

File Ref: [REDACTED]

[REDACTED]

E: [REDACTED]

Dear [REDACTED]

### **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 30 August 2018, in which you sought access to documents relating to:

*Reports of incidents at ACT Public Schools involving abductions, attempted abductions or suspicious approaches to children in the period 30 August 2017 to 30 August 2018.*

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 27 September 2018. On 24 September 2018 you agreed to an extension of five working days to 5 October 2018 for the processing of your request. Thank you for agreeing to this extension.

#### **Decision on access**

Searches were completed for relevant documents and 38 documents were identified that fall within the scope of your request.

Documents identified as relevant to your request contain information that I consider to be information that would, on balance, be contrary to the public interest to disclose under the test set out in section 17 of the Act.

I have decided to grant access, under section 50 of the Act, to copies of documents with information deleted that I consider would be contrary to the public interest to disclose.

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

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

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

I have decided to grant access to the documents relevant to your request as follows:

- full access to 2 documents;
- partial access to 32 documents with deletions applied; and
- not release 4 documents.

For documents where access is not released or partially provided, I have decided that, in accordance with Schedule 1 of the FOI Act, they contain information that I consider to be contrary to the public interest to disclose, or would, on balance, be contrary to the public interest to disclose under the test set out in section 17 of the Act. Access is partially provided to these documents under section 50 of the Act.

**Material considered (if documents are redacted or access refused)**

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

- the FOI Act, particularly sections 17 and 50, and schedule 2;
- the *Human Rights Act 2004*;
- the content of the documents that fall within the scope of your request; and
- the *Information Privacy Act 2014*.

**Reasons for decision**

My reasons for deciding not to grant access to the identified documents and components of these documents are because the identified documents are entirely composed of, or contain information that I consider, on balance, to be contrary to the public interest to disclose under the test set out in section 17 of the Act.

The documents contain information relating to incidents of approaches to children that occurred at ACT public schools and include personal information about people involved in the incidents and information about the time and place the incidents occurred that could enable people to be identified.

In making my decision I have decided that the factors favouring disclosure, as listed at Schedule 2.1 (a) of the Act, are that the information would:

- (ii) contribute to positive and informed debate on important issues or matters of public interest; and
- (viii) reveal the reason for a government decision and any background or contextual information that informed the decision.

I have decided that the applicable factors favouring non-disclosure, as listed at Schedule 2.2 (a) of the Act, are that the information would:

- (ii) prejudice the protection of an individual's right to privacy or any other right under the *Human Rights Act 2004*;
- (xi) prejudice trade secrets, business affairs or research of an agency or person; and
- (xvi) prejudice a deliberative process of government.

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

Schedule 2.2(a)(ii) engages section 12 of the *Human Rights Act 2004*, in relation to privacy.

I have concluded that for these matters the individuals' right to privacy — whether they were involved in a matter or were a witness — has a higher standing of public interest not to disclose than the community's interest in these matters.

Similarly, I have concluded that information relating to the business affairs of other organisations, as well as documents that are drafts and reviews of draft emails about these matters, where copies of the final released documents are provided, is not in the public interest to disclose.

### **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.

### **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 documents 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](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](mailto: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  
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, or would like further information, please contact the Directorate's FOI Coordinator on 02 6205 0720 or email [EDULegalLiaison@act.gov.au](mailto:EDULegalLiaison@act.gov.au).

Yours sincerely



Paula Murray  
Information Officer

3 October 2018