# Review report under the *Government Information (Public Access) Act 2009*

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| Applicant: | Stephen Morgan |
| Agency: | NSW Police Force |
| Report date: | 1 October 2020 |
| IPC reference: | IPC20/R000268 |
| Agency reference: | IASU2020-3137 |
| Keywords: | Government information – form of access – public interest test |
| Legislation cited: | *Government Information (Public Access) Act 2009; Surveillance Devices Act 2007* |
| Cases cited: | *Nature Conservation Council of NSW v Department of Trade and Investment, Regional Infrastructure and Services* [2012] NSWADT 195; *R v Ritson; R v Stacey* (2010) NSWDC 160*Commissioner of Police (NSW) v Field* [2016] NSWCATAP 59; *Field v Commissioner of Police (NSW)* [2015] NSWCATAD 153; *Hurst v Wagga City Council* [2011] NSWADT 307*; Transport for NSW v Searle* [2018] NSWCATAP 93; *Cheung v Commissioner of Police* [2019] NSWCATAD 249; *Smolenski v Commissioner of Police (NSW)* [2015] NSWCATAP 235, |

This review has been conducted under delegation by the Information Commissioner pursuant to section 13 of the *Government Information (Information Commissioner) Act 2009.*


## Summary

Stephen Morgan (the Applicant) applied for information from the NSW Police Force (the Agency) under the *Government Information (Public Access) Act 2009* (GIPA Act). The information sought by the Applicant relates to the body-worn video footage involving the Applicant in June 2020.

The Agency decided on internal review to provide the Applicant with access to the footage by viewing it at the Agency's premises.

The Applicant applied for external review of that decision on 20 April 2020. The reviewer obtained information from the Agency including the notice of decision and body-worn video footage.

The review of the Agency's information and decision concluded that its decision is not justified.

**The reviewer recommends:**

**- under section 93 of the GIPA Act that the Agency make a new decision**

**- under section 92 of the GIPA Act if in making the new decision, the Agency decides that there is an overriding public interest against disclosure of the**

**body-worn video footage, it is recommended that the Agency consider whether pixelation of the identifying features of any third-parties from the footage would avoid there being an overriding public interest against disclosure.**

## Background

1. On 23 June 2020 the Applicant applied under the GIPA Act to the Agency for access to the following information:

   *We seek information in relation to an incident that occurred on 11/06/2020 at approximately midday at Marrickville involving Mr. Morgan and NSW police. Mr. Morgan was stopped two times by the police and the second time he was arrested and taken back to the Newtown police station.*

   *We seek the following information:*

   1. *A copy of any police bodycam video recordings of all police officers present at the scene at either times that police stopped Mr. Morgan.*
   2. *A copy of any CCTV evidence police obtained from any of the local businesses when he was arrested.*
   3. *A copy of all diary entries made by each police officer present at the scene.*
   4. *A copy of any documents created by the police in relation to the arrest.*
   5. *Custody management records.*
   6. *A copy of any statement signed by Mr. Morgan or that police wanted him to sign.*

2. In its decision issued on 21 July 2020, the Agency decided to provide access to some of the information sought with redactions to information that the Agency considered would disclose a person's personal information.
3. Regarding the CCTV and body worn video footage, the Agency provided the Applicant with view access to the footage and requested the Applicant contact the Inner West Police Area Command to arrange a suitable time to view the footage.
4. On 27 July 2020 the Applicant sought internal review of that decision. On the internal review application form the Applicant ticked that he did not want the entire decision reviewed. Rather, the Applicant stated that he wanted 'the failure to release police body-cam footage' reviewed.
5. On 30 July the Agency on internal review decided that there is an overriding public interest against disclosure of the body-worn video footage in the way requested by the Applicant and decided to provide access to the footage by providing the Applicant with the opportunity to view it at police premises.
6. On 31 August 2020 the IPC received the Applicant's application for external review of that decision.
7. In seeking a review of the decision by the Information Commissioner, the Applicant contends that the Agency has not properly weighed the public interest considerations in favour and against disclosure in its decision, or that there is an overriding public interest against disclosure of the information which can only be avoided by imposing a condition on the Applicant's right of access.

## Decision under review

8. The Information Commissioner has jurisdiction to review the decision made by the Agency pursuant to section 89 of the GIPA Act.

9. The issue that arises in this review is the decision not to provide access to the body-worn video footage in the way requested by the applicant.

