



## Decision and Reasons for Decision

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<b>Citation:</b>	<b><i>Poyton and Metro North Hospital and Health Service [2016] QICmr 50 (13 December 2016)</i></b>
<b>Application Number:</b>	<b>312665</b>
<b>Applicant:</b>	<b>Poyton</b>
<b>Respondent:</b>	<b>Metro North Hospital and Health Service</b>
<b>Decision Date:</b>	<b>13 December 2016</b>
<b>Catchwords:</b>	<b>ADMINISTRATIVE LAW - RIGHT TO INFORMATION – APPLICATION FOR ACCESS TO INFORMATION – REFUSAL OF ACCESS – applicant sought information about recruitment decision from Royal Brisbane and Women’s Hospital – whether disclosure of the information would, on balance, be contrary to the public interest – sections 47(3)(b) and 49 of the <i>Right to Information Act 2009 (Qld)</i></b>

### REASONS FOR DECISION

#### Summary

1. The applicant applied to Metro North Hospital and Health Service (**MNHHS**) under the *Right to Information Act 2009 (Qld)* (**RTI Act**) for access to information concerning the recruitment of two A03 Administrative Officers.<sup>1</sup> The applicant was a candidate in the recruitment process.
2. MNHHS located 59 pages in response to the access application. By its decision dated 5 November 2015 (**Original Decision**), MNHHS decided to:
  - release 43 pages in full
  - refuse access to seven pages in full<sup>2</sup> and nine pages in part<sup>3</sup> on the basis that disclosure would, on balance, be contrary to the public interest;<sup>4</sup> and
  - refuse access in relation to certain parts of the application on the basis that the documents are non-existent or unlocatable.<sup>5</sup>
3. The applicant sought internal review<sup>6</sup> of the refusal of access decision on the basis that the information refused should not have been refused as it does not constitute personal information.

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<sup>1</sup> Comprising one permanent and one temporary position.

<sup>2</sup> Comprising the successful candidates resumes.

<sup>3</sup> Comprising the successful candidates responses to selection criteria, references to late and withdrawn applications and unsuccessful candidates and signatures.

<sup>4</sup> Sections 47(3)(b) and 49 of the RTI Act.

<sup>5</sup> Section 47(3)(e) of the RTI Act.

<sup>6</sup> By email dated 16 November 2015.

4. On 14 December 2015, MNHHS issued its internal review decision affirming its original decision.
5. The applicant applied to the Office of the Information Commissioner (**OIC**) for external review of MNHHS's internal review decision.
6. On external review, OIC requested MNHHS to undertake further searches for information relevant to the access application and an additional 59 pages were located in response to the application. These pages have been considered as part of this external review.
7. For the reasons outlined below, I vary MNHHS's internal review decision and find that access is refused under the RTI Act to the information in issue in this review.

### **Background**

8. Significant procedural steps relating to the external review are set out in the Appendix.
9. On external review, the applicant agreed to exclude from the review:
  - some information that was irrelevant to or outside the scope of the access application; and
  - mobile telephone numbers and email addresses of the successful candidates to the relevant positions and signatures.
10. As these issues were resolved during the review process, they are not addressed in these reasons for decision.
11. OIC also consulted with two third parties during the external review to notify them of the likely release of certain information, however, the submissions provided during consultation were not relied upon in forming this decision.

### **Reviewable decision**

12. The decision under review is MNHHS's internal review decision dated 14 December 2015.

### **Evidence considered**

13. Evidence, submissions, legislation and other material I have considered in reaching this decision are disclosed in these reasons (including footnotes and Appendix).

### **Information in issue**

14. The information in issue in this review (**Information in Issue**) is comprised of the following types of information:
  - the name of the candidate appointed to the temporary role, previous paypoint classifications, special achievements, community service, work experience and information about the temporary appointee's employment history and education (**Category A Information**)
  - the previous paypoint classification, special achievements and some information about the employment history of the candidate appointed to the permanent role (**Category B Information**); and

- non-routine personal work information (**Category C Information**).

### **Issue for determination**

15. The sole issue for determination on external review is whether access to the Information in Issue should be refused on the ground that its disclosure would, on balance, be contrary to the public interest.

