



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 2019-092

Information to be published	Status
1. Access application	Published
2. Decision notice and schedule	Published
3. Documents	No documents
4. Additional information identified	No
5. Fees	n/a
6. Processing time (in working days)	20 days
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

Martyniak, Alexandra

From: [REDACTED]
Sent: Tuesday, 10 September 2019 2:37 PM
To: TCCS_FreedomOfInformation
Subject: Fw: Information Request

From: [REDACTED]
Sent: Friday, August 9, 2019 8:32 AM
To: cemeteries@act.gov.au <cemeteries@act.gov.au>
Subject: Information Request

G'day Sir/Madam,

I am undertaking an in-depth study reference to burial preferences and current satisfaction based on services offered by funeral companies hence, I would humbly like 2 years data reference name/surname of deceased persons by company-funeral director and cemetery in the ACT.

Your effort and information would truly be appreciated! I am also aware that on a weekly basis information is available on your website <http://www.canberracemeteries.com.au/> but one/two years data would be more realistic to make an accurate assessment.

Furthermore, any additional information reference the following that Canberra Cemeteries may have would be valuable.

Regards



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Dear Mr [REDACTED]

Freedom of information request: Reference 19-092

I refer to your application made under the *Freedom of Information Act 2016* (the FOI Act), received by the Transport Canberra and City Services Directorate (TCCS) on 10 September 2019, in which you sought access to 3-4 months of data referencing the name/surname of deceased persons by company-funeral director and cemetery in the ACT.

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

As an Information Officer, I am required to decide where, on balance, public interest lies. As part of this process I must consider factors favouring disclosure and non-disclosure.

Favouring disclosure:

- Schedule 2.1(a)(xvi), contribute to innovation and the facilitation of research.

Favouring non-disclosure:

- 2.2(a) (ii) prejudice the protection of an individual's right to privacy or any other right under the *Human Rights Act 2004*; and
- 2.2(b) (iv) is information disclosure of which is prohibited by an Act of the Territory, a State or the Commonwealth.

I consider that the information you are seeking is information which relates to deceased persons for the purpose of conducting an in-depth study, and that the FOI Act favours disclosure of information where it facilitates research.

I have also taken into consideration that some of the information you are seeking is routinely published on the Canberra Cemeteries website for a limited period.

As mentioned on the website, the publication burial schedule only includes information where consent for its publication has been obtained. The purpose of the burial schedule is to provide the public with information on upcoming public burials, with the information removed as the burial process is completed.

In general, information about a deceased person is not considered to be personal information. However, in instances where information relating to a deceased person includes information or an opinion about a living person, the information is the personal information of the living person.

I have also determined that the information you have requested could reasonably identify the living family members of the deceased person, and it is reasonable to conclude that the release of names would be contrary to the rights of the family members under the *Human Rights Act 2004*.

In this instance, I have decided that the factors favouring the non-disclosure of personal information under the *Human Rights Act 2004*, on balance, outweighs the factor favouring its release.

Personal and private information

Personal information means information or an opinion whether true or not about an individual whose identity is apparent or can reasonably be ascertained from the information or opinion. The *Information Privacy Act 2014* prescribes the way in which government collects, uses, shares and stores this information.

The use of personal information is limited to the purpose for which it was collected. The primary purpose of information collection by Canberra Cemeteries is in relation to its functions and activities.

Although I am unable to provide you with the information you have requested, you may wish to seek agreement, in conjunction with any relevant educational or research institute, from the ACT Public Cemeteries Authority to obtain this information. Correspondence should be addressed to:

ACT Public Cemeteries Authority
PO Box 37
Mitchell ACT 2911

Alternatively, the information you have requested may be held by relevant funeral companies, and you may find it beneficial to approach funeral companies directly.

Charges

No fee is payable as no information is to be released to you.

Disclosure log

Section 28 of the FOI Act requires TCCS to record information certain which relates to your application on a disclosure log. Where I have decided that the information subject to release to you is also of public interest, the record of your application will also be published on the public disclosure log. The publication will include your original access application, my decision and attached documents. Your personal information will be removed from relevant documents prior to publication.

In this instance, I have decided that your application, the record of my decision and my notice to you is of interest to the public as it provides transparency of process. Therefore, publication will occur within 3-10 business days from the date of this letter.

You may view TCCS' public disclosure log at:
www.tccs.act.gov.au/about-us/freedom_of_information

Review rights

You may apply to the ACT Ombudsman to review my decision under section 73 of the FOI Act. An application for review must be made in writing within **20 days** of my decision being published in the disclosure log.

You may submit a request for review of my decision to the ACT Ombudsman by writing in one of the following ways:

Email: actfoi@ombudsman.gov.au
Post: The ACT Ombudsman
GPO Box 442
CANBERRA ACT 2601

More information about ACT Ombudsman review is available on the ACT Ombudsman website at: <http://www.ombudsman.act.gov.au/Freedom-of-Information>.

ACT Civil and Administrative Tribunal (ACAT) review

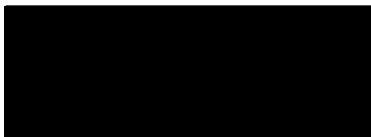
Under section 84 of the FOI Act, if a decision is made under section 82(1) on an Ombudsman review, you may apply to the ACAT for review of the Ombudsman decision.

Further information may be obtained from the ACAT at:

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

If you have any queries 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



Cherie Hughes
Information Officer

9 October 2019