



Australian Government

Department of Health

Department Reference: FOI 265-1415

Mr Will Tregoning

Via email: foi+request-1074-0c1d3baf@righttoknow.org.au

Dear Mr Tregoning

NOTICE OF DECISION

I refer to your request of 18 May 2015 to the Department of Health (Department) seeking access under the *Freedom of Information Act 1982* (FOI Act) to:

'reports of any formal evaluations of the National Cannabis Prevention and Information Centre (NCPIC).'

I am writing to advise you of my decision in relation to this request.

Decision

I have identified 2 documents falling within the terms of your request. The documents are set out in the schedule at Attachment A. I have decided to release 1 document in full and 1 document in part. My reasons for this decision are set out at Attachment B of this letter.

Review rights

If you are dissatisfied with my decision, you may apply for an internal review or Australian Information Commissioner (Information Commissioner) review of the decision.

Internal review

Under section 54 of the FOI Act, you may apply in writing to the Department for an internal review of my decision. The internal review application must be made within 30 days of the date of this notice (or such further period as the Department allows). Where possible please provide reasons why you consider review of the decision is necessary. The internal review will be carried out by another officer of this Department within 30 days. An application for an internal review should be addressed to:

Email: FOI@health.gov.au; or

Mail: FOI Coordinator (MDP 41)
Department of Health
GPO Box 9848
CANBERRA ACT 2601

Information Commissioner review

Under section 54L of the FOI Act, you may apply to the Information Commissioner to review my decision. An application for review must be made in writing 60 days of this notice (if you do not request an internal review).

The Australian Information Commissioner can be contacted by:

Email: enquiries@oaic.gov.au
Phone: 1300 363 992

More information about Information Commissioner review is available on the Office of the Australian Information Commissioner (OAIC) website at <http://www.oaic.gov.au/freedom-of-information/requesting-a-review>

You may also make a complaint to the Information Commissioner about action taken by the Department in relation to your application. Further information can be obtained from the OAIC website.

Relevant provisions

The FOI Act, including the provisions relevant to your request can be accessed from the ComLaw website using the following link: <http://www.comlaw.gov.au/Series/C2004A02562>

Publication

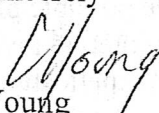
You should be aware that as I have decided to release documents to you, the Department may also publish the released material on its Disclosure Log. The Department will however, not publish information (such as personal or business information) where it would be unreasonable to do so.

For your reference the Department's Disclosure Log can be found at:
<http://www.health.gov.au/internet/main/publishing.nsf/Content/foi-disc-log>

Contacts

If you require clarification of any of the matters discussed in this letter you should contact the Department's FOI Unit on 6289 1666.

Yours sincerely


Linda Young
Assistant Secretary
Drug Strategy Branch

20 July 2015

ATTACHMENT A

SCHEDULE OF DOCUMENTS - FOI 265-1415

Doc. No. ¹	No. of Pages	Date	Author	Addressee	Description of Document	Decision ²	Portion Exempt
1	106	11 May 2010	Urbis	Department of Health	Evaluation of the National Cannabis Prevention and Information Centre (NCPIC)	RE	Table in Appendix B containing names and positions of individuals consulted during the review of NCPIC S 47F
2	63	September 2011	Carroll Communications Pty Ltd	National Cannabis Prevention and information Centre	Evaluation of National Cannabis Prevention and Information Centre Communication Strategy Initiatives	R	

¹ * = Third Party Consulted

² R= Release, RE = Release with Exemptions applied, E = Exempt in Full, I = Irrelevant

REASONS FOR DECISION

Material taken into account

In making my decision, I had regard to the following:

- the terms of your request;
- the content of the documents to which you sought access;
- advice from departmental officers with responsibility for matters relating to the documents to which you sought access;
- the relevant provisions of the FOI Act;
- the Department's guidance material on the FOI Act; and
- the Guidelines issued by the Australian Information Commissioner under s93A of the FOI Act.

Findings of facts and reasons for decision

Where the schedule of documents indicates an exemption claim has been applied to a document or part of document, my findings of fact and reasons for deciding that the exemption provision applies to that document or part of document are set out below:

Section 47F - Personal Privacy

Section 47F of the FOI Act conditionally exempts a document if its disclosure would involve the unreasonable disclosure of personal information about any person.

Appendix B of Document 1 contains name of individuals and information about their position in their respective organisation which can be used to identify the individual. This is personal information for the purposes of section 47F.

Subsection 47F(2) of the FOI Act lists a number of matters which I must have regard to in deciding whether disclosure of this information would amount to an unreasonable disclosure of personal information. Taking into account these factors, I have formed the view that disclosure of this information would be unreasonable because:

- the personal information is not well known;
- the individuals to whom the above information relates may not be well known to be associated with the matters dealt with in the requested information; and
- it is unlikely that some of the above information could be obtained from publically accessible sources.

On this basis, I am satisfied that the names and position details of these individuals are conditionally exempt under section 47F.

Section 47F is a conditional exemption and as such I have considered whether disclosure would on balance be contrary to the public interest. In this regard, I have considered the public interest exemption factors set out in section 11B(3) of the FOI Act. I am satisfied that there would be no benefit to the public in disclosing the names and position details of the

individuals listed in Appendix B of Document 1. There is, however, a public interest in protecting the privacy of those individuals by not disclosing this information.

Taking these matters into account I find that it would, on balance, be contrary to the public interest to release the personal information. The personal information is therefore exempt under section 47F of the FOI Act.

