



File: T&F19/0261
A1155279

31 May 2019

Hon Kyam Maher MLC
Parliament House
North Terrace
ADELAIDE SA 5000

State Administration Centre
200 Victoria Square
Adelaide SA 5000
GPO Box 1045
Adelaide SA 5001
DX56205
Tel 08 8226 9500
Fax 08 8226 3819
<http://www.treasury.sa.gov.au>
ABN 19 040 349 865

Sent via email: maher.office@parliament.sa.gov.au

Dear Mr Maher

Freedom of Information – Report by Advanced Analytics

I refer to your application under the *Freedom of Information Act 1991* (FOI Act), received by the Department of Treasury and Finance (DTF) on 13 May 2019.

Your application specifically requested:

'Any and all versions of the report, including drafts, by Advanced Analytics commissioned by the Government of Commonwealth Bank transactions relied upon by Treasurer Lucas to assert an increase in both the number of customers and transactions across suburban retailers on Boxing Day 2018.'

The purpose of this letter is to advise you of my determination.

A total of two documents were identified as answering the terms of your application and I have determined to grant you access in part to both documents, copies of which are enclosed.

Please refer to the attached schedule that describes each document and sets out my determination and reasons in summary form.

Documents released in part

Documents 1 and 2

These documents include information relating to the personal affairs of third parties. Under clause 6(1) of Schedule 1 to the Act, a document is exempt if its disclosure would involve the 'unreasonable disclosure of information concerning the personal affairs of any person'. This information falls within the definition of personal affairs under the Act and is therefore exempt from release pursuant to clause 6(1).

These documents also contain a third party's in-house data analytics and methodology which are the third party's unique property. If released, this information could be used by competitors to unfairly compete for business with the third party, and could therefore be reasonably expected to have an adverse effect on the business affairs of the third party.

I acknowledge that there is a strong public interest in the public being able to scrutinise information on which government relies in its decision making. In my view, however, this is outweighed by the need to ensure that third parties providing reports are not disadvantaged by the release of sensitive information relating to the way they undertake their business. It is my view that the data analytics and methodology are exempt pursuant to clause 7(1)(c).

Exemptions

Clause 6 – Documents affecting personal affairs

- (1) *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 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*
 - (B) *would, on balance, be contrary to the public interest.*

Please note, in compliance with Premier and Cabinet Circular PC045 - *Disclosure Logs for Non-Personal Information Released through Freedom of Information (PC045)*, DTF is now required to publish a log of all non-personal information released under the *Freedom of Information Act 1991*.

In accordance with this Circular, any non-personal information determined for release as part of this application, may be published on the DTF website. A copy of PC045 can be found at the following address: <https://www.dpc.sa.gov.au/resources-and-publications/premier-and-cabinet-circulars> Please visit the website for further information.

Appeal Rights

If you are aggrieved with this determination, you have a right to apply for internal review under subsection 29(1) of the FOI Act. Pursuant to subsection 29(2), your application must:

- be in writing
- be addressed to the principal officer, and
- be lodged at an office of DTF, or emailed to freedomofinformation2@sa.gov.au within 30 days after the day on which you receive this letter or within such further time as the principal officer may allow.

If you require any further information please phone Russell Withers on (08) 8429 3631.

Yours sincerely



Matthew Hawkins
ACCREDITED FREEDOM OF INFORMATION OFFICER

Schedule of Documents

T&F19/0261 - Hon Kyam Maher MLC - "Any and all versions of the report, including drafts, by Advanced Analytics commissioned by the Government of Commonwealth Bank transactions relied upon by Treasurer Lucas to assert an increase in both the number of customers and transactions across suburban retailers on Boxing Day 2018."

Doc. No.	Date	Description of Document	# of pages	Determination	Exemption Clause
1	undated	Government of South Australia Shopping and Tourism Insights (draft)	53	Released in part	6(1) - Unreasonable disclosure of personal affairs 7(1)(c)(i)(ii)(A)(B) - Contains information concerning the business, professional, commercial or financial affairs of any agency or person & contrary to public interest
2	undated	Government of South Australia Shopping and Tourism Insights (final)	54	Released in part	6(1) - Unreasonable disclosure of personal affairs 7(1)(c)(i)(ii)(A)(B) - Contains information concerning the business, professional, commercial or financial affairs of any agency or person & contrary to public interest