



DPC19/0046

21 March 2019

Mr Peter Malinauskas  
Leader of the Opposition  
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Sent by email: [kevin.naughton@parliament.sa.gov.au](mailto:kevin.naughton@parliament.sa.gov.au)

Dear Malinauskas

### Freedom of information application

I refer to your request received by the Office of the Premier seeking access under section 13 of the *Freedom of Information Act 1991* (the Act) to:

*Since 17 March 2018, copies of any and all documents (including but not limited to physical, electronic, or written briefs, minutes, emails, diary entries and any other correspondence) regarding the establishment of an Entrepreneurship Advisory Board, possible appointees to the Board and due diligence of proposed members of the Board. Date range - 17/03/2018 to 08/01/2019.*

The Department for the Premier and Cabinet (DPC) is responsible for providing determinations on behalf of the Office of the Premier. Under the Act, an agency has 30 days to respond to a freedom of information request. As DPC did not respond to your request within the time frame required, the department is deemed to have refused you access to all documents relevant to your application. However, I have determined to process the request as if the statutory time frame had been met.

26 documents were identified as answering the terms of your application and I have determined these documents as follows:

- I grant you access in full to 12 documents, copies of which are enclosed;
- I grant you access in part to 7 documents, copies of which are enclosed; and,
- I refuse you access to 7 documents.

### Documents released in part

Document 1 contains information which, if released, would disclose details concerning a deliberation or decision of Cabinet and as such is exempt from release pursuant to clause 1(1)(e).

Documents 17 – 22

Sections of these documents contain information relating to the personal affairs of third parties. Under clause 6(1) of Schedule 1 to the Act, information is exempt if releasing it would involve the 'unreasonable disclosure of information concerning the personal affairs of any person'. This information falls within the definition of personal affairs under the Act and I therefore determined it exempt from release pursuant to clause 6(1).

### **Documents refused in full**

Documents 2, 10, 14 and 23 – 26

These documents consist of information which, if released, would disclose details concerning a deliberation or decision of Cabinet and as such is exempt from release pursuant to clause 1(1)(e).

### **Clause 1 – Cabinet documents**

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

...

*(e) if it contains matter the disclosure of which would disclose information concerning any deliberation or decision of Cabinet*

### **Clause 6 – Documents affecting personal affairs**

(1) *A document is an exempt document if it contains matter the disclosure of which would involve the unreasonable disclosure of information concerning the personal affairs of any person (living or dead).*

In compliance with Premier and Cabinet Circular PC045 - *Disclosure Logs for Non-Personal Information Released through Freedom of Information* (PC045), DPC is now required to publish a log of all non-personal information released under the *Freedom of Information Act 1991*.

In accordance with this Circular, any non-personal information determined for release as part of this application, may be published on the DPC website. A copy of PC045 can be found at the following address: <http://dpc.sa.gov.au/what-we-do/services-for-government/premier-and-cabinet-circulars> Please visit the website for further information.

### **Right to internal review**

If you are aggrieved with this determination, you have a right to apply for internal review under subsection 29(1) of the Act. Pursuant to subsection 29(2), your application must:

- be in writing
- be addressed to the principal officer, and

- be lodged at an office of DPC or emailed to [DPCFOIUnit@sa.gov.au](mailto:DPCFOIUnit@sa.gov.au) within 30 days after the day on which you receive this letter or within such further time as the principal officer may allow.

If you have any questions in relation to this matter, please contact Denise Cranwell, Freedom of Information Officer, on 8429 5299 or at [denise.cranwell@sa.gov.au](mailto:denise.cranwell@sa.gov.au)

Yours sincerely



Wayne Hunter  
**ACCREDITED FOI OFFICER**