



DEW Reference: F0003105432

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Hon Dennis Hood MP
Parliament House
GPO Box 572
ADELAIDE SA 5001

Dear Hon Dennis Hood MP

RE: FREEDOM OF INFORMATION APPLICATION

I refer to your application pursuant to the *Freedom of Information Act 1991* (the Act) received by the Department for Environment and Water (DEW) on 14 August 2020, seeking access to:

F0003105430 – Application 3:

“Copies of all statements, invoices and receipts of charges against the Office Manager's credit card in the office of the Minister from 15 March 2014 and 16 March 2018”.

As confirmed with Mr Nicholas Vezis of your office on 24 August 2020 the scope of the request was reduced to:

“DEWNR/DEW's financial system extract of transaction data covering charges against the Office Manager's credit card in the office of the Minister from 14 March 2014 and 17 March 2018”.

The determination was due to be completed and forwarded to you by the statutory due date of the 14 September 2020. As the application was placed on hold for two business days to facilitate scope negotiations, the statutory due date was extended by that many days to, 16 September 2020.

Should the agency not determine the application within 30 days of receiving it, by the operation of section 19(2)(b) of the FOI Act, the agency is taken to have determined the application by refusing access. Section 19(2a) of the FOI Act, provides that an agency may give access to a document on an application after the period within which it was required to deal with the application (and any such determination is to be taken to have been made under this Act).

DETERMINATION

Searches of the Department's records have found one (1) document held by this agency within scope of your request.

As a DEW Accredited FOI Officer, I have determined to grant you partial access to this document.

Section 20 of the Act provides that an agency may refuse access to a document if it is an exempt document under the Act. The part of the document to which I am refusing access and the reasons for the refusal are explained in more detail below.

Document numbers 1

Schedule 1, Clause 7 states:

7 — Documents affecting business affairs

(1) *A document is an exempt document—*

...

(b) *if it contains matter—*

(i) *consisting of information (other than trade secrets) that has a commercial value to any agency or any other person; and*

(ii) *the disclosure of which—*

(A) *could reasonably be expected to destroy or diminish the commercial value of the information; and*

(B) *would, on balance, be contrary to the public interest; or*

...

b) *A document is not an exempt document by virtue of this clause merely because it contains matter concerning the business, professional, commercial or financial affairs of the agency or other person by or on whose behalf an application for access to the document is made.*

c) *A document is not an exempt document by virtue of this clause if it is a contract entered into by the Crown or an agency after the commencement of this subclause.*

Public Interest Test

Clause 7(1) of Schedule 1 of the Act requires weighing up the public interest when determining to allow access to the above information.

Factors I have considered in favour of the public interest from any such release are:

- Meeting the objects of the FOI Act, which promotes public access to documents.

Factors I have considered contrary to the public interest for any such release are:

- Redacting Credit Card numbers does not diminish the reader's ability to comprehend the transactional data displayed.

- Releasing Credit Card numbers into the public domain may encourage un-authorised transactions to take place should the card number still be active by the bank institution.

In making my determination, I have considered the public interest factors in favour of disclosure, particularly the objects of the Act which promote full disclosure of documents.

I have weighed this against the factors contrary to the public interest and consider that the redaction of credit card numbers does not inhibit the understanding of the document as a whole. It was determined to be inappropriate to release full or in part credit card numbers into the public domain without good reason as they hold potential for these to be utilised to complete online transactions by unauthorised persons.

Based on the above considerations, I have determined on balance that the factors against disclosure weigh more heavily than those in favour of disclosure therefore these documents are exempt pursuant to clause 7(1)(b) of the Act.

On this occasion the department is required to provide the determination electronically.

In accordance with [PC045 – Disclosure logs for Non-personal information](#) once a determination has been provided, the agency is required to make available on our website information and documents that have been disclosed. Information will be publicised online at <http://www.environment.sa.gov.au/about-us/freedom-of-information/foi-disclosure-log>.

FEES AND CHARGES

The department has assessed this application and has determined that there is no charge for processing this application pursuant to section 53(2)(b) of the Act and Regulation 6 of the *Freedom of Information (Fees and Charges) Regulations 2020* which states that access to documents by Members of Parliament (MP) is without charge unless the work generated by the application exceeds the threshold stated in the regulations, currently \$1000.

YOUR APPEAL RIGHTS

If you are dissatisfied with this determination, you are entitled to exercise your rights to internal review and appeal as outlined in the attached documentation, by completing the attached 'FOI Application Form – For Internal Review of a Determination'. If you decide to apply to exercise your rights to review, the completed form must be returned within 30 days to:

Chief Executive (Principal Officer FOI)
Department for Environment and Water
GPO Box 1047
ADELAIDE SA 5001

If you have any queries in relation to the above please contact a Freedom of Information Officer on telephone (08) 8463 6625 or email DEW.FOI@sa.gov.au.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Dylan Slape', with a large loop at the end.

DYLAN SLAPE

Accredited Freedom of Information Officer, Department for Environment and Water

09 / 10 / 2020

Encl: 1. Release Document – F0003105432 Credit Card
 2. FOI Fact Sheet – Your Rights to Review and Appeal