



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 6 February 2019.

Your request is for:

A full copy of the ACT's sustainable school design brief 'Sustainable Design of Public School Facilities'.

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 6 March 2019. On 5 March 2019 you agreed to an extension to 29 March 2019. Thank you for agreeing to the extension. Your consideration and accommodation of our request is appreciated.

Decision on access

Searches were completed for relevant documents that are within the scope of your request and four documents have been 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 three documents; and

- Partial access to one document with deletions applied.

For the document that is partially provided, I have decided that it contains information that 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 this document under section 50 of the Act.

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

The document released is 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 document that falls within the scope of your 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

- contribute to positive and informed debate on important issues or matters of public interest (2.1(a)(ii); and
- 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 (2.1(a)(iii)).

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

The document contains images of third parties and that could enable them to be identified. 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 images have been deleted.

Additional information

I draw to your attention that the documents are identified as copyright under the *Copyright Act 1968*, and no part may be reproduced without written permission.

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.

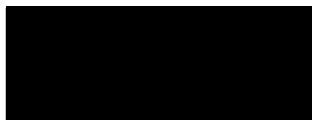
Further information may be obtained from the ACAT at:

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

29 March 2019