### **Contrary to the public interest information**

#### **Relevant law**

16. Under section 23 of the RTI Act, a person has a right to be given access to documents of an agency. However, this right is subject to a number of exclusions and limitations including grounds for refusal of access. These grounds are contained in section 47 of the RTI Act.<sup>7</sup>
17. Sections 47(3)(b) and 49 of the RTI Act provide a ground for refusal of access where disclosure of information would, on balance, be contrary to the public interest.<sup>8</sup> In determining whether disclosure of the information sought would, on balance, be contrary to the public interest, I must:
- identify and disregard irrelevant factors
  - identify factors favouring disclosure of the information in the public interest
  - identify factors favouring nondisclosure of the information in the public interest
  - balance the relevant factors favouring disclosure and nondisclosure; and
  - decide whether disclosure of the information would, on balance, be contrary to the public interest.

#### **Analysis – Category A Information**

18. No irrelevant factors arise in the circumstances of this case. I will now consider the factors favouring disclosure and nondisclosure of this information.

#### **Factors favouring disclosure**

19. The RTI Act recognises the following relevant factors favouring disclosure:
- disclosure could reasonably be expected to enhance MNHHS's accountability and transparency;<sup>9</sup> and
  - disclosure could reasonably be expected to reveal the reason for a government decision and any background or contextual information that informed the decision.<sup>10</sup>
20. The public interest in accountability and transparency<sup>11</sup> arises, given the recruitment was for a publicly funded position, to provide services to the public. In these circumstances,

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<sup>7</sup> Section 47(3)(b) and 49 of the RTI Act. The term *public interest* refers to considerations affecting the good order and functioning of the community and government affairs for the well-being of citizens. This means that in general, a public interest consideration is one which is common to all members of, or a substantial segment of, the community, as distinct from matters that concern purely private or personal interests. However, there are some recognised public interest considerations that may apply for the benefit of an individual.

<sup>8</sup> Schedule 4 of the RTI Act sets out the factors for deciding whether disclosing information would, on balance, be contrary to the public interest. However, this list of factors is not exhaustive. In other words, factors that are not listed may also be relevant.

<sup>9</sup> Schedule 4, part 2, item 1 of the RTI Act.

<sup>10</sup> Schedule 4, part 2, item 11 of the RTI Act.

<sup>11</sup> Schedule 4, part 2, item 1 of the RTI Act.

I also consider that the public is entitled to background and contextual information about recruitment decisions.<sup>12</sup>

21. Given I am satisfied these factors arise in the circumstances of this matter, I must now turn to a consideration of the weight to be afforded to these various public interest factors in favour of disclosure.
22. In his submission,<sup>13</sup> the applicant referred to several authorities<sup>14</sup> in support of his position that the resumes and responses to selection criteria of the successful candidates should be disclosed under the RTI Act.
23. Decisions of other jurisdictions, including the Administrative and Appeals Tribunal and the Office of the Australian Information Commissioner are not legally binding on OIC, but can be persuasive.
24. *Re Dyki* and other early leading authorities outline the early foundation principles and application of section 41(1) of the *Freedom of Information Act 1982* (Cth) in the federal jurisdiction (**FOI Act**). Since this time, the FOI Act has been amended, in particular, section 41(1) was repealed in 2010 and a public interest exemption was substituted.
25. The Australian Information Commissioner in *BA* analysed the case law and legislative developments since these early leading authorities and reflected on whether the correct balance had been maintained between public disclosure of employee information and the protection of personal privacy.
26. In *BA*, access was refused to the identifying information of a successful candidate for a promotion position in the Commonwealth Department of Health. The panel's summary of its decision to select the successful candidate was de-identified and released, but the successful candidate's resume, job application, referee report, responses to selection criteria and the handwritten comments made by the Selection Committee members were not released.
27. At paragraph 87, the Australian Information Commissioner found that appropriate weight should be given to other considerations and that the early leading authorities should no longer have 'decisive sway'.
28. The decision of *Antony* was made under the former *Freedom of Information Act 1992* (Qld).<sup>15</sup> This decision addressed the importance of providing disclosure, especially in cases involving selection for promotion from a pool of existing agency personnel, which permits unsuccessful candidates to assess, by comparison with successful candidates, how their educational qualifications, experience and performance needed to improve to be successful in obtaining future promotions.
29. These decisions<sup>16</sup> reflect a specific set of circumstances considered on a case by case basis. Professor McMillan outlined in *BA* that '*framed in those terms, it is clear that in*

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<sup>12</sup> Schedule 4, part 2, item 11 of the RTI Act.

