

Our reference: CIT FOI 2025-004



## DECISION FOR YOUR ACCESS APPLICATION – CIT FOI 2025-004

Dear [REDACTED],

I refer to your access application made under the *Freedom of Information Act 2016* (FOI Act) which was received by the Canberra Institute of Technology (CIT) on 15 April 2025.

This application sought access to the following:

*“All emails sent by any CIT Board member to Craig Sloan and/or Leanne Cover at their CIT email addresses featuring the name, or references to, “Patrick Hollingsworth” between 1 July 2017 and 31 December.”*

### Authority

I am a Senior Executive officer appointed as a CIT Information Officer to make decisions about access to government information, in accordance with section 18 of the FOI Act.

### Timeframes

In accordance with section 40 of the FOI Act, CIT has 30 working days to respond to your access request. Your application was suspended for one day and accounting for public holidays, the original due date for this request was 3 June 2025.

On 30 May 2025, I wrote to you advising that Third Party Consultation was required pursuant to section 38 of the FOI Act. Accordingly, the due date for your access application was extended to 25 June 2025.

On 12 June 2025, your office agreed to extend the due date for third party consultation until 9 July 2025 (an extension of 10 working days). A response for the documents that did not require third party consultation was provided to you on 25 June 2025.

This decision letter covers documents that I considered required third party consultation.

### Email Searches

A search of records held by CIT were undertaken by the ACT Government Digital Data and Technology Solutions on behalf of CIT to identify and locate emails within scope of your access request. These searches were conducted electronically and included a review of Craig Sloan's and Leanne Cover's CIT email accounts featuring the name or references to "Patrick Hollingworth". The date range of this search was 1 July 2017 to 31 December 2024.

### Outcome of Email Searches

CIT identified 357 pages that are within the scope of your access application, that CIT considered required third party consultation. These emails and associated attachments are provided as Attachment A along with a schedule (Attachment B) that describes each of the documents provided for each year. Documents that are outside of the scope of your request have been removed or are redacted in grey. Duplicates have also been removed.

### Decision

I have decided partially release documents identified as being within the scope of your access application. In making this decision I have had regard to the views provided to me by relevant third parties. The primary reason for non-disclosure of this information is due to the impact that release may have on individuals right to personal privacy and or their business affairs and trade secrets.

I have decided to remove personal mobile phone numbers, signatures, email addresses, home addresses and resumes for individuals which are not publicly available. I have also chosen to remove the names of individuals not identified in the scope of your request who worked for or with Patrick Hollingworth, ThinkGarden and Redrouge Nominees Pty Ltd as I am satisfied that release of this information may subject these individuals to undue scrutiny or public attention.

In addition, I have also removed information which I consider contains material related to business affairs. This material I consider is directly related to the money-making affairs of the individual or their business. Release of this information would increase competitive pressures for that individual or business. This includes responses to tender documents and work completed for CIT which contains proprietary methodologies or processes.

A detailed statement of reasons for this decision are below.

### Statement of Reasons

In reaching my decision on your access application, I have taken the following into account:

- Your original access application.
- The FOI Act.
- The ACT Ombudsman FOI Guidelines
- The documents and information which fall within the scope of your request.
- Third party consultation.

As a decision maker I am required to decide if release of the documents found to be within the scope of your request are within the public interest. Schedule 1 of the FOI Act provides categories of documents where release is not considered to be in the public interest. Having regard to advice provided to me following my initial Notice of Intention to Refuse to Deal with your Access Application, I am satisfied that none of the documents within the scope of your request are exempted from release in accordance with Schedule 1 of the FOI Act. Accordingly, I am required to consider the factors favouring disclosure and non-disclosure as found in Schedule 2.

Section 17(1) of the FOI Act sets out the test, to be applied to determine whether disclosure of information would be contrary to the public interest. Taking into consideration the information contained in the documents, I have identified that the following public interest factors are relevant to determine if release of the information contained within these documents is within the 'public interest'.

#### Factors favouring disclosure

I consider that the following factors favouring disclosure apply in relation to these documents:

- promote open discussion and accountability (section 2.1 (a)(i)).

I consider the disclosure of the information requested would, on balance, promote open discussion and accountability as the information requested provides insight into the interactions and communications between CIT Board Members, Leanne Cover and Craig Sloan, in relation to their dealings with Patrick Hollingworth, ThinkGarden and Redrouge Nominees Pty Ltd.

