



Ms Telina Webb
19 Katal St
Fletcher NSW 2287

Our Ref: GIPAA-2021-0082410

By email: draftcom@bigpond.com

22 September 2021

Dear Ms Webb

**Government Information (Public Access) Act 2009 (NSW)
Notice of Decision: Refused in full**

1. Summary of access application

I refer to your access application made under the *Government Information (Public Access) Act 2009* (NSW), (GIPA Act) requesting:

A full and unedited copy of the Policy and Procedure, inclusive of criteria or category parameters, for the Fixated Persons Unit investigation, inclusion on list, method of investigation, where file information is disseminated to, and any other description or information that is encompassed within the Fixated Persons Unit police process.

2. Processing Charges

A processing charge has been imposed for dealing with your access application at a rate of \$30 per hour in accordance with section 64 of the GIPA Act.

I have reviewed the processing time spent across this agency in dealing efficiently with your access application and confirm that the total amount of time spent was 3 hours. In accordance with section 62 of the GIPA Act, a breakdown of how the processing charges have been calculated is detailed in the attached table.

The total processing charge calculated is \$90.

Your \$30.00 application fee counts towards the processing charge. I note on 9/9/2021 you paid an advance deposit of \$30. As such you are only required to pay processing charges for the balance - a total of \$30.

Accordingly, please respond to this notice, giving authorisation to the NSW Police Force to charge your credit card for the amount due. The NSW Police Force will charge the same card that was

POLICELINK COMMAND - InfoLink

Locked Bag 5102 Parramatta NSW 2124

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TTY: 02 9211 3776 for the hearing and speech impaired ABN 43 408 613 180

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used to pay the application fee for this application.

The following applicants are entitled to a 50% discount in processing fees if they can provide evidence that they are:

- (a) the holder of a Pensioner Concession card issued by the Commonwealth that is in force;
- (b) a full-time student;
- (c) a non-profit organisation (including a person applying for or on behalf of a non-profit organisation).

If you believe you are an applicant of one of the above-mentioned types and you wish to have your processing charges discounted by 50%, please respond to this notice with evidence that demonstrates this, and I will review these charges accordingly.

3. Searches for Information

Under the GIPA Act, NSWPF must conduct reasonable searches to locate the government information you seek. A search of NSWPF records has been undertaken to identify all government information falling within the scope of your application. The Counter Terrorism and Special Tactics Command assisted with these searches. The results of these searches are listed in the Schedule of Documents included in this Notice of Decision.

4. Decision

I am authorised by the New South Wales Commissioner of Police to determine applications made under Section 9(3) of the GIPA Act. I have decided, under s 58(1)(d) of the GIPA Act, to refuse to provide access to the information you seek because there is an overriding public interest against disclosure of the information. In making my decision, I took into account that this agency cannot control how information released under the GIPA Act is used or disseminated.

5. Reason for decision

Under section 9(1) of the GIPA Act, you have a legally enforceable right to access the information you seek, unless there is an overriding public interest against its disclosure.

Conclusive presumption of an overriding public interest against disclosure under Schedule 1, Clause 7 – Information created by the Counter Terrorism and Special Tactics Command

Clause 7 of Schedule 1 states that it is to be conclusively presumed that there is an overriding public interest against disclosure of information contained in ... (b) a document created by the Counter Terrorism and Special Tactics Command of the NSW Police Force.

Information in the Schedule of Documents was refused under Schedule 1, Clause 7, because it is information created by the Counter Terrorism and Special Tactics Command. Therefore, there is a conclusive presumption of an overriding public interest against disclosing it, and the public interest test was not required.

6. Review rights

If you are not satisfied with any of the decisions in this notice that are reviewable, you may exercise your review rights under Part 5 of the GIPA Act by requesting:

- an internal review of the decision which must be lodged within 20 working days of the date of this notice, or

Unclassified

- an external review of the decision by the Information Commissioner or the NSW Civil and Administrative Tribunal (NCAT) which must be lodged within 40 working days from the date of this notice.

For further information on your review rights, please visit: <https://www.ipc.nsw.gov.au>

If you have any enquiries in relation to this decision, please contact me on (02) 8835 6888. In any return correspondence, please quote the InfoLink reference number stated at the top of this notice.

Yours sincerely

Tina M

Tina M
Review Officer
InfoLink

Unclassified

SCHEDULE OF DOCUMENTS

Infolink Page No.	Document Description	Format of Record	Location of record in agency	Relevant Public Interest consideration(s) against disclosure: T = Section 14 Table
N/A	Standard operating procedures: Fixed persons investigations involving public office holders	Electronic	Counter Terrorism and Special Tactics Command	Schedule 1(7)(b)