<sup>13</sup> Submission dated 16 November 2016.

<sup>14</sup> *Re Dyki and Federal Commissioner of Taxation* (1990) 12 AAR 544 (**Re Dyki**), *Antony and Griffith University* (2001) 6 QAR 31 (**Antony**), *'BA' and Merit Protection Commissioner* [2014] AICmr 9 (**BA**) and *Re Hanna and Australian Trade Commission* [2002] AATA 624 (**Hanna**).

<sup>15</sup> The Right to Information reforms were the result of an independent and comprehensive review of Queensland's freedom of information legislation. The RTI Act and *Information Privacy Act 2009* (Qld) commenced on 1 July 2009.

<sup>16</sup> Including the Administrative and Appeals Tribunal decision of *Hanna*. This decision outlined that each case depends on its 'own peculiar factual matrix' and decided that it would not be unreasonable to disclose the name and qualifications of a successful candidate. However, it is not clear from the decision, the nature of the position and the information released.

*another case there can be other public interest considerations that may lead to a different outcome...'.<sup>17</sup>*

30. Each matter before OIC must be considered on its own particular facts and the public interest factors that arise in relation to those facts.
31. The applicant made specific submissions in respect of the disclosure of the name of the temporary appointee.<sup>18</sup> The applicant submitted that:
- there is no case law or law stating that disclosure of documents in relation to a successful candidate appointed to a permanent position should not equally apply to disclosure of documents in relation to a successful candidate appointed to a temporary position, given the similarity of the positions; and
  - affording less accountability and transparency to the selection of a successful candidate to a temporary position, compared to the selection of a candidate to a permanent position would give rise to a greater possibility of misconduct and corruption in relation to the selection of a candidate for a temporary position.
32. In relation to the public interest factor of accountability in respect of the disclosure of the name of a successful candidate following a public service recruitment process, I am of the view that in certain specific circumstances, the same level of accountability will not always apply to temporary appointments as applies to permanent ones.
33. I consider that in some cases, it will be appropriate to make a distinction between temporary and permanent appointments depending on the circumstances of the particular case. This is particularly so given that the accountability between a permanent and temporary role in the public service (including the seniority of the position) is different—for example, there is a requirement to advertise *senior* executive and *senior* officer appointments and promotion appointments in the Queensland Government Gazette.<sup>19</sup> There is also limited ability to appeal a decision to appoint a candidate to a temporary position<sup>20</sup> and the appointment, by its very nature, is generally for a temporary (short term) duration.
34. I note that in this matter:
- the position to which the temporary appointee was appointed was a short-term (six month) temporary position
  - the role was a lower level administrative role (A03)
  - the temporary appointee was in the role for a short period of six weeks; and
  - at the conclusion of which time the temporary appointee left the employ of the MNHSS.
35. Taking these particular circumstances into account, I consider that the specific facts of this matter can be distinguished from matters which involve more senior, permanent or longer term appointments and I do not consider that disclosing the temporary appointee's name or the small amount of information that could reasonably be expected to identify

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<sup>17</sup> At paragraph 107.

<sup>18</sup> Submission dated 16 November 2016.

<sup>19</sup> Promotions of tenured public service officers from an advertised vacancy and promotions of tenured public service officers arising from the use of recurring vacancy provision.

<sup>20</sup> The only circumstances where a 'temporary employment' decision can be appealed is under section 149 of the *Public Service Act 2008* (Qld). That is, where a temporary employee's employment in a Department is to continue as a temporary employee. This appeal may be made by:

1. a temporary general employee who is the subject of the decision (excluding casual employees); or
2. a public sector employee of a public sector unit listed in schedule 1 of the *Public Sector Regulation 2008* (Qld) who is the subject of the transfer decision.

the temporary appointee<sup>21</sup> would further MNHHS's accountability and transparency. Consequently I have afforded this public interest factor in favour of disclosure low weight.

