

Our reference: CIT FOI 2025-004



DECISION FOR YOUR ACCESS APPLICATION – CIT FOI 2025-004

Dear ,

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 (enclosed as Attachment A).

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.”

Previous Notice of Intention to Refuse to Deal with your application

On 24 April 2025 I provided you with a Notice of Intention to Refuse to Deal with your access application in accordance with section 43(1)(e) of the FOI Act. After the provision of this notice to you, I received subsequent advice that the basis for my intention to refuse to deal with your access application is longer a factor that needs to be considered.

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). The response for documents not requiring third party consultation remains due on 25 June 2025.

This decision letter covers documents that CIT considered did not require third party consultation. A separate decision letter with documents subject to third party consultation will be issued to you on or before 9 July 2025.

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 382 pages that are within the scope of your access application. These emails and associated attachments are provided as Attachment B along with a schedule (Attachment C) 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 and that do not require third party consultation. The primary reason for non-disclosure of this information is due to the impact that release may have on individuals right to personal privacy. Subsequently I have removed personal mobile phone numbers, signature, and email addresses 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.

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.

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 of 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)).

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, signature, and email addresses for 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.'

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. I have also decided not to release personal information of third parties that is contained within the response documents provided. Accordingly, I have decided to fully release 9 documents to you and partially release 28 documents.

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
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

A handwritten signature in black ink, appearing to read 'Daniel Riley', is written over a light blue circular background.

Daniel Riley
Executive Branch Manager Audit, Risk and Corporate Governance
CIT Information Officer
25 June 2025