



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 2018-010

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)	34 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

Ref: 18-010

Ireland-Bell, Bronwyn

From: [REDACTED]
Sent: Tuesday, 30 January 2018 9:43 AM
To: TCCS_FreedomOfInformation
Subject: Request to access information - Complaint lodged 12 Dec 17 re incident on bus 921 on 2 Dec 17
Attachments: FOI Request ACTION buses for [REDACTED].docx

Rec'd TCCS 30/1/18

Good Morning,

Attached is an FOI request that I would appreciate your action.

I do not have a functional printer at the moment and as such cannot print out and manually sign but if the request cannot be actioned without the manual signature, I can arrange and resend.

If this is required, I would appreciate a review of the electronic copy attached to confirm if there is any other information required to be able to action the request.

The passenger involved in this request is not currently able to sign but I am acting on her behalf as her daughter in law in consultation with her daughter who holds power of attorney.

Thanks for your help.

Regards
[REDACTED]



Freedom of Information – Access Application Form

PRIVACY NOTICE

The personal information you supply on this form will only be used for the purpose of processing your request. Your application must include an email or postal address to which the respondent can send notices under the Act. If all or some of this information is not collected, [AGENCY] may not be able to communicate with you, inhibiting their obligations under the Act. This could mean the request cannot be dealt with. Your personal information will not be disclosed to a third party without your consent unless statutory obligations require otherwise.

The [AGENCY] Privacy Policy contains information on how you can access or seek to correct any of your personal information that is held by the [AGENCY], as well as the process for lodging a complaint about an alleged breach of the *Information Privacy Act 2014*. The Privacy Policy can be found on the [AGENCY] website at [WEBSITE] .

Applicant details

I wish to make an access application to Transport Canberra (ACTION Buses) under the *Freedom of Information Act 2016*.

Name	[REDACTED]
Address (where notices relating to this request can be sent – either postal or electronic)	[REDACTED]
Telephone Contact Residential	[REDACTED]
Telephone Contact Mobile	[REDACTED]
Email Contact	[REDACTED]

What documents are you requesting under the Act?

- To help [AGENCY] process your request, please include enough detail in your application so that we can fully understand what government information you want.
- You may wish to include a statement about how the release of information is in the public interest.
- If your application is for access to your own personal information you must include evidence of your identity. If you are an agent acting for an applicant, please supply evidence of your authorisation and evidence of the identity of the agent.
- If for reasons in section 30 of the Act is not compliant and your application cannot be processed, [AGENCY] will take reasonable steps to assist you and give you reasonable time to amend your application if you wish.

I would like

To review the video footage of my mother-in-law [REDACTED] bus trip on [REDACTED] that was subject of a complaint lodged 12 December 2017.

I would also like to review any documentation and findings resulting from the investigation carried out by Rebecca and/or her team following the lodgement of my complaint.

The bus travel occurred on [REDACTED] Bus no 921 departed Heard St Mawson at 15:50 and the passenger got off the bus at Hodgson St Pearce.

The complaint was lodged on 12 Dec 17 and after a number of followups I was advised on 19 Jan 2018 that the driver had not spoken with the passenger and there was no sign of injury. Passenger is adamant that [REDACTED] before getting on the bus and that the bus driver commented that "you look like you've been in the wars" or "you look like you've been in a fight". Passenger was [REDACTED]

I was given no reference numbers by Rebecca but I was provided reference 171212-001499 when I originally lodged the complaint.

APPLICANTS SIGNATURE

DATE OF REQUEST

[REDACTED]

30 Jan 2018



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Dear [REDACTED]

Freedom of information request: Reference 18-0010

I refer to your application made under the *Freedom of Information Act 2016* (the FOI Act) received on 30 January 2018, in which you sought access to:

1. video footage of your mother-in-law's bus trip on [REDACTED] that was subject of a complaint lodged 12 December 2017; and
2. any documentation and findings resulting from the investigation carried out following the lodgement of your complaint.

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. Thank you for organising your mother-in-law's authorisation letter which was received on 20 March 2018. I can now proceed with your request.

Decision on access

A search was completed in relation to your request and CCTV footage and nine documents were identified that fall within the scope of your request.

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

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

- the name of operational staff and their driver's number; and
- images of other passengers recorded on the bus CCTV footage.

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 your request.

Disclosure of personal information and CCTV footage 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 unless the individual has consented to the use or disclosure of the information.

The footage contains both visual images of your mother-in-law and other bus passengers. As I am unable to redact the footage in a way that could conceal the faces of the other passengers, I have decided to refuse access to a copy of the footage.

I can, however, offer you to view the footage in our office. This will ensure that the footage has been protected under privacy laws. To make arrangements to view this footage at a time that is convenient to you, please contact Mr Phil Gritti of Governance on telephone 6207 9184.

In relation to the documents, the information identified as personal includes the name of operational staff and their driver's number. I have also deleted the photo image of third parties in the snap shots taken from the footage at document 3. I have decided that disclosure of this type of information would be unreasonable. Therefore, I have decided to grant access, under section 50 of the Act, a copy of the documents at Attachment A, with deletions applied to information that I consider would be contrary to the public interest to disclose.

Charges

Processing charges are not applicable for this request because the documents released are 50 pages or less.

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 mother-in-law 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 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



Cherie Hughes
Information Officer
Transport Canberra and City Services

22 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)

FILE NO		WHAT ARE THE PARAMETERS OF THE REQUEST					OPEN ACCESS RELEASE STATUS
TCCS FOI - 18-010		CCTV FOOTAGE OF MOTHER-IN-LAW'S ACTION BUS TRAVEL ON [REDACTED]					
REF NO	NO OF FOLIOS	DESCRIPTION	DATE	STATUS	REASON FOR NON-RELEASE OR DEFERRAL	OPEN ACCESS RELEASE STATUS	
1	1	EMAIL	12 JANUARY 2017	FULL ACCESS		EXEMPT	
2	2	FOOTAGE NOTES	12 JANUARY 2018	FULL ACCESS		EXEMPT	
3	3-11	BUS IMAGES		PARTIAL ACCESS	INFORMATION PRIVACY ACT 2014 SCHEDULE 2.2(A)(II)	EXEMPT	
4	12-13	RECORD OF CONVERSATION	12 JANUARY 2018	FULL ACCESS		EXEMPT	
5	14	RECORD OF CONVERSATION	12 JANUARY 2018	FULL ACCESS		EXEMPT	
6	15-16	CCTV REQUEST FORM	14 DECEMBER 2017	PARTIAL ACCESS	INFORMATION PRIVACY ACT 2014 SCHEDULE 2.2(A)(II)	EXEMPT	
7	17-18	CCTV REQUEST FORM	12 DECEMBER 2017	PARTIAL ACCESS	INFORMATION PRIVACY ACT 2014 SCHEDULE 2.2(A)(II)	EXEMPT	

8	19-22	INCIDENT #171212-001499	12 DECEMBER 2017	PARTIAL ACCESS	INFORMATION PRIVACY ACT 2014 SCHEDULE 2.2(A)(II)	EXEMPT
9	23	RECORD OF CONVERSATION	12 DECEMBER 2017	FULL ACCESS		EXEMPT
10	24	CCTV FOOTAGE	2 DECEMBER 2017	LIMITED ACCESS	INFORMATION PRIVACY ACT 2014 SCHEDULE 2.2(A)(II)	EXEMPT