

[REDACTED]

Via email: [REDACTED]

Dear [REDACTED]

FREEDOM OF INFORMATION (FOI) REQUEST

I refer to your application under section 30 of the *Freedom of Information Act 2016* (the FOI Act), received by the Education Directorate (the Directorate) on 19 December 2023, in which you sought access to:

Records relating to Telopea Park School, specifically:

1. *Copies of the consolidated anonymous parent surveys undertaken by the school in 2023 for the conseil de classe;*
2. *Copies of all correspondence for the past year from Florence Llopis (staff member) to any staff of the French Embassy about the school board or the conseil de classe; and*
3. *Latest satisfaction survey results for the school that compares the results to similar ACT schools.*

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

In accordance with section 40 of the FOI Act, the Directorate was required to provide a decision on your access application within 30 working days of receipt, being 12 February 2024. As foreshadowed in the acknowledgement letter sent to you 5 January 2024, third party consultation was required, and the due date extended to 4 March 2024.

The decision for points 1 and 3 of your request was provided to you on 27 February 2024, and it was noted there were some complexities associated with point 2 that required consultation with the French Embassy. These matters have now been resolved and this letter provides the decision for point 2 of your request.

Decision on access

I have decided to refuse access to the records sought in accordance with section 35(1)(c) of the Act because the information is contrary to the public interest information as defined at section 16 of the Act. Whilst it is not information deemed taken to be contrary to the public interest to disclose under Schedule 1 of the Act, I have decided that

disclosure of the information would, on balance, be contrary to the public interest test set out in section 17 of the Act.

The public interest test requires the identification of factors favouring disclosure and non-disclosure, the balancing of those factors, and a decision whether, on balance, disclosure of the information would be contrary to the public interest.

I have decided that the factor favouring disclosure, as listed at Schedule 2.1 of the FOI Act, is that disclosure of the information could reasonably be expected to contribute to positive and informed debate on important issues or matters of public interest (Schedule 2, 2.1(a)(ii)).

I have decided that the applicable factor favouring non-disclosure, as listed at Schedule 2.2 of the FOI Act, is that disclosure of the information could reasonably be expected to prejudice intergovernmental relations (Schedule 2, 2.2(a)(x)).

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

I place significant weight on the factor favouring non-disclosure because it would likely be of concern to the ACT Government, the Australian Government and the French Government and result in damage to the relationships between the parties. This conclusion is informed by the consultation undertaken with the French Embassy. The information you are seeking is considered by the French Embassy to be confidential communications between the Embassy and a French Government employee working at Telopea Park School. Therefore, I have decided that the factor favouring non-disclosure outweighs the factor favouring disclosure in relation to this information.

Charges

There are no charges for your request because no records are released.

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 the 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.

Review of decision

Ombudsman review

My decision on your access request is a reviewable decision as identified in Schedule 3 of the FOI Act. You have the right to seek Ombudsman review of this outcome under section 73 of the FOI Act within 20 working days from the day my decision is provided 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

ACT Civil and Administrative Tribunal (ACAT) review

Under section 84 of the FOI 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

3 April 2024