

Dear [REDACTED]

REFUSE TO DEAL WITH YOUR ACCESS APPLICATION

I refer to your application received by ACT Health Directorate (ACTHD) on **Friday 10 February 2023** in which you sought access to information under the *Freedom of Information Act 2016* (FOI Act).

This application requested access to:

'Threads of communication, with personal details redacted, to each of the 40 people prior to the offer to assist with packaging Rapid Antigen Tests as a response to the COVID 19 Pandemic. The role was discontinued for operational reasons and the offers to each member of the cohort were withdrawn.'

I am an Information Officer appointed by the Director-General of ACT Health Directorate (ACTHD) under section 18 of the FOI Act to deal with access applications made under Part 5 of the Act.

Decisions

ACTHD sent you a letter on **Friday 10 March 2022** deciding part of your application and providing you an intention to refuse to deal with the remaining scope of your application in accordance with section 43 of the FOI Act;

- Section 43(1)(a) dealing with the application would require an unreasonable and substantial diversion of the respondent's resources; and
- Section 43(1)(c) the application involves an abuse of process.

A consultation period of 10 working days was given under section 46(4)(a) which ended on **Friday 24 March 2023**, noting that no response was provided by the end of the consultation period.

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

- The FOI Act;
- The *Human Rights Act 2004*; and
- The *Information Privacy Act 2014*.

As outlined in our intention to refuse letter regarding the remaining part of your application, the search and location of the information requested would require an unreasonable and substantial diversion of resources. The information requested also involves an abuse of process, which includes section 43(4)(b) *an unreasonable request for personal information about a person*. Personal employment information of individuals is protected under the *Human Rights Act 2004* and the *Information Privacy Act 2014*.

Charges

Processing charges are not applicable to this request.

Disclosure Log

Under section 28 of the FOI Act, ACTHD maintains an online record of access applications called a disclosure log. The scope of your access application, my decision and documents released to you will be published in the 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.

<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 FOI 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 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

Website: ombudsman.act.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/>

Further assistance

Should you have any queries in relation to your request, please do not hesitate to contact the FOI Coordinator on (02) 5124 9831 or email HealthFOI@act.gov.au.

Yours sincerely,



Toby Keene

Executive Branch Manager

Public Health Operations

ACT Health Directorate

24 March 2023