Dear [Redacted],

I refer to your application made under the Freedom of Information Act 1991 (the Act) that was received by the Department for Health and Ageing on 1 February 2018 seeking access to:

"The Number of Legionella detections in water systems across Adelaide/South Australia over the past 5 years / and or the number of water systems with reported detections of legionella. Also a breakdown of which suburb they were detected"

A comprehensive search of the Department has been undertaken and found that 3 documents exist that fit within the parameters of your request.

I have determined that all 3 documents are to be partially released pursuant to Clause 4(2)(a)(v), Clause 4(2)(a)(vi), Clause 7(1)(c)(i) and Clause 7(1)(c)(ii)(A) of Schedule 1 of the FOI Act.

A schedule of documents indicating the clauses for refusing access is attached. In addition, a more detailed explanation of the specific clauses relied upon is set out below.

Documents affecting law enforcement and public safety

I have determined that 3 documents contain matters the disclosure of which could potentially endanger the security of any building, structure or vehicle as well as the public safety of persons or property and therefore is not publicly available. In considering the public interest factors in release of the document, it would promote openness and accountability within Government, however, disclosure of this would involve the unreasonable disclosure of information that affects the protection to public safety and therefore the information is exempt by virtue of Schedule 1, Clause 4(2)(a)(v) and Clause 4(2)(a)(vi) which provides:

4— Documents affecting law enforcement and public safety

(2) A document is an exempt document if it contains matter the disclosure of which—
   (a) could reasonably be expected—
      (v) to endanger the security of any building, structure or vehicle; or
      (vi) to prejudice any system or procedure for the protection of persons or property;
Documents affecting business affairs

I have also determined that the same 3 documents contain matters consisting of information concerning the business and commercial affairs of external agencies and therefore this information is not publicly available. In considering the public interest factors in release of the document, it would promote openness and accountability within Government, however, the disclosure of this information could be expected to have an adverse effect on those agency's affairs or prejudice the future supply of such information to the Government and therefore is exempt by virtue of Schedule 1, Clause 7(1)(c)(i) and Clause 7(1)(c)(ii)(A) which provides:

7—Documents affecting business affairs
   (1) A document is an exempt document—
       (c) if it contains matter—
           (i) 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
           (ii) the disclosure of which—
                (A) 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

If you are dissatisfied with this determination, you may seek an internal review by writing to the Chief Executive, Department for Health and Ageing. Your request should be sent within 30 days of receipt of this letter. I have enclosed a copy of Your Rights to Review and Appeal which explains your review options.

Yours sincerely


BEN TWIGG
Accredited FOI Officer
Department for Health and Ageing

8/3/2018
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<tr>
<th>Doc No.</th>
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<th>Exemption Clause</th>
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1. INTERNAL REVIEW

If you are dissatisfied or "aggrieved" with certain decisions or "determinations" of an agency/council/university (regarding access to documents or amendment of records), under S.29 and S.38 of the Freedom of Information Act (SA), 1991, you can apply to the agency/council/university concerned for an internal review of its determination.

To apply for an internal review of a determination you must write a letter addressed to the Principal Officer or lodge an internal review application form with the same agency/council/university as made the determination. This also must be addressed to the Principal Officer. The application must be accompanied by the appropriate fee (if applicable). The application should be lodged within 30 days of the original determination.

The agency/council/university will undertake its internal review and advise you of its decision within 14 days of receipt of the application.

There is no right to an internal review of a determination made by a Minister or Principal Officer of an agency/council/university.

2. INVESTIGATION BY THE OMBUDSMAN/POLICE OMBUDSMAN

After an internal review has been completed, if you are still dissatisfied with the agency/council/university’s determination, you can request an external review by the Ombudsman/Police Ombudsman of the determination. The Ombudsman/Police Ombudsman is empowered to investigate the conduct of any person or body in relation to a determination made by an agency/council/university under this Act. (If an application determination was made by a police officer, or the Minister responsible for the administration of the SA Police, applications for external review are made to the Police Ombudsman. All other applications for external review should be made to the Ombudsman.)

You may also request an external review by the Ombudsman/Police Ombudsman if you have no right to an internal review.

The application for review by the Ombudsman/Police Ombudsman should be lodged within 30 days of the after the date of a determination. The Ombudsman/Police Ombudsman cannot extend this time limit.

Investigations by the Ombudsman/Police Ombudsman are free. Further information is available from the Office of the Ombudsman or Police Ombudsman.

3. REVIEW BY SOUTH AUSTRALIAN CIVIL AND ADMINISTRATIVE TRIBUNAL

You have a right to apply for a review by SACAT if you are unhappy with:

- a determination not subject to Internal Review
- an Internal Review determination, or
- the outcome of a review by the Ombudsman SA or the Police Ombudsman.

You must exercise your right of review with SACAT within 30 calendar days after being advised of the above types of determinations or the results of a review. Any costs will be determined by SACAT, where applicable.

For more information contact SACAT - Phone: 1800 723 767 Email: sacat@sacat.sa.gov.au