report the incident elsewhere;
4. Maintenance records relating to repairing pavement or loose pavers, hazard removal including but not limited to schedules and reports;
5. Information and details of any subcontractors working in the area;
6. Records of any other related government employees being in the area; and
7. CCTV.

[REDACTED]

If this request should be made to, or relevant material may be held by another agency, please provide your assistance under s14(4) of the Act.

We undertake to make any payment necessary pursuant to the Act.

We **enclose** our client's authority.

Yours faithfully

[Redacted signature block]

DTT
[Redacted signature block]

Encls

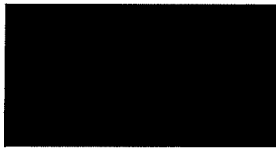
[Handwritten flourish]





ACT
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Transport Canberra and
City Services



Dear [REDACTED]

Freedom of information request

I refer to your application made under the *Freedom of Information Act 2016* (the FOI Act) received by the Transport Canberra and City Services (TCCS) directorate on 19 January 2018, in which you sought access to:

1. all records in relation to the incident and any other relevant documents;
2. complaints about other incidents in this area in the last five years;
3. if the complaints were directed to another non-government entity, correspondence reporting the incident to that body, or advising the complainant to report the incident elsewhere;
4. maintenance records relating to repairing pavement or loose pavers, hazard removal including, but not limited to schedules and reports;
5. information and details of any subcontractors working in the area;
6. records of any other related government employees being in the area; and
7. CCTV.

I am an Information Officer appointed by the Director-General under section 18 of the Act to deal with access applications made under Part 5 of the Act.

TCCS was required to provide a decision on your access application by 19 February 2018, however you agreed to an extension until 7 March 2018.

Decision on access

A search of TCCS records was conducted and 27 documents were identified that fall within the scope of your request.

In relation to part 7 of your request, I can confirm that TCCS holds no CCTV footage of this location.

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.

Documents identified as relevant to your request contain information that I consider to be, on balance, contrary to the public interest to disclose under the test set out in section 17 of the Act.

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

Statement of Reasons

The information considered contrary to the public interest to disclose includes:

- the name and contact details of third parties.

The material I have considered in the assessment of these documents includes:

- the FOI Act, in particular:
 - Schedule 2 (b)(i) – the person making the request
- the *Information Privacy Act 2014*; and
- the content of the documents that fall within the scope of your request.

Reference numbers 4, 5, 7, 9, 11, 13, 15, 16, 19 and 21 of the identified documents contain personal information of third parties. Disclosure of personal information is governed by the 'use and disclosure' privacy principles. Part 3 of the *Information Privacy Act 2014* (TTP 6.1) states that an agency that holds personal information about an individual that has been collected for a particular purpose, must not disclose the information to a third party unless the individual has consented to the use or disclosure of the information.

I have, therefore, decided that it is not in the public interest to disclose information that is considered as personal information.

Charges

I have waived fees associated with your access application because the documents being released marginally exceed the fee-free threshold.

Online publishing – disclosure log

Under section 28 of the Act, TCCS maintains an online record of access applications called a disclosure log. Your original access application and my decision in response to your access application will be published in the TCCS disclosure log from 3 days after the date of this decision. Your personal details and the details of your client will not be published. I have decided it is not in the public interest to publish online documents comprising a release sought in response to a personal legal matter.

You may view TCCS' disclosure log at www.tccs.act.gov.au/about-us/freedom-of-information.

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 TCCS' 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: ombudsman@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 ACAT at:

ACT Civil and Administrative Tribunal
Level 4, 1 Moore Street
GPO Box 370
CANBERRA CITY ACT 2601
Telephone: (02) 6207 1740
www.acat.act.gov.au

If you have any questions concerning the Directorate's processing of your request, or would like further information, please contact the Directorate's FOI Coordinator on 6205 5408 or email tccs.foi@act.gov.au.

Yours sincerely



Kristine Scheul
Information Officer
Transport Canberra and City Services

7 March 2018



FREEDOM OF INFORMATION SCHEDULE

PLEASE BE AWARE THAT UNDER THE FREEDOM OF INFORMATION ACT 2016, SOME OF THE INFORMATION PROVIDED TO YOU WILL BE RELEASED TO THE PUBLIC THROUGH THE ACT GOVERNMENT'S OPEN ACCESS SCHEME. THE OPEN ACCESS RELEASE STATUS COLUMN OF THE TABLE BELOW INDICATES WHAT DOCUMENTS ARE INTENDED FOR RELEASE ONLINE THROUGH OPEN ACCESS.

