



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 2018-017

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)	15 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

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 CITY SERVICES** 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	
Telephone Contact Mobile	[REDACTED]
Email Contact	[REDACTED]

What documents are you requesting under the Act?

- To help **TRANSPORT CANBERRA CITY SERVICES** 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 REQUIRE INFORMATION PERTAINING TO AN ACCIDENT ON [REDACTED] 2018 BETWEEN 2 BUSES AT PLATFORM [REDACTED], [REDACTED] I REQUIRE THE POLICE REPORT, BUS INFORMATION AND ANY OTHER RELEVANT INFORMATION.
- I WOULD LIKE THIS INFORMATION SENT TO THE ADDRESS ABOVE

Fee Waiver

If you wish to apply for a fee waiver, the Act sets out a number of provisions to do so:


- The information being requested was previously publicly available but no longer is.
- The information being requested is of special benefit to the public (Ombudsman guidelines see Section 66).
- The applicant is a concession card holder and demonstrates a material connection with the information requested (concession cards include a current health care or pensioner card issued under the Social Security Act 1991; a current pensioner concession card issued in relation to a pension under the Veterans' Entitlements Act 1986 or the Military Rehabilitation and Compensation Act 2004; a current gold card; or a card prescribed by regulation).
- The applicant is a not-for-profit organisation and the application relates to the activities or purposes of the organisation.
- The applicant is a member of the Legislative Assembly.

[AGENCY] must waive any fees for providing information if the information was not publicly available and the agency makes the information publicly available before or within 3 working days after giving it to the applicant.

Fee waiver application (fill in if applicable. Otherwise leave blank)

I would like to apply for a fee waiver because (state reason/s from the list above).

[provide details and evidence of how this reason applies]

APPLICANTS SIGNATURE	DATE OF REQUEST
	26 FEBRUARY 2018



ACT
Government

Transport Canberra and
City Services

[REDACTED]

Dear [REDACTED]

Freedom of information request: Reference 18-0017

I refer to your application made under the *Freedom of Information Act 2016* (the FOI Act) received on 27 February 2018, in which you sought access to information pertaining to:

- an accident on [REDACTED] 2018 between two buses at [REDACTED] of the [REDACTED] including the police report, bus information or any other relevant information.

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 27 March 2018.

Decision on access

A search was completed in relation to your request and 19 documents (which includes CCTV footage) 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:

- 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
- 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 visual images of 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 Phil Gritti of Governance on telephone 6207 9184.

In relation to the documents, the information identified as personal includes the name of the bus drivers. 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 B](#), 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 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 injury 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

20 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						
TCCS FOI - 18-017		BUS INCIDENT						
REF NO	NO OF FOLIOS	DESCRIPTION	DATE	STATUS	REASON FOR NON-RELEASE OR DEFERRAL	OPEN ACCESS RELEASE STATUS		
1	1	REGISTRY REQUEST	██████████ 2018	RELEASE WITH DELETIONS	PERSONAL INFORMATION	EXEMPT		
2	2-3	INCIDENT REPORT	██████████ 2018	RELEASE WITH DELETIONS	PERSONAL INFORMATION	EXEMPT		
3	4-5	EMAIL	27 FEBRUARY 2018	RELEASE		EXEMPT		
4	6-7	EMAIL	27 FEBRUARY 2018	RELEASE		EXEMPT		
5	8	EMAIL	14 FEBRUARY 2018	RELEASE		EXEMPT		
6	9	EMAIL	13 FEBRUARY 2018	RELEASE		EXEMPT		
7	10	EMAIL	14 FEBRUARY 2018	RELEASE		EXEMPT		
8	11	CCTV REQUEST	██████████ 2018	RELEASE WITH DELETIONS	PERSONAL INFORMATION	EXEMPT		
9	12	CCTV REQUEST	██████████ 2018	RELEASE WITH DELETIONS	PERSONAL INFORMATION	EXEMPT		

10	13	EMAIL	8 FEBRUARY 2018	RELEASE		EXEMPT
11	14	RECORD OF CONVERSATION	22 JANUARY 2018	RELEASE		EXEMPT
12	15-17	INCIDENT REFERENCE- 180110-002077	15 JANUARY 2018	RELEASE		EXEMPT
13	18-20	INCIDENT REFERENCE - 180110-002077	██████████ 2018	RELEASE		EXEMPT
14	21	CCTV REQUEST	██████████ 2018	RELEASE WITH DELETIONS	PERSONAL INFORMATION	EXEMPT
15	22	CCTV REQUEST	██████████ 2018	RELEASE WITH DELETIONS	PERSONAL INFORMATION	EXEMPT
16	23	INCIDENT 523772	██████████ 2018	RELEASE WITH DELETIONS	PERSONAL INFORMATION	EXEMPT
17	24	FOOTAGE	██████████ 2018	LIMITED RELEASE	PERSONAL PRIVACY	EXEMPT
18	25	FOOTAGE	██████████ 2018	LIMITED RELEASE	PERSONAL PRIVACY	EXEMPT
19	26	FOOTAGE	██████████ 2018	LIMITED RELEASE	PERSONAL PRIVACY	EXEMPT