



**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 2018-019

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)	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

[REDACTED]

[REDACTED]

27 February 2018

Transport Canberra and City Services Directorate  
GPO Box 158  
CANBERRA ACT 2601

**ATTENTION:** [REDACTED]

**By email also:** [REDACTED]@act.gov.au

Dear Ms Bruan

**RE:** [REDACTED]

We thank you for the provision of the documents provided to our office on 11 January 2018.

We seek further information as to the complaint regarding the pavement outside a café on the west side of Alinga Street dated 16 April 2009. We **enclose** a copy of this record for your reference.

We ask that you please provide us with any documents relating to any actions taken and/or the outcome of this complaint. Further, if another entity was required to attend to this complaint, that you advise us as to their identity.

We look forward to hearing from you shortly.

Yours faithfully

[REDACTED]

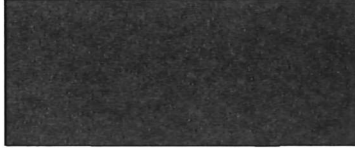
**Encl.**

[REDACTED]



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Dear 

**Freedom of information request:** Reference 18-0019

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 28 February 2018, in which you sought access to:

- further information as to the complaint regarding the pavement outside a café on the west side of Alinga Street dated 16 April 2009, specifically any documents relating to any actions taken and/or the outcome of this complaint.

I note you received a decision in response to your earlier FOI request on this matter on 11 January 2018.

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 is required to provide a decision on your access application by 29 March 2018.

#### **Decision on access**

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

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.

The 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:

- costing amounts for works undertaken by a third party contractor; and
- 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;
  - Schedule 2.2 (a)(xi) – prejudice trade secrets, business affairs or research of an agency or persons;
- the *Information Privacy Act 2014*; and
- the content of the documents that fall within the scope your request.

The document referenced number 1 of the identified documents contains a breakdown of costing amounts for works undertaken by third party contractors. I have decided that it is not in the public interest to disclose this information as it could have an adverse effect on the business affairs of the third party contractors especially if this information was released to its competitors.

The document referenced number 2 of the identified documents contains information of a third party. 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**

No fee is payable as the number of pages being released is within 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](http://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 an 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](mailto: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](http://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](mailto:tccs.foi@act.gov.au).

Yours sincerely



Cherie Hughes  
Information Officer  
Transport Canberra and City Services

*ZJ* 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)

NAME	WHAT ARE THE PARAMETERS OF THE REQUEST	FILE NO
TCCSFOI 18-019	PAVEMENT ON ALINGA STREET	

REF NO	NO OF FOLIOS	DESCRIPTION	DATE	STATUS	REASON FOR NON-RELEASE OR DEFERRAL	OPEN ACCESS RELEASE STATUS
1	1	DEFECT ID 14014	12 MAY 2009	PARTIAL ACCESS	DOCUMENTS RELATING TO BUSINESS AFFAIRS	PARTIAL ACCESS
2	2	WORK ORDER ACT/1858	12 MAY 2009	PARTIAL ACCESS	DOCUMENTS RELATING TO BUSINESS AFFAIRS	PARTIAL ACCESS