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Our Ref: 25-2326
Your Ref : 21077388
Telephone: 8207 5555



Dear [Redacted]

Re: Freedom of Information Act application

In reference to your application made pursuant to the *Freedom of Information Act 1991* (FOI Act), access was sought to:

“Documents including but not limited to emails, memoranda, briefings, letters and minutes regarding the transfer of the Media Road Safety Unit to the Department of Premier and Cabinet. From 1/1/2024 to 27/2/2025.”

On 7 April 2025, as a result of correspondence with your office, the scope was amended to:

“Documents specifically relevant to the consultation around the transfer, documents relating to the views of SAPOL on the transfer, all documents relating staffing changes as a result of the transfer, all documents relating to the costs of the transfer.” The date range of 1/1/2024 to 27/2/2025 remained the same.

In accordance with the Freedom of Information Act 1991 (SA), an agency is required to determine an application for access to documents within 30 days of receipt, or within an extended period as permitted under the Act. As SAPOL did not issue a determination within the prescribed timeframe, the agency is taken to have refused access to all documents relevant to your application. Notwithstanding this deemed refusal, I have determined to process the request as if the statutory time frame had been met.

South Australia Police (SAPOL) has located documents that fall within the scope of your request. The documents are numbered and described in the following schedule. The schedule contains the details of the determination in compliance with Section 23. In particular, note the grounds on which access has been refused, including the reasons which are detailed below the schedule.

As part of processing your request, consultation was undertaken with the relevant agency to ensure a comprehensive review of the documents. This consultation was necessary to gather their views on the potential release of the documents in question.



SA POLICE - FREEDOM OF INFORMATION UNIT SCHEDULE			
No.	Document Description	Status	Clauses
1	EMAIL Insights Hub 26.7.24	Partial Release	6(1)
1a	HUB_CoverLetter_27June	Full Release	
2	EMAIL Government Advertising Hub - discovery for SAPOL 29.7.24	Partial Release	6(1)
3	EMAIL FW SAPOL enquiry - contract information 20.8.24	Partial Release	6(1)
4	EMAIL SAPOL Discovery Response documentation 18.9.24	Partial Release	6(1)
4a	Attachment to Doc 4 SAPOL MRSU Campaign Contracts	Partial Release	7(1)(c)
4b	Attachment to Doc 4 Advertising and Insights - Hub Discovery - HR Data collection - MRSU and MCU	Partial Release	6(1)
4c	Attachment to Doc 4 Advertising and Insights - Hub Discovery - Finance Data collection - MRSU	Full Release	
4d	Attachment to Doc 4 Advertising and Insights - Hub Discovery - Advertising Plan collection - MRSU	Full Release	
4e	Attachment to Doc 4 PID ASO8 Manager Media Road Safety - MRSU	Full Release	
4f	Attachment to Doc 4 PID ASO6 Senior Digital Communications Officer - MRSU	Full Release	
4g	Attachment to Doc 4 PID ASO5 Procurement Adviser - MRSU	Full Release	
4h	Attachment to Doc 4 PID ASO5 Media and Communications Advisor - MRSU	Full Release	
4i	Attachment to Doc 4 PID ASO4 Digital Marketing Officer - MRSU	Full Release	
4j	Attachment to Doc 4 PID ASO3 Visual Promotions Coordinator - MRSU	Full Release	
4k	Attachment to Doc 4 CEB Org Chart	Full Release	Out of Scope

SA POLICE - FREEDOM OF INFORMATION UNIT SCHEDULE			
No.	Document Description	Status	Clauses
5	EMAIL ESS 241173 Advertising and Insights Hub - CE to CE Agreement 19.12.24	Access Refused	6(1) 9(1)(a)(i) 9(1)(a)(ii) 9(1)(b)
5a	Attachment to Doc 5 South Australia Police - CE to CE Agreement	Access Refused	6(1) 9(1)(a)(i) 9(1)(a)(ii) 9(1)(b)
6	EMAIL RE_ ESS24_1173_ Advertising and Insights Hub - CE to CE Agreement 30.12.24	Partial Release	5(1)(a)(i) 5(1)(b) 6(1) 9(1)(a)(i) 9(1)(a)(ii) 9(1)(b)
6a	Attachment to Doc 6 MoAA CTP and SAPOL (MRSU)	Partial Release	6(1)
6b	Attachment to Doc 6 Images from EMAIL	Full Release	
7	EMAIL FW_ Hub questions 28.01.25	Partial Release	6(1)
7a	Attachment to Doc 7 Hub questions_RB_EBK	Full Release	
8	EMAIL RE_ Media Road Safety Transfer of staff 20.2.25	Partial Release	6(1)
9	EMAIL FW_ MRSU 27.2.25	Partial Release	6(1)

REASONS & CLAUSES FOR REFUSAL

Documents 1, 2, 3, 4, 4b, 6, 6a, 7, 8 & 9 contain the mobile phone numbers of SAPOL employees. As the mobile number serves a combined purpose of being used for both business and personal, I deem the mobile number to be the personal affairs of the third party and unreasonable for disclosure given the potential for the third party to be contacted outside of business hours. I therefore consider the redacted text to be exempt from disclosure pursuant to Clause 6(1) of Schedule 1 of the FOI Act.