10. This is a reviewable decision under section 80(i) of the GIPA Act.

11. Under section 82(3) of the GIPA Act an internal review can be limited to a particular aspect of a reviewable decision (such as by being limited to particular information to which the decision relates).

## Form of Access

12. In its notice of decision, the Agency decided, pursuant to section 59(1)(b), to provide access to the body-worn video footage to the Applicant by viewing at police premises. The Applicant has requested a copy of the footage, rather than just access to view the footage at police premises.

13. Section 72 of the GIPA Act states:

> *(1) Access to government information in response to an access application may be provided in any of the following ways:*
>
> *(a) by providing a reasonable opportunity to inspect a record containing the information,*
>
> *(b) by providing a copy of a record containing the information,*
>
> *(c) by providing access to a record containing the information, together with such facilities as may be necessary to enable the information to be read, viewed or listened to (as appropriate to the kind of record concerned),*
>
> *(d) by providing a written transcript of the information in the case of information recorded in an audio record or recorded in shorthand or other encoded format.*
>
> *(2) The agency must provide access in the way requested by the applicant unless:*
>
> *(a) to do so would interfere unreasonably with the operations of the agency or would result in the agency incurring unreasonable additional costs, or*
>
> *(b) to do so would be detrimental to the proper preservation of the record, or*
>
> *(c) to do so would involve an infringement of copyright, or*
>
> *(d) there is an overriding public interest against disclosure of the information in the way requested by the applicant.*

14. Therefore, for the Agency to be able to provide the information in a way other than that requested by the Applicant, the Agency is required to establish that there is an overriding public interest against disclosure of the information in the way requested by the Applicant.

## The public interest test

15. The Applicant has a legally enforceable right to access the information requested and there is a presumption in favour of disclosure of information that is only displaced if there is an overriding public interest against disclosing the information. The public interest balancing test for determining whether there is an overriding public interest against disclosure is set out in section 13 of the GIPA Act.

## Public interest considerations in favour of disclosure

16. In its notice of decision, the Agency listed the following public interest considerations in favour of disclosure of the information in issue:
    a. The statutory presumption in favour of the disclosure of government information.
    b. The general right of the public to have access to government information held by the agencies.
    c. Disclosure could reasonably be expected to enhance agency accountability.
    d. The information includes your client's personal information.
17. I agree with the Agency that these are relevant public interest in favour of disclosure in this matter.
18. In addition to the above, in the external review application the Applicant also submits that the Agency should have also considered following public interest considerations in favour of disclosure of the information in issue:
    a. That being arrested and detailed by NSW Police is a serious matter and fundamentally more serious when the arrest is mistaken. Police powers and the exercise of those powers, especially in relation to minority groups, are matters of public importance.
    b. The Applicant is an Indigenous Australian. There is evidence to support the view that Indigenous Australians suffer systemic discrimination throughout the justice system and release of the footage could reasonably be expected to inform the public about the operation of the NSW Police, its policies and practices with dealing public
    c. The disclosure of the footage may help reveal or substantiate that NSW Police engaged in negligent, improper or unlawful conduct.
19. I agree that these are relevant public interest considerations in favour of disclosure.

## Public interest considerations against disclosure

20. In its notice of decision, the Agency raised the following public interest considerations against disclosure of the information, deciding that its release could reasonably be expected to:
    a. Reveal and individual's personal information (clause 3(a) of the table to section 14 of the GIPA Act),
    b. contravene an information protection principle under the *Privacy and Personal Information Protection Act 1998* (clause 3(b) of the table to section 14 of the GIPA Act),
    c. constitute a breach of a provision of another law prohibiting the disclosure of the information (clause 6 of the table to section 14 of the GIPA Act).
21. I will discuss each of these considerations in turn.

**Consideration 3(a) – Reveal an individual's personal information**

22. For guidance on the application of clause 3(a) of the table at section 14 as a public interest consideration against disclosure, see the Public Interest Consideration (PIC) Resource on the IPC website.

23. The Agency decided that the body-worn video footage includes images of third parties whose identities are apparent or can be reasonably ascertained from it.

24. I have viewed the footage and I am satisfied that the footage contains personal information of various third party individuals whose identities are apparent or can be reasonably ascertained.

