

Please read the Introduction – See [Introduction](#).

## Section 40: Financial and Economic Interests of the State

| Section  | Information Required   |
|----------|--|
| 40(1)(a) | <ul style="list-style-type: none"> <li>• Describe the <u>adverse effect</u> on the ability of the Government to manage the <u>national economy</u> or on the financial interests of the State which is expected</li> <li>• Explain why you expect the adverse effect to be serious</li> <li>• Explain <u>how</u> access to the particular record in this case is expected to cause the serious adverse effect expected</li> <li>• Explain why you consider that the serious adverse effect identified could reasonably be expected to occur.</li> </ul>  |
| 40(1)(b) | <ul style="list-style-type: none"> <li>• Please describe the undue disturbance of the ordinary course of business generally, or any particular class of business, in the State expected</li> <li>• Explain why access to the record would involve the disclosure of information contained in the record which would be <u>premature</u></li> <li>• Explain <u>how</u> such premature disclosure of the information in the record is expected to result in the undue disturbance concerned</li> <li>• Explain why you consider that the undue disturbance could reasonably be expected to occur</li> </ul>  |
| 40(1)(c) | <ul style="list-style-type: none"> <li>• Please specify which of the following is expected to be negatively impacted: <ul style="list-style-type: none"> <li>○ decisions by enterprises to invest or expand in the State, or</li> <li>○ the research activities of those enterprises, or</li> <li>○ the effectiveness of the industrial development strategy of the State, particularly in relation to the strategies of other states</li> </ul> </li> <li>• Describe the negative impact expected</li> <li>• Explain <u>how</u> access to the record is expected to result in the negative impact expected</li> <li>• Explain why you consider that the negative impact identified could reasonably be expected to occur</li> </ul> |

Section 40(1) contd. over/

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|----------|--|
| 40(1)(d) | <ul style="list-style-type: none"> <li>• Please describe the unwarranted benefit or loss to a person or class of persons expected</li> <li>• Explain <u>how</u> access to the particular record in this case is expected to result in the unwarranted benefit or loss concerned</li> <li>• Explain why you consider that the unwarranted benefit or loss could reasonably be expected to occur</li> </ul>  |
| 40(2)    | <ul style="list-style-type: none"> <li>• Does the record relate to any of the matters listed in paragraphs (a) to (r) of subsection (2)?<br/>If so, please identify the relevant matter and paragraph of subsection (2) and, if not readily apparent, please explain how the record relates to the particular matter concerned.</li> </ul> <p>(Please note that even if the record relates to a matter listed in subsection (2), an FOI body may invoke section 40(2) only in conjunction with section 40(1). Thus, the FOI body must still show that section 40(1) applies.<br/>Please also note that, even if the record does not relate to a matter listed in subsection (2), section 40 may still apply provided that the requirements of subsection (1) are met.)</p> |
| 40(3)    | <ul style="list-style-type: none"> <li>• What public interest factors in favour of release of the record were considered?</li> <li>• What public interest factors against release of the record were considered?</li> <li>• Please explain why you concluded that, on balance, the public interest would not be better served by granting this request</li> </ul>  |