

[REDACTED]
By email: [REDACTED]

Dear [REDACTED]

Freedom of Information Application - Reference 25-012

I refer to your application for access to government information under the *Freedom of Information Act 2016* (FOI Act). Your application was received by the City and Environment Directorate (CED) on 18 July 2025 by way of partial transfer from Chief Minister, Treasury and Economic Development Directorate. In addition to this request, a second similar request was received by the CED Information Access team directly from your office. You kindly agreed to merge both requests into one active FOI access application.

On 2 September 2025, you agreed to the following scope and that you were seeking access to the following government information:

"All documents including briefings, submissions, recommendations, and decisions in relation to the consideration of the imposition of a fee for Working with Vulnerable People cards. Request to include all email correspondence with Ministers, including the Chief Minister. Request includes any such considerations or documentation covering Budget considerations from 2015-2025."

Timeframes

In accordance with section 40 of the FOI Act, a decision was initially due on 29 August 2025. I thank you for granting an extension until 19 September 2025.

Third party consultation was undertaken in accordance with section 38 of the FOI Act and under section 41 of the FOI Act, the due date for a decision was extended until 13 October 2025.

Authority

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

Decision on access

In accordance with the FOI Act, a search of CED records was completed and a total number of 23 records were identified as relevant to your application.

Upon reviewing the information identified in the relevant records, I have found that some of the information within these documents is, on balance, contrary to the public interest to disclose. I have decided to:

- grant full access to three records.
- grant partial access to eleven records; and
- refuse access to nine records.

My decision is detailed further in the following statement of reasons. I have included a schedule of the relevant records at [Attachment A](#). The documents are enclosed at [Attachment B](#) with deletions applied to information which is contrary to the public interest to disclose.

Statement of Reasons

In reaching my access decision, I have taken the following into account:

- the FOI Act;
- the content of the documents that fall within the scope of your request; and
- the *Human Rights Act 2004*.

The FOI Act has a pro disclosure bias, which requires information to be disclosed unless doing so would be contrary to the public interest. As an Information Officer, I must decide where, on balance, public interest lies in the disclosure of government information. Section 17 (1) of the FOI Act sets out the steps for completing the public interest test. As part of this process, I must identify all relevant factors in schedule 1 of the FOI Act. If no factor in schedule 1 is found relevant, I must then consider the factors listed in schedule 2 of the FOI Act and determine, on balance, where the public interest lies.

Information contrary to the public interest (Schedule 1)

- Schedule 1.6 – Cabinet information – information that has been submitted, or that a Minister proposes to submit, to Cabinet for its consideration and that was brought into existence for that purpose; or that is an official record of Cabinet, or that is a copy of, or part of or contains an extract from information above mentioned.

Nine documents contain information which has been identified as Cabinet information. This information includes budget papers and submissions prepared for Cabinet, or documents brought into existence for the purpose of being submitted to Cabinet. Under schedule 1, disclosure of this information is taken to be contrary to the public interest.

Public interest test (Schedule 2)

Factors favouring disclosure (Schedule 2.1)

- Schedule 2.1(a)(i) - promote open discussion of public affairs and enhance the government's accountability;
- Schedule 2.1(a)(iii) - inform the community of the government's operations, including the policies, guidelines and codes of conduct followed by the government in its dealings with members of the community; and
- Schedule 2.1(viii) - reveal the reason for a government decision and any background or contextual information that informed the decision.

Factors favouring non-disclosure (Schedule 2.2)

- Schedule 2.2(a)(ii) prejudice the protection of an individual's right to privacy or any other right under the *Human Rights Act 2004*.

In reviewing the information within scope of your application, I have identified information that is likely to provide background or contextual information that informed government decisions and may promote open discussion and informed debate of public affairs I have placed significant weight on these factors. The pro-disclosure bias requires the arguments on each side of the public interest test to be weighed.

Some documents contain the mobile numbers of ACT Government employees. The mobile numbers of employees are either personal phone numbers or provided by CED to staff for a specific purpose, such as out of hours contact. I consider that the disclosure of the mobile number is likely to prejudice the personal privacy of employees and their right to disconnect, and that the advancement to the public in disclosing this information is minimal as information on how to contact the directorate is already publicly available.

One document contains the mobile contact number of a member of the public. It is my view that there is an expectation of privacy in an individual's dealings with ACT Government.

I find that the protection of an individual's right to privacy under the *Human Rights Act 2004* carries significant weight. In this instance, I have found the disclosure of personal information to be, on balance, contrary to the public interest. In accordance with section 50(2), I have found that the factors favouring disclosure can be satisfied by the deletion of information which is contrary to the public interest.

Charges

No charges are applicable to your application, as the number of pages for release do not exceed the fee-free threshold.

Online publishing – disclosure log

Under section 28 of the FOI Act, CED maintains an online record of access applications called a disclosure log. Your original access application, my decision and documents released to you will be published within 3 – 10 business days. Your personal information will be deleted from these copies prior to publication.

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 an Ombudsman review of this outcome under section 73 of the FOI Act within 20 working days from the day of the decision being published on the CED 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:

ACT Ombudsman
GPO Box 442
CANBERRA ACT 2601
Via email: actfoi@ombudsman.gov.au

ACT Civil and Administrative Tribunal (ACAT) review

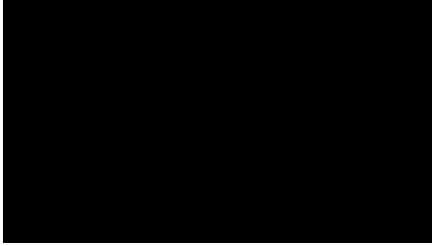
Under section 84 of the Act, if a decision is made under section 82 on an Ombudsman review, you may apply to the ACAT for review of the Ombudsman decision.

Further information may be obtained from ACAT at:

ACT Civil and Administrative Tribunal
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 CED FOI team on (02) 6207 2987 or email to CEDFOI@act.gov.au.

Yours sincerely



Derise Cubin
Information Officer

13 October 2025