25. The term "reveal" is defined in clause 1 of Schedule 4 GIPA Act to mean "to disclose information that has not already been publicly disclosed (otherwise than by unlawful disclosure)". If the information in a record has been disclosed, it cannot then be "revealed" by giving access under the GIPA Act: *Nature Conservation Council of NSW v Department of Trade and Investment, Regional Infrastructure and Services* [2012] NSWADT 195 at [174]. This is consistent with the approach in *R v Ritson; R v Stacey* (2010) NSWDC 160 at [51] - [58], in which the Court adopted the meaning of "disclosure", albeit for the purposes of the *Privacy and Personal Information Protection Act 1998* ('the PPIP Act').

26. In *Commissioner of Police (NSW) v Field* [2016] NSWCATAP 59, the Appeal Panel overturned a decision of the tribunal (in *Field v Commissioner of Police (NSW)* [2015] NSWCATAD 153) that information relating to an event that occurred in a public place had been publicly disclosed (and, accordingly, that the consideration against disclosure in cl 3(a) of the Table to section 14 did not apply). In that case, the Appeal Panel held that just because the CCTV footage in issue depicted an incident that had occurred in a shopping centre, it did not follow that the information contained therein had been publicly disclosed.

27. I consider the authority above to analogous to the present matter. Therefore, I am satisfied the Agency has justified that disclosure of the footage could reasonably be expected to reveal the personal information of an individual.

28. I am satisfied that the Agency has justified that clause 3(a) is a relevant public interest against disclosure.

**Consideration 3(b) – Contravene an information protection principle under the *Privacy and Personal Information Protection Act 1998***

29. For guidance on the application of clause 3(a) of the table at section 14 as a public interest consideration against disclosure, see the Public Interest Consideration (PIC) Resource on the IPC website.

30. The Agency decided that disclosing the footage would breach section 18 of the *Privacy and Personal Information Protection Act 1998* (PPIP Act).

31. Section 18 of the PPIP Act relevantly provides:

> **18 Limits on disclosure of personal information**
>
> (1) A public sector agency that holds personal information must not disclose the information to a person (other than the individual to whom the information relates) or other body, whether or not such other person or body is a public sector agency, unless—

(a) the disclosure is directly related to the purpose for which the information was collected, and the agency disclosing the information has no reason to believe that the individual concerned would object to the disclosure, or

(b) the individual concerned is reasonably likely to have been aware, or has been made aware in accordance with section 10, that information of that kind is usually disclosed to that other person or body, or

(c) the agency believes on reasonable grounds that the disclosure is necessary to prevent or lessen a serious and imminent threat to the life or health of the individual concerned or another person.

32. The Agency found that disclosure of the information would not fall within any of the disclosures permitted under section 18.

33. On its face it appears entirely reasonable to believe that disclosing footage of an arrest to the person subject of the arrest is directly related to the purpose of providing evidence of the arrest, and given that the incident occurred in public, the Agency has not provided any reasons to support the belief that any third-party individual that appears in the footage concerned would object to the disclosure. Further, without any reasons from the Agency to the contrary, it appears reasonable to believe that the third-party individuals concerned are likely to have been aware that footage of a person's arrest in public would be provided to the person concerned in circumstances as it is reasonable to believe that persons subject to a recorded arrest expect to get hold of the footage and that incidental appearances by third-parties would be part of that footage.

34. However, it is unclear from the notice of decision why the Agency considers that none of the exceptions to the disclosure principle apply. The notice of decision only contains assertions that disclosure of the footage would contravene section 18 of the PPIP Act and that none of the exceptions apply. The notice of decision does not provide reasons with reference to the actual information.

35. On this basis, I am not satisfied that the Agency has justified that clause 3(b) is a relevant public interest consideration against disclosure.

**Consideration 6(1) – Contravene another Act or statutory rule**

36. For guidance on the application of clause 6(1) of the table at section 14 as a public interest consideration against disclosure, see the Public Interest Consideration (PIC) Resource on the IPC website.

37. Clause 6(1) of the table to section 14 of the GIPA Act provides:

> There is a public interest consideration against disclosure of information if disclosure of the information by any person could (disregarding the operation of this Act) reasonably be expected to constitute a contravention of a provision of any other Act or statutory rule (of this or another State or of the Commonwealth) that prohibits the disclosure of information, whether or not the prohibition is subject to specified qualifications or exceptions.

