



City of **HOBART**

Enquiries to: Paul Jackson

☎: (03) 6238 2861

✉: [jacksonp@hobartcity.com.au](mailto:jacksonp@hobartcity.com.au)

Our Ref: 17/286-0163

16 September 2022

Robert Hogan  
[address deleted]

Via Email: [harveyr35@aol.com](mailto:harveyr35@aol.com)

Dear Robert

## **RIGHT TO INFORMATION ACT 2009 APPLICATION FOR ASSESSED DISCLOSURE**

I refer to your application for assessed disclosure under section 13 of the *Right to Information Act 2009* ("Act") lodged on 14 April 2022 and later clarified in your email of 24 July 2022 to be seeking a report with the following description:

*"The "City Marketing" report that I that referred to in my original request was actually entitled "City Centre Marketing", with a subtitle "Market Research".*

*It was an externally produced report done in 2021, and produced for the HCC's marketing area I believe. It looked at the success of HCC marketing campaigns and shopper sentiment."*

I confirm the Council has now located a report that is captured by the scope of your revised application.

I am the Principal Officer of the Hobart City Council and I have decided this report is exempt from disclosure under the terms of the Act for the reasons detailed below.

### **1. Section 39 – Information Communicated in Confidence**

The report is exempt from disclosure as it was communicated to the Council in confidence and its disclosure would be reasonably likely to impair the Council's ability to obtain similar information in future.

Some of the factors that supported this decision are:

- (i) the circumstances of the commissioning of the report (as reflected in the notation "Commercial in Confidence" on the cover of the report);

- (ii) that the report was not widely circulated and largely remained with the instructing Council Officer and their team; and
- (iii) the information collected from members of the public was done so in accordance with the Privacy (Market and Social Research) Code 2021 and on the basis the information would only be used for market research by the Council, and by implication, would not form part of a document that would enter the public domain.

## 2. Section 33 – Public Interest Test

This exemption is subject to the public interest test set out in section 33 of the Act. As part of this test, I am required to consider all matters relevant to your application (including the twenty five factors contained in Schedule 1 of the Act).

Having considered all matters relevant to your application, I am of the view it is contrary to the public interest to disclose this information. Some of the factors from Schedule 1 that I found particularly persuasive are:

- (i) *“whether the disclosure would prejudice the ability to obtain similar information in the future”*; and
- (ii) *“whether the disclosure would promote or harm the interests of an individual or group of individuals”*.

## 3. External Review

If you are not satisfied with my decision for your application, you may seek external review by writing to the Tasmanian Ombudsman whose contact details are as follows:

Ombudsman Tasmania  
GPO Box 960  
HOBART TAS 7001

Email: [ombudsman@ombudsman.tas.gov.au](mailto:ombudsman@ombudsman.tas.gov.au)

Tel: 1800 001 170

The application for review must be made within twenty (20) working days from the date of this notice of decision.

If you have any questions about this letter, you may contact Paul Jackson, Manager Legal & Governance, on the contact details provided above.

Yours sincerely



(Kelly Grigsby)  
**CHIEF EXECUTIVE OFFICER**