



Our Ref: CS015099b

GPO Box 2392  
Melbourne, VIC 3001 Australia  
[www.transport.vic.gov.au](http://www.transport.vic.gov.au)

Jarred Crowe

By email: [foi+request-11571-0e37ccfb@righttoknow.org.au](mailto:foi+request-11571-0e37ccfb@righttoknow.org.au)

Dear Jarred

### Freedom of Information – Notice of Decision

I refer to your request under the *Freedom of Information Act 1982* (Vic) (**FOI Act**) received by the Department of Transport and Planning (Department) on 27 June 2024. You requested access to:

*Dear Department of Transport and Planning (DTP),*

*I am formally requesting access to the following documents; under FOI;*

*1. Reports that detail the responses and findings of the "Victorian Public Transport Customer Experience Survey" conducted by Klein on behalf of the DTP between 1 January 2024 and 31 May 2024. If documents for this exact date range are not available documents for specific groups or batches of surveys that occurred within this time frame will be sufficient.*

### 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, and where it is practicable to do so, for applicants who would wish to access such documents.

### Document search

In response to your request, the Department undertook a search of its records and located 1 document relevant to the scope of your request, titled CXI Quarterly Report Q3 FY24.

### Decision

The document was assessed in accordance with the FOI Act to determine whether it could be released to you in full, released to you in part, or whether it is exempt from release.

Access has been denied in full pursuant to section 30(1) of the FOI Act.

### **Section 30(1) – Internal working documents**

A document is exempt under section 30(1), when three conditions are satisfied:

(a) the document or information is matter in the nature of:

(i) opinion, advice or recommendation prepared by an agency officer or a Minister; or

(ii) consultation or deliberation that has taken place between agency officers or Ministers; and

(b) the matter was created during the deliberative process of an agency, Minister, or the government's functions; and

(c) disclosure of the matter would be contrary to the public interest.

The Department is satisfied that the elements above has been met for the following reasons:

*the document was prepared by an agency officer -*

The CXI report was prepared by Klein for the Department for the purpose of providing advice and recommendation in relation to public transport services.

The term 'officer' is defined in section 5(1) which includes independent contractors and consultants to carry out work or provide services.

*the document contains opinion, advice, and recommendation*

The document contains a summary report of customer experience calculated from public transport survey responses including recommendations on public transport services to focus on as a result of those reports.

While the report may appear factual due to the numbers and the graph it contains, these numbers are opinions as certain survey questions are given weight and priority over others. Different calculations are also applied to different modes of transport. These numbers are calculated based on a methodology adopted by Klein and may only be interpreted in a specific way.

The Report also includes interpretation of the indexed score and recommendations on areas to celebrate and to focus on.

*the report was created during a deliberative process of an agency*

The report informs the Department's decision making. The results are embedded in performance reporting and operator contracts. These CXI results are usually only shared in an annual report at a higher level once the outcomes have been deliberated.

*disclosure of the matter would be contrary to the public interest.*

The Report is submitted to the Department on a quarterly basis and are generally interconnected. The results are calculated and assessed against previous reports to the Department. Release of this report without the context of previous reporting is reasonably likely to cause confusion and provides a part explanation rather than a complete explanation.

*Section 25 – Deletion of exempt irrelevant material*

Section 25 of the FOI Act permits agencies to delete exempt material in a document or delete information that would reasonably be regarded as irrelevant to the scope of the request. The deletion of irrelevant and exempt information in this report is reasonably likely going to render the document meaningless, as a result, the document had instead been denied in full.

## **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](http://www.ovic.vic.gov.au) or telephone 1300 006 842.

## **Contact**

Please contact me by e-mail at [foi@transport.vic.gov.au](mailto:foi@transport.vic.gov.au) quoting the reference number above if you have any questions about this decision.

Yours sincerely

A handwritten signature in black ink, appearing to be 'Mary Paton', with a horizontal line extending to the right from the end of the signature.

Mary Paton  
Privacy and information access lead

12/08/2024