38. The Agency relied upon section 40 of the *Surveillance Devices Act 2007* (SD Act) which prohibits the use, communication or publication of "protected information".

39. "Protected information" as defined in section 39(d) of the SD Act means "any information obtained from the use, in accordance with section 50A, of body worn video by a police officer."

40. Section 50A(1) provides that the use of body worn video is in accordance with section 50A if:

> (a) the police officer is acting in the execution of his or her duty, and
>
> (b) the use of body-worn video is overt, and
>
> (c) if the police officer is recording a private conversation, the police officer is in uniform or has provided evidence that he or she is a police officer to each party to the private conversation.

41. The Applicant contends that the conversation police had with the Applicant could not be considered private. The conversation was on a public street and members of the public were nearby. The Applicant contends that he was talking to members of the public, complaining about his arrest and asked a person to film the arrest on her phone. In these circumstances the footage could not be considered a recording of a private conversation as defined in section 4 of the SD Act.

42. "Private conversation" is defined in section 4 of the SD Act as"

> ***private conversation*** means any words spoken by one person to another person or to other persons in circumstances that may reasonably be taken to indicate that any of those persons desires the words to be listened to only—
>
> (a) by themselves, or
>
> (b) by themselves and by some other person who has the consent, express or implied, of all of those persons to do so, but does not include a conversation made in any circumstances in which the parties to it ought reasonably to expect that it might be overheard by someone else.

43. The Applicant also contends that section 40(4)(d) of the SD Act applies which provides:

> (4) Protected information may be used, published or communicated if it is necessary to do so for any of the following purposes—
>
> […]
>
> (d) an investigation of a complaint against, or the conduct of, a public officer within the meaning of this Act or a public officer within the meaning of a corresponding law and the oversight of such an investigation,
>
> […]

44. The Applicant referred to the second reading speech by the Hon Brad Hazzard on 22 October 2014 to NSW Parliament in relation to the *Surveillance Devices Amendment (Body-Worn Video) Bill 2014* in which he states that the bill contains appropriate safeguards to protect an individual's privacy by regulating the use, communication, and publication of information obtained from body-worn video devices unless *"necessary for a specified purpose such as the investigation of a complaint against a police officer".*

45. “Public officer” is defined in section 4 of the SD Act as a person employed by, or holding an office established by or under a law of, this jurisdiction or a person employed by a public authority of this jurisdiction, and includes a law enforcement officer.

46. I am satisfied that the footage was recorded by a police officer of the Agency acting in the execution of their duty and the use of the body worn video was overt.

47. In relation to whether the two incidents were “private conversations” for the purposes of the SD Act, on reviewing the footage it is apparent that the incidents took place in open public, and in the circumstances it appears that the Applicant was clearly audible to those within the vicinity of the incident. On this basis, it appears that the footage is not of private conversations.

48. Further, it is unclear from the NOD whether the Agency disputes the applicant’s contention that the conversation was a ‘private conversation.’ Section 50A(1)(c) of the SD Act is an additional element that only needs to be met in relation to recording body-worn video footage where the footage is of a private conversation. Where body-worn video footage is not of a private conversation then only subsections 50A(1)(a) and 50A(1)(b) need to be satisfied. Therefore, as section 50A(1)(c) has not necessarily been applied to this matter by the Agency and in circumstances where the footage appears to not be of private conversations I am satisfied that the body-worn video footage was obtained in accordance with section 50A.

49. Therefore, I am satisfied that the body-worn video footage is “protected information” for the purposes of the SD Act.

50. Regarding the Applicant’s contention that section 40(4)(d) of the SD Act should be applied to allow for the release of the footage, I do not consider that the provision applies in circumstances where a member of the public is undertaking a process of complaining against the conduct of a public officer. Rather, I consider that the provision only applies in circumstances where it is an agency that is conducting the investigation into the conduct of one of its officers rather than one conducted for private purposes.

51. As I am satisfied that the body-worn video footage is “protected information” for the purposes of the SD Act and that none of the exceptions to the SD Act apply (acknowledging that exceptions can be ignored for the purposes of clause 6(1)), I am satisfied that disclosure of the body-worn video is prohibited under section 40 of the SD Act.

52. I am satisfied that the Agency’s decision that there is a public interest against disclosure of the body-worn video under clause 6 of the table to section 14 of the GIPA Act.

