

File Ref: [REDACTED]

[REDACTED]

FREEDOM OF INFORMATION (FOI) REQUEST

I refer to your application under the *Freedom of Information Act 2016* (the Act) received by the Education Directorate (the Directorate) on 27 February 2020, in which you sought access to:

All correspondence from January 2019 to 27 February 2020, between the Education Directorate and the Principal seeking and providing advice relating to the Telopea Park School Board.

On 5 March 2020, you were informed via email that a third party consultation process had been identified and you were given a revised decision date to 17 April 2020.

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.

Decision on access

Searches were completed for relevant documents and 19 documents were identified that fall within the scope of your request.

I have included as Attachment A to this decision, the schedule of relevant documents. This provides a description of each document and its access decision.

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

- full release of four documents;
- partial access to 11 documents; and

- non-release of 4 documents.

The documents released 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 and 50, and schedule 2;
- the content of the documents that fall within the scope of your request;
- the expressed views from the third party consultation process; and
- the *Human Rights Act 2004*.

Reasons for decision

I have considered the documents that are relevant to your request in accordance with Sections 16 and 17 of the Act.

Documents that are partially released have had deletions applied in accordance with Section 50 of the Act to information that:

- is taken to be contrary to the public interest to disclose
- 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 Act; or
- is outside of the scope of your request.

In applying the public interest test in accordance with Section 17 of the Act. 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 2.1(a)(i)); and
- reveal the reason for a government decision and any background or contextual information that informed the decision (Schedule 2.1(a)(viii))

I have decided that the applicable factors favouring non-disclosure are 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)); and
- prejudice an agency's ability to obtain confidential information (Schedule 2.2(a)(xii))

I have considered the factors favouring disclosure and the factors 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. Accordingly, personal information of Directorate staff, and the names of personnel in Commonwealth agencies have been deleted from the information being provided to you.

Consideration was given to consulting with third parties about some of the information contained in the documents; however, it would have been complex and unwieldy to do so, and there is also a need to consider your right to privacy. In these cases I have determined that the right to privacy of all parties is to be upheld.

I also place significant weight on the need to uphold and protect confidentiality. Information that has been obtained in confidence has been redacted as its release has the potential to have negative impacts on the future flow of such information to the Directorate and to those that provided the information.

Further, information that is outside of the scope of your request has been deleted from some documents, This is indicated in the schedule.

Please note that Document 19 is also relevant to your previous FOI request in relation to Telopea Park School's enrolment policy and was located in the search for documents for this FOI request.

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. The Directorate is required to publish the information released in response to an access application on the disclosure log between three and ten days after the decision is released to the applicant. Whilst information released in response to your request will be made available via the disclosure log, your personal information will not be published.

For your information, the Directorate's disclosure log is available 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 released to you, 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
Telephone: (02) 6276 3773

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
Website: <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 team on 02 6205 0720 or email EducationFOI@act.gov.au.

Yours sincerely



Paula Murray
Information Officer

17 April 2020