



EPA Ref: FOI-21-04

Ref: BLL 220297

[REDACTED]
Botten Levinson Lawyers

1 28-30 Franklin Street

ADELAIDE SA 5000

Dear [REDACTED]

I refer to your application under the *Freedom of Information Act 1991* (the FOI Act), received by the Environment Protection Authority (EPA) on 18 November 2021, for access to:

Documents containing, evidencing or comprising the

- (a) *Results of any groundwater and/or soil vapour assessments or samples;*
- (b) *Soil logs;*
- (c) *Site plan for sampling;*
- (d) *Sampling method;*
- (e) *Laboratory analysis;*
- (f) *report*

relating to any groundwater and/or soil vapour assessments of any site contamination adjacent the land described as 10-12 Marion Street, Ethelton being the land comprised in Certificate of Title Volume 5382 Folio 184 and Certificate of Title Volume 5382 Folio 185

I apologise for the delay in processing your request and can confirm that the EPA has waived fees for processing your request.

Following a search of EPA records I have determined that 17 documents fall within the scope of your application and are listed in the attached document schedule.

Section 20(4) of the FOI Act provides that if it is practicable to give access to a copy of a document with exempt matter deleted, and it appears that the applicant would wish to be given such a copy, the agency must give access to a copy of the document to this limited extent. Therefore, I have determined to grant you partial access to document 6 and redacted the parts of this document that I consider to be exempt.

Determination

The Environment Protection Authority determines to:

- Grant full access to 3 documents.
- Grant partial access to 14 document as detailed in the attached document schedule.

The reason I have refused access to certain parts of documents are 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).

Document 1, 2, 3, 4, 5, 6, 7, 9, 10, 11, 12, 14, 15 and 16 contains matter concerning the personal affairs of a person. I consider the disclosure of this information to be unreasonable and consider that information to be exempt from release under clause 6(1) of Schedule 1 to the FOI Act. This information has subsequently been redacted.

Public interest factors considered

In making this determination I have also taken the following public interest factors into consideration:

- Pro-release of documents meets the objects of the FOI Act
- The documents provide insight into the regulatory operations and accountability of the EPA
- Information is of direct interest to the public
- The possibility of misleading the public by releasing invalidated information

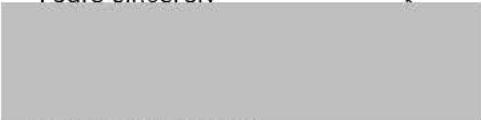
Right of appeal

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 Chief Executive of the Environment Protection Authority, Mr Tony Circelli, within 30 (calendar) days after you receive this letter. Should you submit an application for an Internal Review, please include an application fee of \$37.50, 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 <http://dpc.sa.gov.au/what-we-do/services-for-government/premier-and-cabinet-circulars>.

Should you have any queries in relation to this determination please contact Mr Luciano Palumbo Freedom of Information / Public Register Administrator on 8204 9128 or email luciano.palumbo@sa.gov.au.

Yours sincerely



Suzanne Behrendt
Accredited Freedom of Information Officer
General Manager People and Performance
Environment Protection Authority

Date:

30/4/21