



Department of Transport and Planning

GPO Box 2392
Melbourne, VIC 3001 Australia
www.transport.vic.gov.au

Our ref: 24-26679 CS14574

Mr Mark Nottingham

Transmitted by email: foi+request-11264-bce5a9f6@righttoknow.org.au

Dear Mr Nottingham,

Freedom of Information – Notice of Access Decision

I refer to your request received on 5 April 2024 under the *Freedom of Information Act 1982 (Vic)* (the FOI Act), by the Department of Transport and Planning (the Department), and amended on 1 May 2024 to seek:

“Any Privacy Impact Assessments related to the Digital Drivers License.”

Right of access

The FOI Act establishes a general right of access to documents held by state government agencies and ministers; however, in order to protect essential public interests and the private and business affairs of individuals, this right of access does not apply to documents identified under the FOI Act as exempt.

The FOI Act also provides for documents containing exempt matter to be released in part, after the exempt matter has been redacted, where it is practicable to do so.

Document search

The Department’s Registration and Licencing Management Division undertook a search of its records and located five (5) documents relevant to the scope of your request.

Decision

The documents were assessed in accordance with the FOI Act to determine whether they could be released to you in full, released to you in part, or whether they are exempt from release.

Access has been granted in part as summarised in the schedule of documents attached.

Section 30(1) – Internal working documents

Section 30(1) of the FOI Act exempts from disclosure information in the nature of opinion, advice or recommendation prepared by an officer, in the course of, or for the purpose of, the deliberative processes of an agency, and the disclosure of this material would be contrary to the public interest.

“Officer” is defined under section 5 of the FOI Act to include a member of the agency, a member of the staff of the agency, and any person employed by or for the agency, whether that person is one to whom the provisions of the *Public Administration Act 2004 (Vic)* apply or not.



OFFICIAL

Opinion and advice concerning system security and negative use cases have been exempted from release under section 30(1) of the FOI Act. Disclosure of this information would be contrary to the public interest as it would be likely to compromise the safety and security of the Digital Driver Licence platform and/or increase the propensity for malicious activity.

Section 34(1)(b) - Documents relating to third party trade secrets etc.

Under section 34(1)(b) of the FOI Act, a document is an exempt document if:

1. the document or information was acquired from a business, commercial, or financial undertaking; and
2. the information relates to matters of a business, commercial or financial nature; and
3. disclosure of the information is likely to expose the undertaking unreasonably to disadvantage.

To determine whether this exemption applies, the Department must provide the third-party undertaking with the opportunity to provide a submission establishing how the disclosure would expose it to disadvantage.

IIS Partners, Service Victoria, and the joint-venture operator (VicRoads) are considered business, commercial, or financial undertakings under the FOI Act.

Following consultation with IIS Partners, Service Victoria and the joint-venture operator (VicRoads), information concerning system security and negative use cases, and commercially sensitive information have been exempted from release under section 34(1)(b) of the FOI Act. Disclosure of this information would be likely to expose the joint-venture operator (VicRoads) and/or Service Victoria unreasonably to disadvantage.

Section 34(4)(a)(ii) – Documents relating to trade secrets etc. of the Department

Section 34(4)(a)(ii) of the FOI Act exempts from disclosure information of a business, commercial or financial nature if it would be likely to expose an agency unreasonably to disadvantage. The agency also needs to be engaged in “trade and commerce” for the purposes of the FOI Act.

The Department is engaged in activities relating to trade or commerce due to its functions under the *Transport Integration Act 2010* (Vic). Service Victoria and the joint-venture operator (VicRoads) are also considered agencies engaged in “trade and commerce” for the purposes of the FOI Act.

Information concerning system security and negative use cases, and commercially sensitive information have been exempted from release under section 34(4)(a)(ii) of the FOI Act. Disclosure of this information would be likely to expose the Department, the joint-venture operator (VicRoads) and/or Service Victoria unreasonably to disadvantage.

Access charges

Section 22 of the Act provides for certain charges which may be levied in relation to applications for access to documents. These include 20 cents per A4 size page for photocopying of any documents to which access is granted.

Owing to delays in processing your request, the Department has decided to waive any fees and charges under section 22 of the FOI Act. Please find attached copies of documents to which you have been granted access.

Complaint and review rights

If you are dissatisfied with an aspect of how this request was processed, under section 61A of the FOI Act, you may make a complaint to the Victorian Information Commissioner by submitting the grounds of your complaint in writing within 60 days of the date of the action you are complaining about.

Under section 49A of the FOI Act, you also have the right to make an application to the Victorian Information Commissioner for a review of the Department's decision to refuse or defer access to the requested documents. Any application for review should be made in writing and submitted within 28 days of receipt of this letter.

For further information about these processes, please visit the Commissioner's website at www.ovic.vic.gov.au or telephone 1300 006 842.

Contact

Please contact me by e-mail at foi@transport.vic.gov.au if you have any questions about this correspondence.

Yours sincerely,

PP 

Andrew Weston
Manager, Privacy and Information Access

31 / JUL / 2024

Enc 1. Schedule of documents
 2. Documents released under FOI

Schedule of documents

Freedom of Information request number: 24-26679 CS14574

Document	Description	Access decision
1	JVO DDL Project Privacy Impact Assessment 20230619	Release in part, exemptions under sections 30(1), 34(1)(b) and 34(4)(a)(ii)
2	JVO DDL Project Privacy Impact Assessment 20231124	Release in part, exemptions under sections 30(1), 34(1)(b) and 34(4)(a)(ii)
3	Service Victoria DDL Project Privacy Impact Assessment 20220615	Release in part, exemptions under sections 30(1), 34(1)(b) and 34(4)(a)(ii)
4	Service Victoria DDL Project Privacy Impact Assessment 20230619	Release in part, exemptions under sections 30(1), 34(1)(b) and 34(4)(a)(ii)
5	Service Victoria DDL Project Privacy Impact Assessment 20231124	Release in part, exemptions under sections 30(1), 34(1)(b) and 34(4)(a)(ii)