



Email: 

Dear ,

FREEDOM OF INFORMATION (FOI) REQUEST

I refer to your application under section 30 of the *Freedom of Information Act 2016* (the Act), received by the Education Directorate (the Directorate) on 8 August 2023, in which you sought access to records relating to:

Records relating to inspections, assessments, evaluations, or safety reports of playground equipment at Garran Primary School between 1 January 2023 and 1 July 2023.

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

The Education Directorate was required to provide a decision on your access application by 19 September 2023. On 19 September 2023 you were informed that third party consultation was required for some of the records relevant to your request. The due date was extended by 15 working days to 11 October 2023.

Decision on access

Searches were completed for relevant records and 23 records were identified that fall within the scope of your request.

In summary, I have decided to grant:

- full access to 15 records,
- partial access to eight records with deletions applied.

I have included as Attachment A to this decision the schedule of relevant records. This provides a description of each record that falls within the scope of your request and the access decision for each of those records.

The records released to you are provided as Attachment B to this letter.

My access decisions are detailed further in the following statement of reasons.

Material considered

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

- the FOI Act, particularly sections 16, 17, 35 and 50, and schedules 1 and 2,
- the content of the records that fall within the scope of your request,
- the views of third parties consulted, and
- the FOI Guidelines issued under section 66 of the FOI Act by the Ombudsman.

Reasons for decision

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

Records that are partially released under the Act have had deletions applied in accordance with Section 50 of the Act. Deletions have been applied to information that is taken to be contrary to the public interest to disclose, or would, on balance, be contrary to the public interest to disclose in accordance with the public interest test set out in Section 17 of the FOI Act. Section 50 provides for information that is contrary to the public interest to be deleted from the records, enabling the remainder of the record to be released.

Information taken to be contrary to the public interest to disclose

None of the records contain information that is taken to be contrary to the public interest to disclose.

Information, that would, on balance, be contrary to the public interest to disclose

I have decided that the applicable factors favouring disclosure, as listed at Schedule 2.1 of the Act, are that the released information could reasonably be expected to:

- *promote open discussion of public affairs and enhance the government's accountability (Schedule 2, 2.1(a)(i));*
- *contribute to positive and informed debate on important issues or matters of public interest (Schedule 2, 2.1(a)(ii));*
- *ensure effective oversight of expenditure of public funds (Schedule 2, 2.1(a)(iv));*
and
- *reveal the reason for a government decision and any background or contextual information that informed the decision (Schedule 2, 2.1(a)(viii)).*

I have decided that the applicable factor favouring non-disclosure in the public interest, as listed at Schedule 2.2 of the Act, is that the information could reasonably be expected to:

- *prejudice trade secrets, business affairs or research of an agency or person* (Schedule 2, 2.2(a)(xi))

I have considered the factors favouring disclosure and the factor favouring nondisclosure.

I give greater weight to protecting the business affairs of companies dealing with the Directorate, where I have deemed that it could reasonably be expected for those companies to be negatively impacted by release of information about them. I have decided that the factor favouring nondisclosure has greater weight than the factors favouring disclosure. Therefore, the information has been redacted from the records.

In addition, information that is outside the scope of your request has been deleted from the records.

Charges

Processing charges are not applicable for this request because I have decided that the number of pages involved that are material to your request does not significantly exceed the threshold of 50 pages and the subject matter is in the public interest.

Online publishing – disclosure log

Under section 28 of the Act, the Directorate maintains an online record of access applications called a disclosure log. Information about your request, my decision and records 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.

You may view the Directorate's disclosure log at https://www.education.act.gov.au/about_us/freedom_of_information/disclosure-log.

Ombudsman review

My decision on your access request is a reviewable decision as identified in Schedule 3 of the Act. You have the right to seek Ombudsman review of this outcome under section 73 of the 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 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
Allara House, 15 Constitution Ave
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

11 October 2023