Documents 4b, 6, 8 & 9 contain information such as names, employment classifications, reporting arrangements, employment status, and other human resource-related details. These elements are considered to fall within the scope of “personal affairs” as defined by the Act. Disclosure of such information would unreasonably intrude upon the privacy of the individuals concerned, particularly where the content relates to internal employment arrangements, administrative processes, or staffing transitions.

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The information in question is not publicly available and does not materially contribute to public understanding of agency operations in a way that would outweigh the privacy interests of the individuals involved. Accordingly, the redactions are considered necessary and proportionate to protect personal privacy. I therefore consider the redacted text to be exempt from disclosure pursuant to Clause 6(1) of Schedule 1 of the FOI Act.

Clause 6(1) of Schedule 1 of the FOI Act states:

“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 4a contains information concerning the financial & business affairs of SAPOL and the named businesses. Disclosure of the contract values could reasonably be expected to have an adverse effect on the contractor's business affairs. For example, competitors could use this information to undercut the contractor in future bids, potentially harming their competitive position and financial stability. Revealing such sensitive information could prejudice the future supply of similar information to the Government or SAPOL. Businesses might be less willing to provide such services if they fear such information would be disclosed, which could hinder SAPOL's ability to negotiate and secure favourable contract terms in the future.

Public Interest Factors Against Disclosure:

1. **Commercial Sensitivity:** The value of contracts is commercially sensitive information. Disclosing it could harm the business's competitive position and financial interests.
2. **Future Contracting:** If businesses believe their financial details will be disclosed, they may be less inclined to bid for government contracts, reducing competition and potentially increasing costs for SAPOL and, by extension, the public.

Public Interest Factors in Favour of Disclosure:

1. **Transparency and Accountability:** There is a public interest in ensuring transparency in government spending and accountability in the use of public funds.
2. **Public Scrutiny:** Disclosure allows the public to scrutinise government contracts, ensuring that public funds are being used efficiently and effectively.

While there is a strong public interest in transparency and accountability, the potential adverse effects on the business's business affairs and the future supply of information to the Government are significant. On balance, the public interest in protecting the commercial sensitivity of the contract values and ensuring the continued willingness of businesses to engage with SAPOL outweighs the public interest in disclosure. I therefore consider this information exempt from disclosure.

I therefore consider the redacted text to be exempt from disclosure pursuant to Clause 7(1)(c) of Schedule 1 of the FOI Act.

Clause 7(1)(c) of Schedule 1 of the FOI Act states:

“A document is an exempt document if it contains matter consisting of information (other than trade secrets or information referred to in paragraph (b)) concerning the business, professional, commercial or financial affairs of any agency or any other person; and the disclosure of which could reasonably be expected to have an adverse effect on those affairs or to prejudice the future supply of such information to the Government or to an agency; and would, on balance, be contrary to the public interest.”

Document 4k contains information which is not related to the transfer of the media road safety unit transfer and is therefore the redacted content is considered out of the scope of your request.

Documents 5 & 5a comprises budgetary and policy-related correspondence exchanged between the Department of the Premier and Cabinet (DPC) and the Commissioner of South Australia Police (SAPOL). These documents contain opinions, advice, and recommendations prepared and shared between senior officials in the context of ongoing inter-agency deliberations. The content is preliminary in nature, not representing final decisions or endorsed positions, and is part of a deliberative process that remains active. Disclosure at this stage would undermine the integrity of inter-agency consultation and decision-making. In addition, the documents identify individuals, the release of which would constitute an unreasonable intrusion into their personal privacy.

Public Interest Factors Against Disclosure:

1. **Integrity of Decision-Making:** Disclosure of draft or working documents could undermine the integrity of the decision-making process by exposing incomplete or evolving positions to public scrutiny.
2. **Risk of Misinterpretation:** The information is outdated and will be replaced by updated correspondence. Releasing obsolete data may mislead the public or stakeholders.
3. **Inter-Agency Collaboration:** Premature disclosure could discourage frank and candid communication between agencies, thereby impairing effective governance.
4. **Administrative Burden:** Responding to public reaction or misinterpretation of incomplete data could impose an unreasonable administrative burden on the agencies involved.

Public Interest Factors in Favour of Disclosure:

1. **Transparency and Accountability:** There is a general public interest in understanding how government decisions are made.
2. **Public Participation:** Disclosure may enhance public engagement in policy development.

