

NOTICE OF DECISION

Applicant:	Alison Sandy, FOI Editor, Seven Network (Operations) Limited
File Ref:	15370
Decision maker:	Lyn Ellison
Date of decision:	5 September 2019

Table of Contents

Table of Contents..... 1

1. Summary of access application2

2. Decision2

3. Searches for information.....3

4. The public interest test3

4.1 Applying the test..... 3

4.2 Public interest considerations in favour of disclosure..... 4

4.3 Personal factors of the application..... 4

4.4 Consultation..... 4

4.5 Public interest considerations against disclosure..... 4

5. Balancing the public interest test.....5

5.1 Form of access 6

6. Disclosure log.....6

7. Your review rights7

8. Further information7

Schedule of Documents8



1. Summary of access application

On 23 July 2019 you submitted an access application (the application) to Southern Cross University under the *Government Information (Public Access) Act 2009 (GIPA Act)*. On 9 August 2019, the application became valid.

You asked for the following information

“documents, specifically reports, audits, executive briefings and attachments, invoices and receipts and internal correspondence including emails and the Vice Chancellor’s diary pages, relating to:

1. Personal loan/s from the University;
2. Payment/s to the Vice Chancellor outside of University salary;
3. Freebies that are accepted, e.g. tickets to a sporting match.

Please limit searches to the office of the Vice Chancellor only.”

In a subsequent telephone conversation you confirmed that the scope of your request was limited to the timeframe 1 July 2018 to the date of the request (23 July 2019) and that searches were to be confined to the Office of the Vice Chancellor only.

2. Decision

I am authorised by the principal officer, for the purposes of s 9(3) of the GIPA Act, to decide your access application.

I have decided, under s 58(1)(a) of the GIPA Act, to provide access to the information you requested, subject only to redaction of the personal information of some third parties, including the names and contact details of administrative staff employed by third party organisations, and of other guests attending events.

To meet the requirements of s 61 of the GIPA Act, I need to tell you:

- (a) the reasons for my decision and the findings on any important questions of fact underlying those reasons; and
- (b) the general nature and format of the records containing the information you asked for, with reference to any relevant public interest considerations against disclosure (see the attached Schedule of Documents).

You can ask for a review of this decision. For details about how to do so, see part 6 of this Notice.



3. Searches for information

Under the GIPA Act, the University must conduct reasonable searches for the government information you asked for in your application. I requested the Head of the Office of the Vice Chancellor to conduct appropriate searches for correspondence, documents and diary entries that fell within the scope of your request. The searches revealed:

1. No records in respect of personal loans to the Vice Chancellor from the University
2. No records in respect of payments to the Vice Chancellor outside of University salary
3. 15 records relating to “freebies” accepted between 1 July 2018 and 23 July 2019.

One record, an email forwarding an invitation to another guest, fell outside the scope of your request leaving 14 records within your scope:

- One internal email declaring gifts
- Two invitations to attend events
- One map of an event location
- Three diary entries related to those events
- Seven emails related to those events

4. The public interest test

Under section 9(1) of the GIPA Act, you have a legally enforceable right to access the information you asked for, unless there is an overriding public interest against its disclosure. Further, under section 5 of the GIPA Act, there is a presumption in favour of disclosing government information unless there is an overriding public interest against its disclosure.

To decide whether or not there is an overriding public interest against disclosure of the information you asked for, I applied the public interest test, which is set out in section 13 of the GIPA Act.

4.1 Applying the test

I applied the public interest test by:

- (a) identifying any public interest considerations in favour of disclosure;
- (b) identifying any relevant public interest considerations against disclosure; and
- (c) deciding where the balance between them lies.

I did this in the way required by section 15 of the GIPA Act, which is:

- (a) in a way that promotes the objects of the GIPA Act;
- (b) with regard to any relevant guidelines issued by the Information Commissioner;
- (c) without taking into account the fact that disclosure of information may cause embarrassment to, or a loss of confidence in, the Government (as that fact is irrelevant);



- (d) without taking into account the fact that disclosure of information might be misinterpreted or misunderstood by any person (as that fact is irrelevant); and
- (e) with regard to the fact that disclosure cannot be made subject to any conditions on the use or disclosure of information.

