



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 11 February 2019.

Your request is for:

Documents generated or received by the ACT Government in relation to schools that invited MLAs to school functions without first asking the Minister for Education's permission. Specifically, seeking documents that identify:

- 1. Which schools were originally instructed to uninvite MLAs;*
- 2. Which MLAs were schools originally instructed to uninvite; and*
- 3. How long it took for the Minister for Education's office to decline or accept school function invitations in the Ginninderra electorate in 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 12 March 2019.

Decision on access

Some of the documents that are relevant to the scope of your request were released to you on 22 January 2019 in response to your previous FOI request. They have been excluded from consideration as part of this decision because they have already been provided to you.

Searches were completed for relevant documents that are within the scope of your request but were not addressed as part of your previous request, and two documents were identified.

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.

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

- full access to one document; and
- partial access to one document with deletions applied.

For documents where access is 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.

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

The documents released are provided as Attachment B to this decision.

Material considered

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

- the FOI Act, particularly sections 17 and 50, and schedules 1 and 2;
- the content of the documents that fall within the scope of your request;
- the content of the documents that were released to you on 22 January 2019 in response to your previous FOI request; and
- the *Human Rights Act 2004*.

Reasons for decision

In making my decision I have applied the public interest test that is set out in section 17 of the Act. I have decided that the factors favouring disclosure, as listed at Schedule 2.1 of the Act, are that disclosure of the information could reasonably be expected to:

- inform the community of the government's operations, including the policies, guidelines and codes of conduct followed by the government in its dealings with members of the community (Schedule 2.1(a)(iii)); and
- allow or assist inquiry into possible deficiencies in the conduct of administration of an agency or public official (Schedule 2.1(a)(v)).

I have decided that the applicable factors favouring non-disclosure, as listed at Schedule 2.2 of the Act, are that 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 factors favouring disclosure and the factors favouring non-disclosure.

One of the documents contains information relating to a third party. I have concluded that the individual's right to privacy has a higher standing of public interest not to disclose, than the public interest in disclosing this information. Therefore, the personal information of the third party has been deleted.

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.

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
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.

Yours sincerely



Paula Murray
Information Officer

8 March 2019