While transparency is a core objective of the FOI Act, the public interest in maintaining the confidentiality of deliberative processes—particularly where the information is no longer current and may be misleading—outweighs the benefit of disclosure in this instance.

The release of these documents at this stage would not contribute meaningfully to public understanding or accountability and may instead distort public perception of the agencies' current positions.

I therefore consider Documents 5 & 5a exempt from disclosure pursuant to 6(1), 9(1)(a)(i), 9(1)(a)(ii) & 9(1)(b) of Schedule 1 of the FOI Act.

Clause 6(1) of Schedule 1 of the FOI Act states:

“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).”

Clause 9(1)(a)(i), 9(1)(a)(ii) & 9(1)(b) of Schedule 1 of the FOI Act states:

“A document is an exempt document if it contains matter that relates to any opinion, advice or recommendation that has been obtained, prepared or recorded; or any consultation or deliberation that has taken place, in the course of, or for the purpose of, the decision-making functions of the Government, a Minister or an agency; and the disclosure of which would, on balance, be contrary to the public interest”.

Document 6 includes internal commentary and preliminary assessments relating to inter-agency arrangements and communications and advice and recommendations regarding operational processes and agreements. Disclosure of this content could reasonably be expected to undermine the integrity of ongoing inter-agency collaboration, misrepresent the position of the agency, or adversely affect the public perception of another government agency. The information was provided in a context that supports candid internal discussion and strategic planning, and its release would not serve the public interest to a degree that outweighs the potential harm to inter-agency relations.

Public Interest Factors Against Disclosure:

1. **Risk of damaging inter-agency relationships:** Disclosure of candid or critical commentary may undermine trust and cooperation between government agencies.
2. **Potential for misinterpretation of internal advice:** Preliminary or informal views may be misconstrued as formal agency positions, leading to confusion or reputational harm.
3. **Undermining confidentiality of inter-agency communications:** Releasing sensitive communications may discourage open and frank dialogue between agencies in the future.
4. **Disruption to ongoing negotiations or planning:** Disclosure could interfere with the resolution of operational or budgetary matters that are still under discussion.
5. **Harm to the reputation or public perception of another agency:** Releasing critical assessments without context may unfairly impact the standing of another government body.

Public Interest Factors in Favour of Disclosure:

1. **Promoting transparency and accountability:** Disclosure may enhance public confidence in the integrity of government decision-making and inter-agency arrangements.
2. **Facilitating informed public debate:** Releasing the information could contribute to a better understanding of how public resources and responsibilities are managed.
3. **Supporting public confidence in government operations:** Transparency about inter-agency arrangements can reinforce trust in the public sector’s responsiveness and fairness.

Accordingly, the redacted content reflects internal deliberations and inter-agency commentary that, if disclosed, could reasonably be expected to undermine effective collaboration between government

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agencies, misrepresent preliminary views as final positions, and inhibit the free and frank exchange of advice necessary for sound decision-making.

I therefore consider the redacted text to be exempt from disclosure pursuant to 5(1)(a)(i), 5(1)(b), 9(1)(a)(i), 9(1)(a)(ii) & 9(1)(b) of Schedule 1 of the FOI Act.

Clause 5(1)(a)(i) & 5(1)(b) of Schedule 1 of the FOI Act states:

“A document is an exempt document if it contains matter the disclosure of which could reasonably be expected to cause damage to intergovernmental relations; and the disclosure of which would, on balance, be contrary to the public interest.”

Clause 9(1)(a)(i), 9(1)(a)(ii) & 9(1)(b) of Schedule 1 of the FOI Act states:

“A document is an exempt document if it contains matter that relates to any opinion, advice or recommendation that has been obtained, prepared or recorded; or any consultation or deliberation that has taken place, in the course of, or for the purpose of, the decision-making functions of the Government, a Minister or an agency; and the disclosure of which would, on balance, be contrary to the public interest”.

Your rights to review

If you are dissatisfied with this determination, you are entitled to exercise your right of internal review in accordance with section 29(1) of the FOI Act by completing a PD362 Application for Internal Review form, which can be downloaded from <https://www.police.sa.gov.au/services-and-events/freedom-of-information> or available upon request at your nearest police station. Alternatively, an application may be made in writing to the SAPOL Freedom of Information Unit. This application must be lodged within 30 (calendar) days after you receive this letter with a fee of \$42.00, if applicable.

Disclosure Log

In accordance with the requirements of Premier and Cabinet Circular PC045, details of your FOI application, and any documents or information to which you are given access will be published on the SAPOL website Disclosure Log.

A copy of PC045 can be found at:

https://www.dpc.sa.gov.au/_data/assets/pdf_file/0019/20818/PC045-Disclosure-Logs.pdf.

If you disagree with publication, please advise the undersigned in writing by 30 June 2025.

Yours sincerely



Senior Sergeant Kelly Johnson
Freedom of Information Unit
(Accredited Freedom of Information Officer)

30 May 2025