4.2 Public interest considerations in favour of disclosure

Under section 12(1) of the GIPA Act, there is a general public interest in favour of disclosing government information. Section 12(2) of the GIPA Act sets out some examples of other public interest considerations in favour of disclosure. However, I am not limited to those considerations in deciding your application.

In the context of this application, I accept there is a legitimate public interest in the number and type of gifts or benefits received by the Vice Chancellor of Southern Cross University. I find that this is a strong public interest consideration in favour of disclosure of the information.

4.3 Personal factors of the application

Under section 55 of the GIPA Act, I can also take into account any personal factors of the application.

As the information requested is not your personal information I do not believe that there are any personal factors in favour of providing you with the information applied for.

4.4 Consultation

The information that you asked for includes the personal or business information of persons other than yourself. I was therefore required, under section 54 (1) of the GIPA Act, to take such steps as are reasonably practicable to consult with those persons before releasing the information.

I consulted with people whose personal or business information was contained in the documents requested. Subject to minor redactions of personal information, no objections to the release of the documents were received.

4.5 Public interest considerations against disclosure

None of the information you have requested falls within any of the categories set out in Schedule 1 to the GIPA Act, so there is no conclusive presumption of an overriding public interest against disclosure of the information.

Therefore I can only take into account the public interest considerations against disclosure set out in the table to section 14 of the GIPA Act. For any of these considerations to be relevant, I need to be satisfied that disclosure of the information could reasonably be expected to have the effect outlined in table.



I have identified the following considerations against disclosure as being relevant to your application. Disclosure of the information could reasonably be expected to:

(a) reveal an individual's personal information – paragraph 3(a) from the table in section 14

The information that you asked for includes the personal information of persons other than yourself.

Personal information is defined in Schedule 4[4] to the GIPA Act as:

“information or an opinion... about an individual (whether living or dead) whose identity is apparent or can reasonably be ascertained from the information or opinion” (para 1.1).

IPC Guideline 4: Personal information as a public interest consideration under the GIPA Act (Guideline 4) includes common examples of personal information, including a person's name, personal address and contact details.

Guideline 4 also makes it clear that information about individuals that comprises their name and non-personal contact details, and which reveal nothing more than the fact that the person was engaged in the exercise of public functions, is not considered to be personal information under the GIPA Act.

I do not find any public interest consideration against disclosure of the documents on the basis that they might reveal an individual's personal information, as any concerns expressed can be managed through making appropriate redactions to the relevant documents.

(b) Prejudice any person's legitimate business, commercial, professional or financial interests – clause 4(d) from the table in section 14

The information that you asked for includes the business information of persons other than yourself.

The word prejudice means to cause detriment or disadvantage, or 'to harm or injure another's rights'. In determining whether this consideration applies, 'legitimate' has its ordinary meaning, that is genuine and not spurious.

In determining the public interest considerations for and against disclosure, it is also relevant to consider that disclosure cannot be made subject to any conditions on the use or disclosure of information. Therefore, if the information contained in these documents was disclosed to you, it would be open to you to disclose that information more broadly.

Having consulted with relevant third parties, and considering the type of documents and information requested, I do not find any public interest consideration against disclosing the documents on the basis that doing so might prejudice any person's legitimate business, commercial, professional or financial interests.

5. Balancing the public interest test

I have considered the relevant public interest considerations in favour of and against disclosure of the information you requested.



I find that there is a strong and legitimate public interest in favour of the disclosure of information about the number and type of gifts or benefits received by the Vice Chancellor of Southern Cross University. I also find that the public interest considerations against disclosure of that information are minor as any concerns about the release of personal information can be addressed through making appropriate redactions to relevant documents.

On balance I find that the presumption in favour of disclosing government information applies to the information you have requested.

5.1 Form of access

I have provided you with a copy of the information that I have decided can be released. Please note that, as requested, I have deleted duplicates from email chains. As explained in section 3, I have also redacted one email that was outside the scope of your request. Please see the Schedule of Documents, attached, for a summary of the information released.

5.2 Access period

You have six months to access the information, as set out in s 77(1) of the GIPA Act. On request, I will re-supply you with an electronic copy of any information that I have provided to you pursuant to this application until that period expires.

