

18 July 2016

Leanne Cooper
Director
Cadence Institute of Health & Nutrition Coaching



Australian Government
Australian Skills Quality Authority

By email: foi+request-1881-9c682287@righttoknow.org.au

Dear Ms Cooper,

Freedom of Information (FOI) Internal Review request – [15-16-0060]

I am writing in response to your application under the *Freedom of Information Act 1982 (Cth)* (FOI Act).

Original decision

On 20 April 2016, you made the following request:

I would like to request information on the organisation/person who submitted the original complaint that initiated the above complaint process by ASQA on 27 September 2013.

I would like a copies notating the:

- Date
- Nature of the complaint
- Details of the complainant

that were submitted to ASQA and led to the above complaint received by Cadence Health on the 27/9/2013 by email

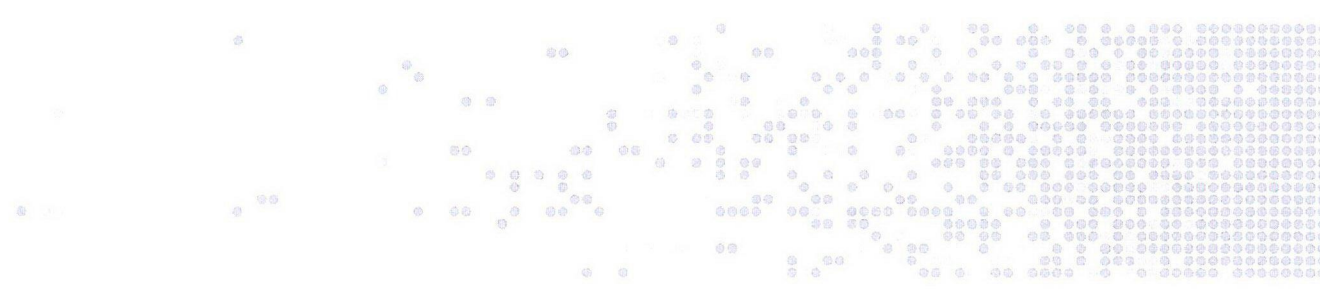
On 21 June 2016 Mr Michael Bopf (Freedom of Information Officer, ASQA) advised you of his decision, which covered the one document outlined in your request.

Mr Bopf advised that he had decided to grant access to the document with exempt information redacted under section 47F of the FOI Act.

Internal Review

On 21 June 2016, you requested an internal review of the above decision and raised the following issues:

While I appreciate the details provided the date of the documents do not match the date of the complaint received by staff at Cadence Health. The initial complaint details sent by Sandi Daniels was received on 27 September 2013,



while the document supplied today under the FOI was dated almost one year prior (23 October 2012).

In reviewing our earlier decision, I am satisfied that only one document exists that fits within the scope of your request and that the relevant document has been provided to you. I note that ASQA currently has only one complaint on its files in relation to Cadence Health, that being, complaint 1001093.

Decision and reasons for decision

I, Liz Stafford, am an officer authorised under subsection 23(1) of the Freedom of Information Act 1982 (Cth) (FOI Act) to make decisions about FOI requests.

I have decided to **affirm** Mr Bopf's decision of 21 June 2016:

- to grant access to the document in part with exempt information redacted under section 47F of the FOI Act.

Material taken into account

I have taken the following material into account in making my decision:

- the content of the documents that fall within the scope of the request
- the FOI Act (specifically sections 11B, 22, and 47F)
- the guidelines issued by the Australian Information Commissioner under section 93A of the FOI Act (FOI Guidelines)
- the advice of ASQA's Compliance and Governance, Policy and Quality teams

Public interest conditional exemptions — personal privacy (s 47F)

I have decided to delete certain information in the document in accordance with section 47F of the FOI Act. Section 47F of the FOI Act (paraphrased) provides that a document is conditionally exempt if its disclosure would involve the unreasonable disclosure of personal information about any person (including a deceased person).

In reaching this determination, I had regard to the following factors (section 47F(2)):

- the information is not well known
- the information is not available from publicly accessible sources.

I have decided that access to the conditionally exempt matter in the documents would, on balance, be contrary to the public interest (section 11B). In reaching this decision, I:

- considered the factors favouring disclosure – I identified the following factor:
 - promote the objects of the FOI Act as set out in section 3
- considered the factors against disclosure — I identified the following factor:
 - could reasonably be expected to prejudice the protection of an individual's right to privacy
- did not consider any irrelevant factors in subsection 11B(4) of the FOI Act.

Therefore, I have determined that certain information in the document is conditionally exempt under section 47F of the FOI Act.

Your review rights

If you are dissatisfied with my decision, you may apply for Information Commissioner review.

Information Commissioner review

If you are dissatisfied with my decision, you may apply to the Australian Information Commissioner for review. An application for review by the Information Commissioner must be made in writing within 60 days of the date of this letter, and be lodged in one of the following ways:

online:	https://forms.australia.gov.au/formsibaicifoi-review/
email:	enquiriesoic.gov.au
post:	GPO Box 2999, Canberra ACT 2601
in person:	Level 3, 175 Pitt Street, Sydney NSW

If you have any questions about this matter, please email the FOI Contact Officer at: foi@asqa.gov.au

Yours sincerely



Liz Stafford
Freedom of Information Officer