



Environment Protection Authority

GPO Box 2607 Adelaide SA 5001

T (08) 8204 2004

Country areas 1800 623 445

FOI-22-33

[REDACTED]
MRS Property

PO BOX 235

RUNDLE MALL SA 5000

via email:

[REDACTED]

I refer to your application under the *Freedom of Information Act 1991* (the FOI Act), received by the Environment Protection Authority (EPA) on 19 September 2022 for access to:

A copy of the Expiation Notice issued by EPA relating to waste / rubbish dumped at rear Shop 16/17 - 121 Heaslip Road ANGLE VALE on 30 June 2022.

Following a search of EPA records, one document falls within the scope of your application. I have considered the document and have made the following determination.

Determination

I determine to:

- Grant partial access to the document as detailed in the attached document schedule.

The reasons I have refused access to certain parts of this document is summarised in the attached schedule and explained in more detail below.

Clause 6 of Schedule 1 of the FOI Act, 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).
- (2) A document is an exempt document if it contains allegations or suggestions of criminal or other improper conduct on the part of a person (living or dead) the truth of which has not been established by judicial process and the disclosure of which would be unreasonable.

Sections of this document contain information relating to the personal affairs of a third party, namely identities, occupation, employer, personal address, driver's licence, date of birth and telephone numbers. Under clause 6(1) of Schedule 1 to the Act, information is exempt if releasing would involve the 'unreasonable disclosure of information concerning the personal affairs of any person'. I have determined that this information falls with the category of 'personal affairs' as listed under section 6(1) of the Act, thereby meeting the first elements of this clause. This information has subsequently been redacted.

Public interest factors considered

In making my determination, I have also taken the following public interest factors into account:

Pro release

- Pro-release of the documents meets the objectives of the FOI Act.
- Documents relating to environmental issues are in the public interest.
- Whether the documents provide insight into the regulatory operations and accountability of the EPA.
- Particulars relating to this site are already in the public domain.

Against release

- Members of the public and organisations should be able to provide information to the EPA in confidence - the release of such information may jeopardise the future supply of information regarding environmental issues.
- Satisfying the elements of exemption clause 6 of Schedule 1 of the FOI Act

Right of appeal

If you are dissatisfied with this determination you are entitled to apply for an internal review in accordance with section 29 of the FOI Act. To make an internal review application, please either write a letter or send the attached form to the Acting Chief Executive of the Environment Protection Authority, Mr Keith Baldry, within 30 (calendar) days after you receive this letter. Should you submit an application for an Internal Review, please include an application fee of \$39.00, or request a fee waiver.

In accordance with the requirements of Premier and Cabinet Circular PC045, details of your FOI application, and the documents to which you are given access, may be published in the EPA's disclosure log. A copy of PC045 can be found at <https://www.dpc.sa.gov.au/resources-and-publications/premier-and-cabinet-circulars>

For any queries about this determination please contact Gabriella Melegh, Freedom of Information and Public Register Administrator on 8204 9128 or email epa.publicregister@sa.gov.au

Yours sincerely



Anton Lugna
Accredited Freedom of Information Officer

**Principal Adviser Risk & Governance
Environment Protection Authority**

Date: 19/10/22