6. Disclosure log

If information that would be of interest to other members of the public is released in response to a formal access application, an agency must record certain details about the application in its 'disclosure log' (under sections 25 and 26 of the GIPA Act).

In the letter acknowledging receipt of your valid application, you were told about the disclosure log, and your right to object to the inclusion of details about your access application under section 56 of the GIPA Act.

I have decided that the information would be of interest to other members of the public and will therefore record the following details in our disclosure log, which is publicly available on our website:

- the date on which your access application was decided (that is, the date of this notice of decision);
- a description of the information that has been released to you;
- whether that information is or will be available to other members of the public; and
- if so, how it can be accessed.



This decision is reviewable under section 80(m) of the GIPA Act (see part 7 of this notice for information about your review rights).

7. Your review rights

If you disagree with any of the decisions in this notice that are reviewable, you may seek a review under Part 5 of the GIPA Act. You have three review options:

- internal review by another officer of this agency, who is no less senior than me;
- external review by the Information Commissioner; or
- external review by the NSW Civil and Administrative Tribunal (NCAT).

You have 20 working days from the date of this Notice to apply for an internal review. If you would prefer to have the decision reviewed externally, you have 40 working days from the date of this Notice to apply for a review by the Information Commissioner or NCAT.

To assist you, I have enclosed a fact sheet published by the Information and Privacy Commission NSW (IPC), entitled “*Your review rights under the GIPA Act*”. You will also find some useful information and frequently asked questions on the IPC’s website: www.ipc.nsw.gov.au.

You can also contact the IPC on free call 1800 IPC NSW (1800 472 679).

8. Further information

If you have any questions about this notice or would like any further information, please contact me on (02) 6620 3841 or by email at linda.ellison@scu.edu.au

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Lyn Ellison
Privacy and Information Access Officer



Schedule of Documents

Doc #	Date/Time	Type	From	To	Subject	Comments
1	7 September 2018: 1.38PM	Email	QAL Corporate Relations	Adam Shoemaker	Invitation from Queensland Airports	Release
2		Attachment to email 2	QAL Corporate Relations	Adam Shoemaker	Invitation	Release
3	4 October 2018: 4.31PM	Email	Office of the VC	QAL Corporate Relations	Re: Invitation from Queensland Airports Limited	Release
4	8 October 2018: 12.05PM	Email	QAL Corporate Relations	Office of the VC	Reminder: A Russian Triple Bill at Home of the Arts/ Wednesday 10 October	Release subject to redaction of personal information (GIPA Act, s 14, Table 3(a)).
5		Attachment to email 4	QAL Corporate Relations	Office of the VC	Map of HOTA	Release
6	9 October 2018: 3.17PM	Email	QAL Corporate Relations	Office of the VC	Re: Reminder: A Russian Triple Bill at Home of the Arts/ Wednesday 10 October	Release
7	9 October 2018: 3.24PM	Email	Office of the VC	QAL Corporate Relations	Re: Reminder: A Russian Triple Bill at Home of the Arts/ Wednesday 10 October	Release subject to redaction of personal information (GIPA Act, s 14, Table 3(a)).

Notice of Decision



8	9 October 2018: 3.24PM	Email	Office of the VC	Adam Shoemaker	FW: Reminder: A Russian Triple Bill at Home of the Arts/ Wednesday 10 October	Release
9	10 October 2018	VC Diary appointment			**6 pm QLD time**Pre-show refreshments	Release
10	10 October 2018	VC Diary appointment			7.30pm QLD time** Ballet Russe – a Russian triple bill **Tickets available at Lakeside Terrace**	Release
11	17 December 2018: 9.19am	Email	Office of the VC	Travis Walker	Declaring Gifts	Release
12	21 May 2019: 2.18PM	Email	Chairman, Study Gold Coast	Adam Shoemaker; Office of the VC	Invitation: Chairman’s Lounge on 6 th July – GC Suns v Richmond	Release subject to redaction of personal information (GIPA Act, s 14, Table 3(a)). Email forwarding the invitation to another guest also redacted (out of scope).
13		Attachment to above email			Invitation	Release
14	21 May 2019: 2.43pm	VC Diary appointment			– GC Suns v Richmond Tigers	Release subject to redaction of personal information (GIPA Act, s 14, Table 3(a)).