



**ACT**  
Government



GAMBLING  
AND  
RACING  
COMMISSION

Mr Ben Fairless  
[foi+request-1007-81c7e4da@righttoknow.org.au](mailto:foi+request-1007-81c7e4da@righttoknow.org.au)

Dear Mr Fairless

I refer to your request dated 9 March 2015 under the provisions of the *Freedom of Information Act 1989* (the FOI Act).

### **Your Request**

You are seeking access to documents relating to complaints against Australian licensed online gambling operators for the last six months.

### **My Decision**

I am an officer authorised under section 22 of the FOI Act to make a decision in relation to your request.

The Commission located four documents in its possession that met the scope of your request. A schedule setting out the relevant documents and my decision in relation to their release is at [Attachment A](#). The released documents are at [Attachment B](#).

In accordance with section 21 of the Act, where it has been possible to delete exempt material from a relevant document in order to provide access to the remaining information I have done so.

You will note that I have decided to partially release all documents with information deleted under section 41 and 43 of the FOI Act (documents relating to personal privacy and business affairs).

### **Exemptions claimed**

#### **Documents Affecting Personal Privacy**

I have exempted from release personal information about a person, or persons, as I am satisfied that information mentioning the names and contact details of individuals falls within the exemption set out under Section 41 of the Act.

Section 41 of the Act provides:

- (1) *A document is an exempt document if its disclosure under this Act would involve the unreasonable disclosure of personal information about any person (including a deceased person).*
- (2) *Subject to subsection (3), subsection (1) does not apply to a request by a person for access to a document only because of the inclusion in the document of matter relating to that person.*
- (3) *Where—*
  - (a) *a request is made to an agency or Minister for access to a document of the agency, or an official document of the Minister, that contains information of a medical or psychiatric nature concerning the person making the request; and*
  - (b) *it appears to the principal officer of the agency, or to the Minister, as the case may be, that the disclosure of the information to that person might be prejudicial to the physical or mental health or wellbeing of that person;*

*the principal officer or Minister may direct that access to the document, so far as it contains that information, that would otherwise be given to that person is not to be given to that person but is to be given instead to a doctor to be nominated by that person.*

#### Documents Relating to Business Affairs

Under section 43 of the Act, I have decided to exempt from release those parts of documents that contains commercially sensitive information, such as the names of the business that have been identified in the complaints which if released could have a serious impact on the competitive operations of the relevant businesses.

Section 43 of the Act provides:

- (1) *A document is an exempt document if its disclosure under this Act would disclose—*
  - (a) *trade secrets; or*
  - (b) *any other information having a commercial value that would be, or could reasonably be expected to be, destroyed or diminished if the information were disclosed; or*
  - (c) *information (other than trade secrets or information to which paragraph (b) applies) concerning a person in respect of his or her business or professional affairs or concerning the business, commercial or financial affairs of an organisation or undertaking, being information—*
    - (i) *the disclosure of which would, or could reasonably be expected to, unreasonably affect that person adversely in respect of his or her lawful business or professional affairs or that organisation or undertaking in respect of its lawful business, commercial or financial affairs.*
    - (ii) *the disclosure of which under this Act could reasonably be expected to prejudice the future supply of information to the Territory or an agency for the purpose of the administration of a law or the administration of matters administered by an agency.*

### **Your Rights for Review**

My decision to partially release all of the documents relevant to your request is reviewable under Section 59 of the Act. If you wish to seek an internal review you should write to:

The Chief Executive  
ACT Gambling and Racing Commission  
PO Box 214  
Civic Square ACT 2608

You have 28 days from the date of the notification of the documentation to seek a review or such other period as the Chief Executive of the Commission permits.

You also have the right to complain to the Ombudsman about the processing of your request. If you wish to lodge a complaint you should write to:

The Ombudsman  
GPO Box 442  
Canberra ACT 2601

Should you wish to discuss any aspect of your request please contact me on (02) 620 70378.

### **Online Publication**

Please be aware that under the ACT Government's Online FOI Publication Policy, information released to you under this Freedom of Information request may be released on the internet.

Personal information or business affairs information will not be made available under this policy.

Yours sincerely,



Ron Leonard  
FOI Coordinator

24 March 2015