

# Freedom of Information Exemptions

## Fact sheet

The following exemptions have been applied to your documents:

### Documents affecting personal privacy (section 33)

Section 33(1) of the *Freedom of Information Act 1982* protects the personal privacy of other people. This means that personal information about someone else (including a person who is deceased) that is contained in your file will not be released to you if it is unreasonable.

#### What is personal information?

Information is considered 'personal information' if it identifies someone or is sensitive about someone. This could include information about family members, carers, departmental workers, other professionals, and other departmental clients.

Examples of personal information can include:

- the name, address or location of a person, including other clients of the department
- interviews between the department and your family
- letters sent between the department and other people
- historical information about other people in your family
- school reports of siblings
- psychological reports of siblings or parents
- assessments of your carers.

#### Why is some information unreasonable to release to me?

While we try to release as much information from your documents as possible, sometimes the documents contain information about other people that is very sensitive and is therefore unreasonable to release.

It is important that the department protects both your personal privacy and the personal privacy of other people. Departmental files often contain the personal information of individuals other than yourself. Our decision about what to release is based on balancing your right to receive the information with other people's right to privacy.

### Law enforcement documents (section 31)

Section 31(1)(c) of the *Freedom of Information Act* protects and exempts the identity of anyone who provides confidential information relating to the enforcement and administration of the law. In the case of child protection, legislation exists to protect the identity of anyone who makes a report to the department about a child's well-being and safety.

Your file contains information that included dates reports were made and other identifying information about people who gave confidential information during the investigation of your circumstances.

## Documents containing material obtained in confidence (section 35)

Section 35(1)(b) of the Act protects and exempts information that has been given to the department in confidence.

There were a number of people who provided information in confidence to the department about your circumstances. If we were to release this information and the identity of these people to you, it could prevent other people from providing similar information in the future.

## Documents to which secrecy provisions of enactments apply (section 38)

Section 38 upholds the secrecy provisions of other legislation, such as sections 191(1) and 209(1) of the *Children, Youth and Families Act 2005*, which protects and exempts the identity of anyone who makes a report about a child they believe needs protection. Section 38 also protects confidential information provided during child protection investigations because they are sensitive and confidential.

The documents include information given to the department regarding child protection enquiries and it is essential that the department safeguard the confidentiality of this information.

### Children's Court Clinic reports

Section 552 of the *Children, Youth and Families Act* protects the release of a court report that has not been released in full to a parent or child, unless the Court directs disclosure of the report to those people. I confirm that there is nothing on the file to suggest that these reports have been released to you, therefore I have exempted these reports.

### Section 27(2)(a) – Reasons for exemption need not be explained

Section 27(1)(a) of the Freedom of Information Act requires me to provide you with reasons for exempting information. However, there are some instances where information is so sensitive it can't be released to you, and if I explained why I couldn't release it, the explanation would tell you what the information was. When this happens I am not required to give a reason. This is the case for some documents in your file and unfortunately I cannot give you any further reason for exempting the information.

For a full explanation of these exemptions please refer to part IV of the Freedom of Information Act.

To receive this form in an accessible format phone (03) 9096 8449, using the National Relay Service 13 36 77 if required, or email [foi@dhhs.vic.gov.au](mailto:foi@dhhs.vic.gov.au)

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