PERSONAL INFORMATION OR BUSINESS AFFAIRS INFORMATION WILL NOT BE MADE AVAILABLE UNDER THIS POLICY. IF YOU THINK THE CONTENT OF YOUR REQUEST WOULD CONTAIN SUCH INFORMATION, PLEASE INFORM THE CONTACT OFFICER IMMEDIATELY.

INFORMATION ABOUT WHAT IS PUBLISHED ON OPEN ACCESS IS AVAILABLE ONLINE AT: [HTTP://WWW.TCCS.ACT.GOV.AU/ABOUT-US/FREEDOM_OF_INFORMATION](http://www.tccs.act.gov.au/about-us/freedom_of_information)

TCCS FOI 18-004		INCIDENT OUTSIDE [REDACTED]				
REFNO	PAGE NUMBER	DESCRIPTION	DATE	STATUS	REASON FOR NON-RELEASE OR DEFERRAL	OPEN ACCESS RELEASE STATUS
1	1	INCIDENT ID 1024674 [REDACTED]	6 JUNE 2017	FULL ACCESS		EXEMPT
2	2-3	INCIDENT REFERENCE #170605-002266	5 JUNE 2017	FULL ACCESS		EXEMPT
3	4	FILE NOTE	UNDATED	FULL ACCESS		EXEMPT
4	5-6	IAS SPREADSHEET OF COMPLAINTS	VARIOUS	PARTIAL ACCESS	INFORMATION PRIVACY ACT 2014 SCHEDULE 2.2(A)(II)	EXEMPT
5	7-10	ICS FORMS	VARIOUS	PARTIAL ACCESS	INFORMATION PRIVACY ACT 2014 SCHEDULE 2.2(A)(II)	EXEMPT
6	11	DEFECT ID 44385	17 SEPTEMBER 2013	FULL ACCESS		EXEMPT
7	12	ICS FORM	VARIOUS	PARTIAL ACCESS	INFORMATION PRIVACY ACT 2014 SCHEDULE 2.2(A)(II)	EXEMPT

8	13-20	DEFECT ID - VARIOUS	26 SEPTEMBER 2013	FULL ACCESS		EXEMPT
9	21	ICS FORM	11 SEPTEMBER 2013	PARTIAL ACCESS	INFORMATION PRIVACY ACT 2014 SCHEDULE 2.2(A)(II)	EXEMPT
10	22	DEFECT ID	5 NOVEMBER 2013	FULL ACCESS		EXEMPT
11	23	ICS FORM	30 JUNE 2014	PARTIAL ACCESS	INFORMATION PRIVACY ACT 2014 SCHEDULE 2.2(A)(II)	EXEMPT
12	24-25	PHOTOGRAPHS		FULL ACCESS		EXEMPT
13	26-27	ICS FORMS	VARIOUS	PARTIAL ACCESS	INFORMATION PRIVACY ACT 2014 SCHEDULE 2.2(A)(II)	EXEMPT
14	28	DEFECT ID	22 JULY 2015	FULL ACCESS		EXEMPT
15	29-30	ICS FORMS	VARIOUS	PARTIAL ACCESS	INFORMATION PRIVACY ACT 2014 SCHEDULE 2.2(A)(II)	EXEMPT
16	31	EMAIL	29 SEPTEMBER 2015	PARTIAL ACCESS	INFORMATION PRIVACY ACT 2014 SCHEDULE 2(B)(I)	EXEMPT
17	32	STREET REPORT		FULL ACCESS		EXEMPT
18	33	MAP		FULL ACCESS		EXEMPT
19	34	ICS FORM	29 SEPTEMBER 2015	PARTIAL ACCESS	INFORMATION PRIVACY ACT 2014 SCHEDULE 2(B)(I)	EXEMPT
20	35-	DEFECT ID	2 DECEMBER 2015	FULL ACCESS		EXEMPT
21	36-37	ICS FORMS	VARIOUS	PARTIAL ACCESS	INFORMATION PRIVACY ACT 2014 SCHEDULE 2(B)(I)	EXEMPT

22	38	EMAIL	31 JANUARY 2018	FULL ACCESS	EXEMPT
23	39-56	ATTACHMENT TO EMAIL AT REF NO 22 -PICTURES		FULL ACCESS	EXEMPT
24	57	ATTACHMENT TO EMAIL AT REF NO 22 -SURVEY PLAN		FULL ACCESS	EXEMPT
25	58	ATTACHMENT TO EMAIL AT REF NO 22 -PAVEMENT REPAIR & BEDS CONCEPT SKETCH		FULL ACCESS	EXEMPT
26	59	DEFECT ID	4 MAY 2017	FULL ACCESS	EXEMPT
27	60	WORKS ORDER	28 FEBRUARY 2018	FULL ACCESS	EXEMPT