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Dear ██████████,

DECISION ON YOUR ACCESS APPLICATION

I refer to your application under section 30 of the *Freedom of Information Act 2016* (FOI Act), received by ACT Health Directorate (ACTHD) on **Friday 10 February 2023**.

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 The role was discontinued for operational reasons and the offers to each member of the cohort were withdrawn;
The written decision or notice of the operational reasons or minutes where this was decided;
The threads containing the offers;
And, the threads containing the withdrawals.*

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. ACTHD was required to provide a decision on your access application by **Friday 10 March 2023**.

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

- *Freedom of Information Act 2016;*
- *Information Privacy Act 2014;* and
- *Human Rights Act 2004.*

Decisions

In relation to the part of the scope of your application, *The written decision or notice of the operational reasons or minutes where this was decided*, it is my decision, ACTHD does not hold relevant Information in accordance with section 35 (1)(b) of the Act. A thorough search has been conducted by two areas within the Directorate. After consultation with the relevant line areas considered to potentially hold relevant information, no documentation has been located within the scope of your application. Information relevant to the packaging of Rapid Antigen Tests and how this was conducted is publicly available, and can be found on the Legislative Assembly for the Australian Capital Territory site:

<https://www.hansard.act.gov.au/hansard/10th-assembly/2022/HTML/week01/124.htm>

It is my decision that the above finalises this section of your access application.

In relation to the part of the scope of your application, *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*, I am notifying you of my intention to refuse to deal with your access application, in accordance with section 43(1)(c) of the FOI Act, the application involves an abuse of process and also under s43(1)(a) of the Act, the search and location of the information requested would require an unreasonable and substantial diversion of resources.

Section 43(4) states that abuse of process includes (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*.

Under section 46 of the Act, ACTHD must take reasonable steps to assist you and give you a consultation period of 10 working days from the date of this letter to make an application in a form that would remove the grounds for refusal, under the FOI Act, for this portion of your application.

You may wish to refine/reduce the scope for this part of your request, and if you do, the day the amended application is received becomes the commencement date of the decision process for this information. Additionally, you may consider other avenues the information you are seeking can be obtained.

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>.

As a portion of the application has not been finalised the decision for that portion will also be published at the appropriate time.

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,

A handwritten signature in black ink, appearing to read 'Toby Keene', written in a cursive style.

Toby Keene
Executive Branch Manager
Public Health Operations
ACT Health Directorate

10 March 2023