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FREEDOM OF INFORMATION (FOI) REQUEST

I refer to your application under section 30 of the *Freedom of Information Act 2016* (the FOI Act), received by the Education Directorate (the Directorate) on 8 February 2023, in which you are seeking access to:

Brindabella Christian College's enrolment numbers from 2015, 2016, 2017, 2018, 2019, 2020, 2021 and 2022, by campus, and by academic year, as collected by the Census in each year.

I am an Information Officer appointed by the Director-General under section 18 of the FOI Act to deal with access applications made under Part 5 of the FOI Act.

The Directorate was required to provide a decision on your access application by 8 March 2023. As advised by email on 7 March 2023, consultation with a third party was required and, in accordance with the FOI Act, the due date was extended by 15 working days to 30 March 2023.

Decision on access

Searches were completed for relevant records and one record was identified that falls within the scope of your request. This record is an extract of information collected by the Directorate through the Census.

In summary, I have decided to grant partial access to the record with deletions applied.

My access decision is detailed further in the following statement of reasons.

The record released to you is provided as Attachment A to this letter.

Material considered

In reaching my access decision, I have taken the following into account:

- the FOI Act, particularly sections 16, 17 and 50, and schedule 2;
- the information held by the Directorate that falls within the scope of your request;
- the *Human Rights Act 2004*; and

- the views of third parties consulted.

Reasons for decision

I have considered the records that are relevant to your request in accordance with the requirements of the FOI Act.

Section 6(a) of the FOI Act provides for a right of access to government information unless access would, on balance, be contrary to the public interest. Contrary to the public interest information is defined at section 16 of the FOI Act as information that is taken to be contrary to the public interest to disclose under Schedule 1; or the disclosure of which would, on balance, be contrary to the public interest under the test set out in section 17.

Section 50 of the FOI Act provides for records to be partially released with deletions applied where they contain contrary to the public interest information that can be removed, which enables the remainder of the record to be released. This provision has been applied where appropriate.

Information taken to be contrary to the public interest to disclose

I have decided that none of the information is taken to be contrary to the public interest to disclose.

Information, the disclosure of which would, on balance, be contrary to the public interest

The public interest test requires the identification of factors favouring disclosure and non-disclosure, the balancing of those factors, and a decision whether, on balance, disclosure of the information would be contrary to the public interest.

I have decided that none of the factors favouring disclosure listed at Schedule 2.1 of the FOI Act are directly relevant; however, section 9 of the FOI Act specifies that it should be administered with a pro-disclosure bias and discretions under it should be exercised in favour of disclosure.

I have decided that the applicable factor favouring non-disclosure, as listed at Schedule 2.2 of the FOI Act, is that disclosure of the information could reasonably be expected to *prejudice the protection of an individual's right to privacy or any other right under the Human Rights Act 2004* (Schedule 2.2(a)(ii)).

I have considered the factor favouring disclosure and the factor favouring non-disclosure.

I place significant weight on the right to privacy of individuals and their right to have their personal information protected. I have decided that their right to privacy in relation to their personal information has a higher standing of public interest not to disclose, than the public interest in disclosing this information. In this case, numbers of students that are less than 10 have been redacted because individuals may be identifiable in small cohorts and this would be contrary to their right to privacy, particularly as they are minors.

Charges

Processing charges are not applicable for this request because the number of pages released does not exceed the threshold of 50 set at section 104(4) of the FOI Act.

Online publishing – disclosure log

Under section 28 of the FOI Act, the Directorate maintains an online record of access applications called a disclosure log. Information about your request, my decision and record released to you in response to your access application will be published in the Directorate's disclosure log between three and 10 working days after a decision on access has been provided to you. Your personal information will not be published.

Ombudsman review

My decision on your access request is a reviewable decision as identified in Schedule 3 of the FOI Act. You have the right to seek Ombudsman review of this outcome under section 73 of the FOI Act within 20 working days from the day that my decision is published in the Directorate's disclosure log, or a longer period allowed by the Ombudsman.

If you wish to request a review of my decision you may write to the Ombudsman at:

The ACT Ombudsman
GPO Box 442
CANBERRA ACT 2601

Email: actfoi@ombudsman.gov.au

ACT Civil and Administrative Tribunal (ACAT) review

Under section 84 of the FOI Act, if a decision is made under section 82(1) on an Ombudsman review, you may apply to the ACAT for review of the Ombudsman decision.

Further information may be obtained from the ACAT at:

ACT Civil and Administrative Tribunal
Level 4, 1 Moore St
GPO Box 370
Canberra City ACT 2601

Telephone: (02) 6207 1740
<http://www.acat.act.gov.au/>

If you have any queries concerning the Directorate's processing of your request, please contact the Directorate's FOI team on 02 6205 0720 or email EducationFOI@act.gov.au.

Yours sincerely



Paula Murray
Information Officer

29 March 2023