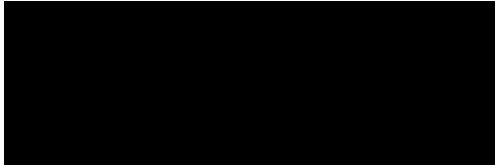




**ACT**  
Government

**ACT Health**

FOI18-130



Dear 

### **Freedom of information request: FOI18/130**

I refer to your application under section 30 of the *Freedom of Information Act 2016* (the Act), received by ACT Health on 3 December 2018.

In your application you requested:

*"...The documents, including attachments, which formed the Fitout Assessment Application and Food Business New Registration Application for Sonoma Bakery 1-2/21 Lonsdale Street, Braddon".*

I am an Information Officer appointed by the Director-General of ACT Health under section 18 of the Act to deal with access applications made under Part 5 of the Act. ACT Health was required to provide a decision on your access application by 3 January 2019.

#### Decision on access

I have decided to refuse to give access to the requested information under section 35(1)(c) of the Act because the information would, on balance, be contrary to the public interest to disclose under the test set out in section 17 of the Act.

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

- the FOI Act, particularly Schedule 2;
- the content of the documents that fall within the scope of your request;

I have identified that there are no factors favouring disclosure of this information under Schedule 2.1. I have identified the following factor favouring non-disclosure:

Schedule 2.2 (xi) – disclosure of the information could reasonably be expected to prejudice trade secrets, business affairs or research of an agency or person.

The information requested is contrary to the public interest and I have decided not to disclose this information because the release of the information could reveal the intellectual property of a particular business.

### Online publishing – disclosure log

Under section 28 of the Act, ACT Health maintains an online record of access applications called a disclosure log. Your original access application, my decision and documents released to you in response to your access application will be published in the ACT Health disclosure log not less than three days but not more than 10 days after the date of this decision. Your personal contact details will not be published.

You may view ACT Health’s disclosure log at <https://www.health.act.gov.au/about-our-health-system/freedom-information/disclosure-log>.

### 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 on ACT Health’s 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: [ACTFOI@ombudsman.gov.au](mailto: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(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  
Level 4, 1 Moore St  
GPO Box 370  
Canberra City ACT 2601  
Telephone: (02) 6207 1740  
<http://www.acat.act.gov.au/>

If you have any queries concerning the ACT Health's processing of your request, or would like further information, please contact the FOI Coordinator on 5124 9831 or e-mail [HealthFOI@act.gov.au](mailto:HealthFOI@act.gov.au).

Yours sincerely

A handwritten signature in black ink, appearing to read 'C Barr', written over the words 'Yours sincerely'.

Conrad Barr  
**Executive Branch Manager**  
Health Protection services

2 January 2019