## Balancing the public interest test

53. As the Agency has justified two of the public interest considerations against disclosure it raised (consideration 3(a) and 6(1)), the question then is whether the Agency’s decision as a whole to refuse to provide access to the information is justified when weighted against the presumption in favour of disclosure at section 12 of the GIPA Act and the public interest considerations in favour of disclosure identified above.

54. The GIPA Act does not provide a set formula for weighing individual public interest considerations or assessing their comparative weight. Whatever

approach is taken, these questions may be characterised as questions of fact and degree to which different answers may be given without being wrong, provided that the decision-maker acts in good faith and makes a decision under the GIPA Act.

55. Balancing the competing public interest considerations under section 13 of GIPA Act, is "a question of fact and degree, requiring the weighing of competing matters, and a task that is not amenable to mathematical calculation" (*Hurst v Wagga City Council* [2011] NSWADT 307 at [70]). The Appeal Panel stated in *Transport for NSW v Searle* [2018] NSWCATAP 93 at [104], that while the process in section 13 of the GIPA Act requires a broad value judgment to be made, it is not made in a vacuum, but having regard to the objects of the legislation, the general presumption in favour of disclosure of government information, and the principles set out in section 15 of the GIPA Act.

56. On balance, I am not satisfied that the Agency has justified that the public interest consideration against disclosure outweigh the public interest considerations and presumption in favour of disclosure.

57. The notice of decision merely makes reference to the public interest considerations in favour of disclosure noting that the footage captures the Applicant's arrest for which he is seeking legal advice. There is no other engagement with the circumstances in which the arrest arose, the outcome of the arrest, and the importance the footage may have on the accountability of the Agency.

58. The Agency has placed weight on its finding that the footage could reasonably be expected to reveal personal information, and significant weight on its finding that disclosure could reasonably be expected to breach the SD Act.

59. Regarding the Agency's finding that disclosure would reveal an individual's personal information, while I accept that there is footage of various third party individuals within the vicinity of the two incidents, the footage is clearly focusing on the Applicant and his arrest. Any information that could reasonably reveal an individual's personal information would do no more that reveal that the person was at the scene of the incidents. While this would carry some weight, I am not satisfied that the Agency has established that significant weight should be given to this consideration. Further, the Applicant has indicated that he is amenable to the images of any individuals not involved in the incidents to be pixelated in order to avoid revealing any personal information. I agree that pixelating the footage in this manner would further reduce the weight of this public interest consideration against disclosure.

60. The Agency has placed a significant on its finding that disclosure of the footage would breach the SD Act and makes reference to the matter of *Cheung v Commissioner of Police* [2019] NSWCATAD 249 (*Cheung*).

61. Relevantly in that case, the Tribunal states at [43] and [44]:

> *While use of body-worn video is overt unlike the use of other surveillance devices, it is clear that Parliament has included information obtained from the use of body-worn video by a police officer within the provisions concerning "protected information". It is also apparent from the extract set out above from the Parliamentary Debates that Parliament intended that the use, communication and*

*publication of information obtained from the use of body-worn video by a police officer is to be generally prohibited unless necessary for a specified purpose. The fact that significant penalties apply to an authorised disclosure of such information highlights the seriousness of the Parliament's intention to significantly restrict disclosure. The overwhelming policy considerations behind such a prohibition relate to the integrity of investigations and other law enforcement activities and the privacy of the individuals concerned. These are very important considerations and the limited nature of the exceptions to the prohibition demonstrates an intention to strictly control information obtained through a surveillance device, including body-worn video.*

*As noted above, there has in fact been no disclosure of the information under the provisions of the Surveillance Devices Act. I am satisfied that the secrecy provisions of the Surveillance Devices Act constitute a public interest consideration against disclosure of the identified information because its release could reasonably be expected to constitute a contravention of s 40 of that Act. In my view, clause 6(1) of the Table to s 14 should be given significant weight.*

62. I am satisfied that the information falling under clause 6(1) should be given significant weight.

63. While clause 6(1) carries significant weight, I also note that the Parliament did not intend for information that fell under the SD Act to be to be conclusively presumed that there is an overriding public interest against disclosure of any of the government information. Had it been the Parliament's intention, information that fell under the SD Act could have been inserted into Schedule 1 or 2 of the GIPA Act. Therefore unlike a conclusive presumption of overriding public interest against disclosure, information falling under clause 6 of the table to section 14 of the GIPA Act is still subject to the public interest test in section 13 of the GIPA Act. The Agency is reminded that the considerations in the table to section 14 of the GIPA Act should not be treated as exemptions without proper consideration of the public interest.