36. Additionally, I do not consider that disclosure of the temporary appointee's name and other identifying information will enhance the applicant's understanding of the recruitment decision, particularly in light of the far more salient information already disclosed to him, such as, information about the selection process, information about the temporary appointee including their education, experience, skills, performance and responses to selection criteria, and the feedback he received from MNHHS regarding his application for the relevant positions. Accordingly, I give low weight to the public interest in revealing the reasons for a government decision and background information to that decision in the circumstances of this matter.
37. The remaining Category A Information is comprised of the personal information of the temporary appointee including their special achievements, community service, previous paypoint classifications and historical employment information.
38. In the decision of *Re Byrnes and Department of Environment* [2006] WAICmr 6,<sup>22</sup> the Acting Information Commissioner relied upon the following considerations in favour of disclosure:

*... revealing the kinds of skills, experience and claims to win particular positions, maintaining public confidence that only appropriately skilled, experienced and qualified people hold public sector positions which are funded by the public purse and ensuring that applications for similar positions are accurate in their particulars and claims.*<sup>23</sup>

[my emphasis]

39. The Acting Information Commissioner also stated that those considerations apply 'more strongly' the higher the seniority of the relevant position and the longer the term of the appointment'.<sup>24</sup>
40. I have carefully considered the remaining Category A Information. As noted previously, there is a public interest in favour of disclosing information which would enhance the Government's accountability and transparency.<sup>25</sup> However, taking into consideration the nature and extent of the information that has been released to the applicant (referred to in paragraph 36), I do not consider that disclosure of the remaining Category A Information would further the accountability or transparency factors in favour of disclosure and I have afforded it low weight.
41. Additionally, I recognise the importance of providing disclosure of information in circumstances which would allow unsuccessful candidates in government recruitment processes to assess how their qualifications, experience and performance compared with successful candidates. However, I am not satisfied that disclosure of the Category

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<sup>21</sup> Including the following information:

- the division within the Department of Health where the temporary appointee had previously worked
- the title of an educational publication; and
- work experience.

<sup>22</sup> This is a Western Australian Information Commission decision and is not binding on OIC, but informative.

<sup>23</sup> At paragraph 90.

<sup>24</sup> At paragraph 114. The Acting Information Commissioner stated that the requirements for short-term temporary appointments as opposed to long-term temporary appointments appear to reflect a need for greater accountability for longer-term appointments than for shorter-term appointments. In this case, the acting appointment was for a term of three months and the successful applicant occupied it for less than that period. It was considered that the public interest in the accountability of agencies for the appointments they make was not as strong in this case as it may be in respect of a long-term acting appointment or as it would be in respect of a substantive appointment. The Acting Information Commissioner found that the public interest weighed less heavily in favour of disclosure.

<sup>25</sup> Schedule 4, part 2, items 1 and 11 of the RTI Act.

A Information would provide the applicant with any further insight into the background or contextual information informing MNHHS's recruitment decision, or assist him to further understand the reasons that the temporary appointee was appointed to the relevant position, or to assess his qualifications, experience and performance compared with the temporary appointee.

42. Taking these considerations into account, I am satisfied that disclosing the remaining Category A Information would contribute little, if at all, to the advancement of this public interest in favour of disclosure and I have afforded it low weight.

### **Factors favouring nondisclosure**

43. I consider that the factors favouring nondisclosure of the Category A Information in the public interest include that disclosure:

- could reasonably be expected to prejudice the protection of an individuals' right to privacy;<sup>26</sup> and
- could reasonably be expected to cause a public interest harm through disclosure of an individual's personal information.<sup>27</sup>

44. As noted above, the Category A Information comprises the temporary appointee's name and a small amount of information that could reasonably be expected to identify that individual and other information of a personal nature including:

- special achievements
- community service
- previous paypoint classification; and
- historical employment information (including work experience).

