

Jennifer [redacted]

From: [redacted] Lauren
Sent: Friday, 9 December 2022 9:43 AM
To: Cantwell, Katie
Subject: FOI Request
Attachments: Applicable schedule provisions.docx

OFFICIAL

Hi Katie

As discussed, please find attached some provisions that may apply to the document released under FOI for your consideration. Schedule 2.2(1)(a)(iv) would appear to apply to the letter generally as it relates to a currently unsubstantiated complaint referral. As the information is now publicly known, you may prefer to consider redacting just the names of individuals as broad public disclosure may prejudice their right to privacy.

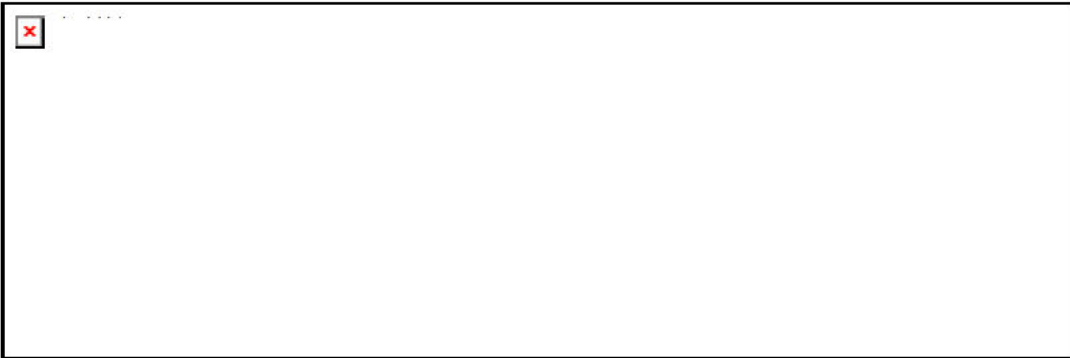
If possible, it may be worth speaking to the applicant to advise that you are providing a revised decision to support publication on the disclosure log and seek their agreement to limit the circulation of the original copy

If you have any questions, please feel free to contact me. If you can't get through to me via Webex, try my mobile on [redacted]

Kind regards

Lauren

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Schedule 1

Schedule 1 1.4 Law enforcement or public safety information

NOTE: Schedule 1 provisions can not be applied to information that identifies corruption or the commission of an offence by a public official or that the scope of a law enforcement investigation has exceeded the limits imposed by law.

1.14 - (1)(a) – disclosure may reasonably be expected to prejudice the investigation of a contravention or possible contravention of the law in a particular case.

- Can include misconduct investigations.
- Only applies to current or ongoing investigations, not investigations that are merely a future or indeterminate possibility.

Schedule 2

Schedule 2.2(1)(a)(ii) – Personal information.

- The information in the document includes unsubstantiated allegations, the disclosure of which may reasonably be expected to prejudice the individual's right to privacy.

Schedule 2.2(1)(a)(iv) – impede the administration of justice generally

- Prejudice procedural fairness by revealing unsubstantiated allegations before a formal investigation has been able to proceed.
- Reveal information that was exchanged on a 'without prejudice' basis in a dispute resolution process.
- Undermine working relations between law enforcement bodies.

Schedule 2.2(a)(ix) – prejudice the flow of information to law enforcement or regulatory agency