



URGENT UPDATE

Personal Affairs Exemption and “World at Large” Part 2

In our Update No.1 of 2008, we reported that the Supreme Court had effectively scrapped the “world at large” test when considering whether disclosure of personal affairs information was unreasonable under section 33 of the Victorian FOI Act.

This morning, two Justices of the Victorian Court of Appeal granted leave to appeal that decision. That means that the law in this area remains unsettled until the appeal to the Court of Appeal is heard and, hopefully, determined later this year.

The Court of Appeal was satisfied that there was sufficient doubt as to the correctness of the lower Court’s decision. It also found that this was a matter of sufficient importance such that authoritative determination by the Court of Appeal was warranted. These factors therefore justified leave to appeal being granted. The Court recognised that this issue impacts significantly on decision-makers, and on the rights of third parties to have their information protected.

If you require further information or advice about how this will impact on your decision-making, please do not hesitate to contact us. We will, of course, keep you informed of developments.

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A handwritten signature in black ink that reads 'Mick Batskos'.

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