45. The Category A Information comprises personal information of the temporary appointee and I am satisfied that this information attracts a high privacy interest. I consider that its disclosure would be a significant intrusion into the privacy of the temporary appointee, in particular, given that the information is personal in nature and some of the information is historical employment information (up to six years ago). I have also taken into account that the relevant position was a short-term, temporary, lower level administrative position and the temporary appointee was in the role for a short duration and left the employ of the MNHHS when they left the role.

46. The disclosure of **any** personal information held by a Queensland government agency would result in a public interest harm. In this case, in light of the circumstances previously noted,<sup>28</sup> I am satisfied that disclosure of the Category A Information would cause a public interest harm.

47. For the above reasons, I have afforded these factors favouring nondisclosure significant weight.

### **Balancing the public interest**

48. I have afforded low weight to the accountability and transparency factors in favour of disclosure of the Category A Information. I have also afforded low weight to the public interest in understanding the reasons for a government decision or the background or

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<sup>26</sup> Schedule 4, part 3, item 3 of the RTI Act.

<sup>27</sup> Schedule 4, part 4, item 6 of the RTI Act.

<sup>28</sup> At paragraph 45.

contextual information informing that decision. Balanced against this is the significant weight I afforded to the public interest in the protection of an individual's right to privacy and to the public interest harm that could reasonably be expected to flow from disclosure of the Category A Information.

49. Therefore, on balance, I consider it is contrary to the public interest to disclose the Category A Information.

### **Analysis – Category B Information**

50. No irrelevant factors arise in the circumstances of this case. I will now consider the factors favouring disclosure and nondisclosure of this information.

#### **Factors favouring disclosure**

51. I consider that the public interest factors favouring disclosure outlined at paragraph 19 of this decision are also applicable to the Category B Information.
52. The Category B Information is comprised of the permanent appointee's achievements, previous paypoint classification and historical employment information (including for roles performed up to 31 years ago). For the same reasons set out in paragraph 40, I do not consider that disclosure of the Category B Information would further the accountability and transparency factors favouring disclosure and I have afforded them low weight. Additionally, for the same reasons set out at paragraph 41, I do not consider that disclosure of the Category B Information would contribute to the public interest in understanding the reasons for a government decision or the background or contextual information to that decision.
53. Accordingly, acknowledging the significant proportion of information released to the applicant, I consider that the public interest factors relating to accountability and transparency and understanding the reasons for a government decision or the background or contextual information to that decision should be afforded low weight.

#### **Factors favouring nondisclosure**

54. The public interest factors favouring nondisclosure relevant to the Category B Information are the same as those set out at paragraph 43 of this decision.
55. The Category B Information comprises personal information of the permanent appointee and I am satisfied that this information attracts a high privacy interest. I consider that its disclosure would be a significant intrusion into the privacy of the permanent appointee, in particular, given that the information is personal in nature and some of the information is historical (up to 31 years ago).
56. For these reasons, I consider that disclosure of the Category B Information would be a significant intrusion into the privacy of the permanent appointee and that a public interest harm would flow from disclosure. I afford these public interest factors favouring nondisclosure significant weight.

#### **Balancing the public interest**

57. I have afforded the public interest factors relating to accountability and transparency low weight. I have also afforded low weight to the public interest in understanding the reasons for a government decision or the background or contextual information informing that decision. Balanced against this is the significant weight I afforded to the prejudice



to an individual's privacy and to the public interest harm that could reasonably be expected to flow from disclosure of the Category B Information.

58. Therefore, I have assessed the balance of the public interest as favouring nondisclosure of the Category B Information.

### **Analysis – Category C Information**

59. No irrelevant factors arise in the circumstances of this case. I will now consider the factors favouring disclosure and nondisclosure of this information.

#### **Factors favouring disclosure**

60. The RTI Act recognises the following relevant factors favouring disclosure:

- disclosure could reasonably be expected to enhance MNHHS's accountability and transparency<sup>29</sup>
- the information is the applicant's personal information,<sup>30</sup> and
- disclosure could reasonably be expected to reveal the reason for a government decision and any background or contextual information that informed the decision.<sup>31</sup>

61. The public interest in accountability and transparency<sup>32</sup> arises, given the recruitment was for a publicly funded position, to provide services to the public. In these circumstances, I also consider that the public is entitled to background and contextual information about recruitment decisions.<sup>33</sup>

62. The Category C Information is comprised of non-routine personal work information, that is, personal opinions, comments, feelings and emotions expressed by an individual other than the applicant.