I also consider disclosure of the information requested would:

- provide the community with transparency into CIT's dealings with members of the community and the conduct of CIT officials and CIT administration, including but not limited to matters under current ongoing investigation (Operation Luna) by the ACT Integrity Commission into "the circumstances surrounding the awarding of over \$8.5 million worth of consultancy contracts by the CIT to ThinkGarden and Redrouge Nominees Pty Ltd".
- provide an understanding of CIT's procurement processes, particularly in relation to the contracts awarded by CIT to ThinkGarden and Redrouge Nominees Pty Ltd.

I consider all these factors have a high weighting in favour of release. I further note that the FOI Act contains a pro-disclosure bias, which requires me to undertake the public interest test with the view that government information should be available to the public unless there are compelling reasons not to do so.

#### Factors favouring non-disclosure

I consider that the following factor favouring non-disclosure applies in relation to the response documents provided:

- prejudice the protection of an individual's right to privacy or any other right under the Human Rights Act 2004 (Section 2.2(a)(ii)).
- prejudice the trade secrets, business affairs or research (Section 2.2(a)(xii)).

### *Section 2.2(a)(ii)*

I consider that information contained in the response documents contains personal information of a third parties that is not publicly available. Accordingly, I have chosen to remove personal mobile phone numbers, signatures, email addresses, home addresses and resumes of individuals that are not publicly available. I consider that release of this information would be an unreasonable release of personal information under the *Information Privacy Act 2014* as this information was provided to CIT with the expectation it would not be released to the public. Moreover, I consider that removing this information does not negatively impact the meaning or ability to understand the information contained in these documents.

I have also chosen to remove the names of individuals identified in the scope of your access application who worked for, or with, Patrick Hollingworth, ThinkGarden and Redrouge Nominees Pty Ltd that is not publicly known. Release of this information may subject these individuals to undue scrutiny or public attention. In making this decision, I note the operation of section 12(a) of the *Human Rights Act 2004* which provides that everyone has the right 'not to have his or her privacy, family, home or correspondence interfered with unlawfully or arbitrarily.'

### *Section 2.2(a)(xii)*

I further consider that information contained in the documents requested contains information that if released may impact the business affairs or trade secrets of identified third parties. This includes tender responses which outline the proprietary methodologies and practice, slide presentations and reports. I consider these documents hold commercial value and this value would be diminished if released.

### **Consideration of Factors**

Taking into account the factors favouring disclosure and factors favouring non-disclosure and having undertaken the test under section 17 of the Act I consider that the factors favouring disclosure are of greater weight than the factors favouring non-disclosure. Accordingly, I have chosen to remove only the information that I consider is personal information, business affairs or trade secret information. This will meet the objectives of the FOI Act by providing you with access to the requested information, while ensuring the rights of relevant third parties are protected.

### **Deferral of Documents**

Despite my decision to partially release the information requested in the access application to you, I am required to defer 214 pages of the documents as a relevant third party has objected to their disclosure. I am required to defer access to this information to give the third party the opportunity to apply for a review of my decision.

The third party has 20 working days from when my decision is published on our disclosure log (see below) to seek a review. I will provide you with a copy of the documents when access is no longer deferred or advise you that a review process is underway so you can participate if you wish.

**Charges**

No fees are applicable for this request.

**Disclosure Log**

Section 28 of the FOI Act requires publication of access applications and any information subsequently released on CIT's disclosure log at:

<https://cit.edu.au/about/freedom-of-information/disclosure-log>.

In accordance with section 28(4) of the FOI Act, this decision letter and documents released will be published on the CIT disclosure log between 3 and 10 days of the date of this letter. Your personal information will be removed prior to publication.

**Review Rights**

You may apply to the ACT Ombudsman to review my decision under section 73 of the FOI Act. An application for review must be made in writing within 20 days of the date of my decision.

You may submit a request for review of my decision to the ACT Ombudsman by writing in one of the following ways:

Email (preferred): [actfoi@ombudsman.gov.au](mailto:actfoi@ombudsman.gov.au)

Post: The ACT Ombudsman

GPO Box 442

CANBERRA ACT 2601

More information about ACT Ombudsman review is available on the ACT Ombudsman website at:

<http://www.ombudsman.act.gov.au/improving-the-act/freedom-of-information>.

Yours sincerely



Daniel Riley

Executive Branch Manager Audit, Risk and Corporate Governance

CIT Information Officer

9 July 2025