



Our Ref: 2017-46
Contact: Nareen Burnell
9222 6411

15 January 2018

Mr Vince Puccio (Chairman)
Community Alliance for Positive Solutions Inc. (CAPS)

via email: caps6218@yahoo.com

Dear Mr Puccio

APPLICATION TO ACCESS DOCUMENTS UNDER THE *FREEDOM OF INFORMATION ACT 1992 (WA)*

I refer to your Freedom of Information (FOI) email request for documents held by the Department of Health. Your email was received on 27 November 2017, with receipt of the application fee payment making a valid FOI application on 29 November 2017.

Please find enclosed the Notice of Decision in relation to your application.

If you are not satisfied with the decision, you have a right to apply for an internal review. Details of the review process are set out in the Notice of Decision.

You are welcome to contact me if you have any queries.

Yours sincerely

A handwritten signature in blue ink, appearing to read 'N Burnell'.

Nareen Burnell
**A/Senior Integrity Officer - FOI
System Governance and Assurance**

**NOTICE OF DECISION
UNDER SECTION 30 of the
*Freedom of Information Act 1992 (WA)***

Applicant: Mr Vince Puccio

Decision Maker: Nareen Burnell - A/Senior Integrity Officer
Freedom of Information

Date of Decision: 15 January 2018

Decision: For the reasons set out below, I have granted you access to the documents which have been located or are in existence, and redacted under Clause 3, Schedule 1, *Freedom of Information Act 1992 (WA)* (FOI Act).

Background information and scope of the request

On 27 November 2017, your application was received by the Department of Health, requesting access to:

'All documents including notes, meeting minutes, briefing papers, correspondence, reports, investigations including draft documents, in relation to cancer rates, trends or suspected trends in the following areas: Waroona, Hamel, Wagerup, Yarloop, Cookernup, Harvey.'

After negotiation the following amended scope was agreed:

'All briefing notes, reports and correspondence with external parties, since January 2012, in relation to cancer rates, trends or suspected trends in the following areas: Waroona, Hamel, Wagerup, Yarloop, Cookernup, Harvey.'

Charges

A cheque of \$30 was received by the Department of Health on 29 November 2017.

The facts

In relation to your application enquiries and searches were undertaken by the WA Cancer Registry within the Purchasing and System Performance Division; and the Epidemiology Branch within the Public and Aboriginal Health Division, of the Department of Health.

The attached documents are the result of those searches. It is noted that there may be duplicate documents included.

You agreed that all Personal Information relating to Third Parties could be redacted from the documents, and this has been actioned. Prescribed details pertaining to public officers have been left intact, however officers' names have been redacted to minimise consultations necessary within the Department. Any redacted names that you subsequently wish to identify, can be processed for consideration of disclosure.

It has been necessary to redact a number of figures pertaining to the data shown in the document '2017-46_20180115_T130410_Pages 21-29_Redacted_FINAL'.

It is considered that due to the size of the localities involved, and the numbers of 'Males' and 'Females' noted against the incidences of cancer, the identity of individuals, whose information is included within the data, could be made known.

With this in mind, any figures below the number '5' have been redacted. It has also been necessary to redact some figures above the number '5', including the total amount, where the reciprocal figure is below '5': making it possible to then work out the amount of the reciprocal figure.

eg. The total number is '10', with 'Males' amounting to '7' and 'Females' amounting to '4'. In this case only the 'Females' figure would be redacted, however if the other figures are left intact, the 'Females' figure is easily worked out and due to the small number of 'Females', the individuals possibly identified.

It has been determined that the public interest factor has been satisfied by providing the total numbers rather than individual incidences.

Exemptions - Clause 3, Schedule 1, FOI Act

Partial redactions were made to the information you have been provided in accordance with Clause 3 – as it relates to *Personal Information*, which provides:

- (1) Matter is exempt matter if its disclosure would reveal personal information about an individual (whether living or dead).
- (2) Matter is not exempt matter under subclause (1) merely because its disclosure would reveal, in relation to a person who is or has been an officer of an agency, prescribed details relating to –
 - (a) the person; or
 - (b) the person's position or functions as an officer; or
 - (c) things done by the person in the course of performing functions as an officer.

In this regard, section 24 of the FOI Act provides that where access is sought to a document that contains an exempt matter (such as personal information or confidential communication) then access can be provided by deleting the exempt matter from the document and releasing the document in this edited form.

Findings on questions of fact

The following public interest factors are in favour of disclosure:

- The public interest in applicants being able to exercise their rights of access to documents; and
- The public interest in public officers being accountable for their actions in performing their functions and duties.

The following public interest factors are in favour of non-disclosure:

- The public interest in protecting the privacy of individuals about whom information may be contained in documents held by State and local government agencies, particularly in the absence of any other statutory protection of personal privacy; and
- The public interest where release of the full document would possibly breach a person's privacy.

Right of review - Internal Review Rights

If you are not satisfied with this decision, you have a right to apply for an internal review. An application for internal review must be lodged with this agency within 30 days after being given this written Notice of Decision, and must be –

- in writing;
- provide particulars of the decision to be reviewed; and
- give an address in Australia.

There is no lodgement fee for an application for internal review, and there are no charges for dealing with an internal review request.

If an application for internal review is received, it will not be dealt with by the person who made the initial decision, or by any person who is subordinate to the original decision maker. The outcome for an application for internal review may result in either: confirmation, variation or reversal of the initial decision under review. You will be advised of the outcome within 15 days.