63. The applicant submitted that<sup>34</sup> *'it is clear prima facie that the non-routine personal work information referred to ... includes my personal information as it is "... an opinion ... whether true or not ... recorded in a material form ... about an individual whose identity is apparent" (that is being myself).'*

64. In support of his submission, the applicant referred to a paragraph in a file note prepared by the panel chairperson outlining reasons why he was not selected for an interview and submitted that the non-routine personal work information is relevant as it provides *'further clarification for the reasons why [he was] not selected for the position...'*

65. I accept that disclosure of information outlining the reasons why the applicant was not selected for an interview and why the successful candidates were selected would give rise to the public interest factors in an accountable and transparent government and an informed public. However, the nature of the non-routine personal work information in this review is materially different to the balance of the information in the file note which explains the reasons why the applicant was not selected for an interview.

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<sup>29</sup> Schedule 4, part 2, item 1 of the RTI Act.

<sup>30</sup> Schedule 4, part 2, item 7 of the RTI Act.

<sup>31</sup> Schedule 4, part 2, item 11 of the RTI Act.

<sup>32</sup> Schedule 4, part 2, item 1 of the RTI Act.

<sup>33</sup> Schedule 4, part 2, item 11 of the RTI Act.

<sup>34</sup> Submission dated 16 November 2016.

66. The information identified by OIC as 'non-routine personal work information' can best be described as the feelings and emotional response of the author following a telephone conversation with the applicant. I note the applicant's assumption in his submission<sup>35</sup> that given the context in which the non-routine personal work information appears, it must be about him. I accept that to the extent that the information refers to the telephone conversation with the applicant, it is his personal information. However, that information is intertwined with the personal information of the author and I consider that it is intertwined to such an extent as to be impossible to disclose the applicant's personal information without disclosing the personal information of the author. Accordingly, I give the public interest factor in favour of disclosing the personal information of the applicant low weight in these particular circumstances.
67. The non-routine personal work information is a reference to a telephone conversation with the applicant which occurred *after* the recruitment process and does not discuss this process or relate to or comment on any feedback regarding the recruitment process. Accordingly, I am satisfied that disclosure of this information would not provide the applicant with any further insight into the background or contextual information informing the recruitment decision or assist the applicant to understand the reasons that the successful candidates were appointed to the relevant positions nor is it going to provide greater transparency or accountability to MNHHS's recruitment processes. Accordingly, I afford these public interest factors low weight.

#### **Factors favouring nondisclosure**

68. I consider that the factors favouring nondisclosure of the Category C Information in the public interest include that disclosure:
- could reasonably be expected to prejudice the protection of an individuals' right to privacy;<sup>36</sup> and
  - could reasonably be expected to cause a public interest harm through disclosure of an individual's personal information.<sup>37</sup>
69. The applicant submitted<sup>38</sup> that to allow the nondisclosure of the personal opinions, comments, feelings and emotions of other individuals was tantamount to:
- ... permitting employees of the Queensland Public Service to record personal information about private citizens in an official capacity, that may be detrimental to such private citizens, without affording these private citizens the ability to review this personal information.*
70. I acknowledge that the applicant does not have the benefit of seeing the Category C Information and therefore has made assumptions about that information. The applicant's assumptions appear to be based on a view that public sector employees cannot express any personal information in a work context. In my view, that assumption is incorrect. As already noted, the Category C Information is materially different to the information which surrounds it in the document and it records the emotional response of the author following a telephone conversation with the applicant and is thus squarely the author's personal information.
71. The nature of the Category C Information is particularly personal to the author and disclosure of this information would be an intrusion into the privacy of the author and a

<sup>35</sup> Submission dated 16 November 2016.

<sup>36</sup> Schedule 4, part 3, item 3 of the RTI Act.

<sup>37</sup> Schedule 4, part 4, item 6 of the RTI Act.