64. I note that section 55 of the GIPA Act provides that a decision maker is entitled to take into account the personal factors of the application, including:

    a. the Applicant's identity and relationship with any other person
    b. the Applicant's motives for making the access application, and
    c. any other factors particular to the Applicant.

65. In particular, section 55(2) of the GIPA Act explains that an Agency can take into account the personal factors of the Applicant as factors in favour of providing access to the Applicant. Relevantly, in the decision of *Smolenski v Commissioner of Police (NSW)* [2015] NSWCATAP 235, the Appeal Panel found that the Tribunal had erred in failing to give adequate consideration to the personal factors which the applicant said favoured their application for information.

66. Although the Agency has identified that the information relates to the Applicant and will assist him in understanding the circumstances surrounding why they were mentioned in the incident, I am not satisfied that the Agency has adequately considered the Applicant's personal circumstances in its consideration of the public interest test. In balancing the public interest test, it is my view that the Applicant's submissions with respect to his personal circumstances are relevant and should be given significant weight. In

particular, the Applicant submits that he was arrested despite not being the person whom the outstanding warrants applied, that the Applicant repeatedly advised the officers at the time of his arrest that he was not the person subject to the warrants, and that the Applicant is an Indigenous Australian, a minority group that is statistically overrepresented in the NSW prison population[1].

67. Given the relevance of the Applicant's personal factors, I am satisfied that the circumstances in the present matter can be distinguished from the circumstances in *Cheung.*

68. Disclosure of the footage would therefore inform the public about the operations of agencies and their policies and practices for dealing with members of the public. I am also satisfied that disclosure would increase transparency of the way that the Agency engages with Indigenous persons.

69. The Agency does not identify or address these public interest considerations in favour of disclosure, and on this basis, I cannot be satisfied that the Agency has properly weighed these considerations against the public interest considerations against disclosure. Therefore, I am not satisfied that the Agency has properly conducted the public interest test as required by section 13 of the GIPA Act.

70. As I am not satisfied that the Agency has properly conducted the public interest test, I am not satisfied that the Agency's decision that there is an overriding public interest against disclosure of the body-worn video footage is justified.

71. As I am not satisfied that the Agency's decision that there is an overriding public interest against disclosure of the body-worn video footage is justified, I am not satisfied that the Agency's decision to not provide access to the footage in the way requested by the Applicant is justified.

## Conclusion

72. I am not satisfied that the Agency's decision to provide the Applicant access to the information by inspection is justified.

## Recommendations

73. I recommend under section 93 of the GIPA Act that the Agency make a new decision.

74. If in making the new decision, if the Agency decides that there is an overriding public interest against disclosure of the body-worn video footage, I recommend under section 92 of the GIPA Act that the Agency consider whether pixelation of the identifying features of any third-parties from the footage would avoid there being an overriding public interest against disclosure.

75. I ask that the Agency advise the Applicant and the IPC within **10 working days** of the actions to be taken in response to our recommendations.

[1] For example see https://www.abs.gov.au/statistics/people/crime-and-justice/prisoners-australia/latest-release

## Applicant review rights

76. This review is not binding and is not reviewable under the GIPA Act. However a person who is dissatisfied with a reviewable decision of an agency may apply to the NSW Civil and Administrative Tribunal (NCAT) for a review of that decision.
77. The Applicant has the right to ask the NCAT to review the Agency's decision.
78. An application for a review by the NCAT can be made up to 20 working days from the date of this report. After this date, the NCAT can only review the decision if it agrees to extend this deadline. The NCAT's contact details are:

    NSW Civil and Administrative Tribunal
    Administrative and Equal Opportunity Division
    Level 10, John Maddison Tower
    86-90 Goulburn Street,
    Sydney NSW 2000

    Phone: 1300 006 228

    Website: http://www.ncat.nsw.gov.au

79. If the Agency makes a new reviewable decision as a result of our review, the Applicant will have new review rights attached to that new decision, and 40 working days from the date of the new decision to request an external review at the IPC or NCAT

## Completion of this review

80. This review is now complete.
81. If you have any questions about this report please contact the Information and Privacy Commission on 1800 472 679.

Philip Tran

**Senior Regulatory Officer**