



ACT

Government

City and Environment

OFFICIAL

Our ref: CED FOI 25-147

By email: [REDACTED]

Dear [REDACTED],

Freedom of Information – Notice of Decision

I refer to your application under section 30 of the *Freedom of Information Act 2016* (the FOI Act), received as complete by the City and Environment Directorate (CED) on 3 December 2025. It is my understanding you are seeking access to the following information:

- *“The latest version of the full, uncensored contract that Transport Canberra has with NEC for the MyWay+ system. If there is a more recent, agreed upon version of the contract than the one listed on the Procurement Website, then I would be looking for that one.”*

Timeframes

In accordance with section 40 of the FOI Act, CED is required to provide a decision on your access application within 30 working days. Therefore, a decision is due on or by 22 January 2026.

Authority

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

Decision on access

A search for CED records has been completed and one record within the scope of your application has been identified, being the unredacted version of the relevant contract.

In reviewing the information relevant to your request and applying the public interest test set out in section 17 of the FOI Act, I have decided to refuse access.

The reasons for my decision are detailed in the *statement of reasons* section below.

Statement of reasons

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 am responsible for determining whether disclosure of the information within the scope of your application would be contrary to the public interest.

My assessment begins with Schedule 1 of the FOI Act, which outlines categories of information that are taken to be contrary to the public interest to disclose. If the information does not fall within any of these categories, I must then apply the public interest test under

section 17 of the FOI Act. This test involves weighing the factors favouring disclosure against those favouring nondisclosure, as set out in Schedule 2.

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

- the FOI Act
- the information that falls within the scope of your application
- the *Human Rights Act 2004*
- the ACT Ombudsman FOI Guidelines
- *Government Procurement Act 2001 (ACT)*

I confirm that I have not considered any of the factors listed in section 17(2) of the FOI Act, which outlines a list of considerations that must not be taken into account when applying the public interest test.

Schedule 1 – Information taken to be contrary to the public interest

- *No relevant sections identified.*

Schedule 2 – Public interest test

Factors favouring disclosure (Schedule 2.1)

- *Section 2.1(a)(ii) - contribute to positive and informed debate on important issues or matters of public interest.*
- *Section 2.1(a)(viii) - reveal the reason for a government decision and any background or contextual information that informed the decision.*

In reviewing the information within scope of your application, I find it is a reasonable expectation that disclosure could contribute to positive and informed debate on important issues or matters of public interest favours disclosure under the FOI Act. Public transport and government expenditure are matters of public interest, including a function of the public transport system. I have placed moderate weight on this factor.

I have also considered the contract captures information relating to a government decision, and disclosure may would reveal context around the decision. However, I also consider the contract is publicly published with redactions applied to limited information, consistent with the *Government Procurement Act 2001*. I therefore consider the advancement to the public interest is limited, and this factor only applies where the information has been withheld. For this reason, I have placed minor weight on this factor.

Factors favouring nondisclosure (Schedule 2.2)

- *Section 2.2(a)(ii) - prejudice the protection of an individual's right to privacy or any other right under the Human Rights Act 2004.*
- *Section 2.2(a)(xi) - prejudice trade secrets, business affairs or research of an agency or person.*
- *Section 2.2(a)(xii) - prejudice an agency's ability to obtain confidential information.*

In making my decision, I have also considered the manner in which CED is entitled to access and disclose relevant information under contract GS0314302. This agreement defines where information is commercially sensitive and requires that it be handled as commercial in confidence. I consider that the process of withholding information within the published version is set out under clause 35(1) of the *Government Procurement Act 2001* demonstrates an expectation of non-disclosure of commercially sensitive information to third

parties is explicitly stated within the agreement, and doing so would likely prejudice ongoing commercial activities of TCCS with the contracted party in the operation of this contract. I consider that factor 2.2(a)(ii) applies where the withheld information relates to the personal information of a third party, and disclosure would result in a breach under the *Information Privacy Act 2014*. Further, I consider that disclosure of the requested information is likely to prejudice the ability of our agency to obtain further commercially sensitive information, which is crucial to meeting obligations under the contract. In consideration of the likelihood of harm resulting from disclosure, I have placed significant weight on factors 2.2 (a)(ii), 2.2(a)(xii) and 2.2(a)(xi).

Balancing the factors

Having applied the public interest test outlined in section 17 of the FOI Act, I have concluded that information contained in the records, that are not already in the public domain is not in the public interest to disclose. Accordingly, I have refused to access to the requested information.

Charges

Processing charges are not applicable for this application as no records are being released to you.

Online publishing – Disclosure Log

Under section 28 of the FOI Act, CED maintains a disclosure log, which is a public record of access applications and decisions. Your original access application and my decision will be published on the CED disclosure log. Your personal contact details will not be published.

ACT Ombudsman Review

My decision on your access application is a reviewable decision as identified in Schedule 3 of the FOI Act. You have the right to seek ACT Ombudsman review of this outcome under section 73 of the FOI Act within 20 working days from the day that my decision is provided to you, or a longer period allowed by the ACT Ombudsman. If you wish to request a review of my decision, you may write to the ACT Ombudsman at:

The 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 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
GPO Box 370
Canberra City ACT 2601
Telephone: (02) 6207 1740
<https://www.acat.act.gov.au/>

Please contact the CED Information Access team if you have any queries in relation to your application via 6207 2987 or CEDFOI@act.gov.au.

Yours sincerely

Signed electronically

Jodie Vaile
Information Officer
City and Environment Directorate
22 January 2026