<sup>38</sup> Submission dated 16 November 2016.

public interest harm could be anticipated from disclosure. Thus, I consider in this case, significant weight is to be given to the public interest in the protection of an individual's right to privacy. Additionally, I am of the view that the public interest harm in disclosing personal information is significant.

### **Balancing the public interest**

72. I have afforded low weight to the accountability and transparency factor in favour of disclosure of the Category C Information. I have afforded low weight to the public interest in understanding the reasons for a government decision or the background or contextual information informing that decision. I have also afforded low weight to the public interest factor in favour of an applicant accessing their own personal information. Balanced against this is the significant weight I afforded to the prejudice to an individual's privacy and to the public interest harm that could reasonably be expected to flow from disclosure of the Category C Information.
73. Accordingly, I am satisfied that disclosure of the Category C Information would, on balance, be contrary to the public interest.

### **DECISION**

74. I vary MNHHS's decision and find that the Information in Issue would, on balance, be contrary to the public interest to disclose under section 47(3)(b) of the RTI Act.
75. I have made this decision as a delegate of the Information Commissioner, under section 145 of the RTI Act

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**Assistant Information Commissioner Corby**

**Date: 13 December 2016**

## APPENDIX

### Significant procedural steps

Date	Event
24 August 2015	MNHHS received the applicant's valid access application.
5 November 2015	MNHHS issued its decision on the access application.
16 November 2015	The applicant sought internal review of MNHHS's original decision.
14 December 2015	MNHHS issued its internal review decision
<b>14 December 2015</b>	<b>The applicant applied to OIC for external review of MNHHS's internal review decision</b>
16 December 2015	OIC notified MNHHS that the external review had been received and requested relevant procedural documents.
17 December 2015	OIC received the requested procedural documents from MNHHS.
21 December 2015	OIC notified the applicant and MNHHS that it had accepted the external review. OIC requested MNHHS to provide a copy of the documents requested by 19 January 2016.
24 December 2015	OIC confirmed the scope of the external review with the applicant and MNHHS.
4 January 2016	OIC received further information from the applicant in relation to an internal review sought regarding the assessment of the applicant's application for the relevant position.
18 January 2016	OIC received the requested documents from MNHHS.
17 February 2016	OIC raised sufficiency of search issues with MNHHS and requested MNHHS to undertake further searches and provide OIC with search certifications regarding the information located.
11 March 2016	OIC received the requested documents from MNHHS.
31 May 2016	OIC conveyed a written preliminary view to MNHHS and requested submissions by 14 June 2016.
14 June 2016	OIC received MNHHS's submissions.
7 July 2016	OIC conveyed a second written preliminary view to MNHHS and requested submissions by 21 July 2016.
21 July 2016	MNHHS requested an extension of time to provide submissions in response to OIC's preliminary view.
21 July 2016	OIC granted an extension of time to MNHHS until 28 July 2016 to provide submissions in response to OIC's preliminary view.
27 July 2016	OIC received MNHHS's submissions.
5 August 2016	OIC wrote to MNHHS confirming the first and second preliminary view letters and requested further submissions by 19 August 2016.
22 August 2016	OIC sent a notice under section 103 of the RTI Act to MNHHS for contact details for the purposes of third party consultation.
24 August 2016	OIC received the requested information from MNHHS.

Date	Event
25 August 2016	OIC conveyed an oral preliminary view to two consulted third parties.
25 August 2016 to 16 October 2016	OIC consulted with two third parties.
26 October 2016	OIC conveyed a preliminary view to the applicant and requested any submissions by 9 November 2016.
31 October 2016	The applicant requested an extension of time to provide submissions in response to OIC's preliminary view.
31 October 2016	OIC granted an extension of time until 18 November 2016 to provide submissions in response to OIC's preliminary view.
17 November 2016	OIC received the applicant's submissions dated 16 November 2016.
23 November 2016	OIC wrote to the applicant and addressed the concerns raised in his submissions and requested any final submissions by 30 November 2016.
25 November 2016	The applicant requested an extension of time to provide submissions in response to OIC's preliminary view.
28 November 2016	OIC granted an extension of time until 6 December 2016 to provide submissions.
28 November 2016	OIC received the applicant's submissions.