

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

Section 40(1) contd. over/

40(1)(d)	<ul style="list-style-type: none"> • Please describe the unwarranted benefit or loss to a person or class of persons expected • Explain <u>how</u> access to the particular record in this case is expected to result in the unwarranted benefit or loss concerned • Explain why you consider that the unwarranted benefit or loss could reasonably be expected to occur
40(2)	<ul style="list-style-type: none"> • Does the record relate to any of the matters listed in paragraphs (a) to (r) of subsection (2)? 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. <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. 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"> • What public interest factors in favour of release of the record were considered? • What public interest factors against release of the record were considered? • Please explain why you concluded that, on balance, the public interest would not be better served by granting this request