

File Ref: [REDACTED]

[REDACTED]

E: [REDACTED]

Dear [REDACTED]

FREEDOM OF INFORMATION (FOI) REQUEST: SPECIAL NEEDS TRANSPORT

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 26 February 2018, in which you sought access to documents relating to special needs transport [REDACTED]

Specifically, you are seeking:

1. *Special Needs Transport routes from 1 January 2014 to 26 February 2018 including all pick up and drop off points, which may be refined to suburb only*
2. [REDACTED]
3. *The number of ACT students refused access to Special Needs Transport in the period 1 January 2014 to 26 February 2018.*
4. *The reasons those students were refused access to Special Needs Transport.*
5. *The number of students who were not eligible for the National Disability Insurance Scheme but were offered Special Needs Transport in the period 1 January 2014 to 26 February 2018.*

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.

The Education Directorate was required to provide a decision on your access application by 27 March 2018. You agreed to a number of extensions to this deadline and supplied additional information [REDACTED] at our request, [REDACTED]

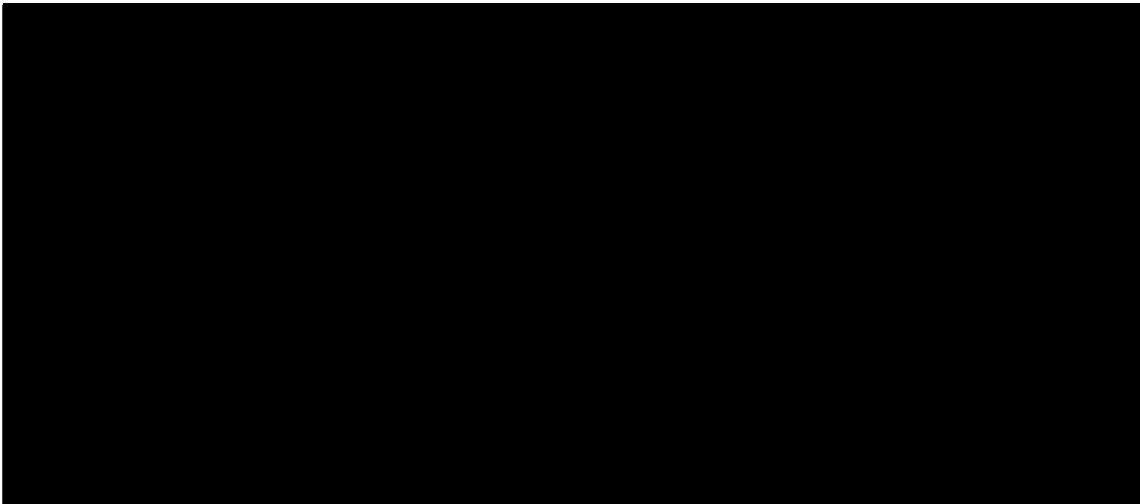
[REDACTED] which took some time to obtain. In your discussion with the Directorate's FOI Coordinator on 14 June 2018 it was agreed that your request would be processed by 22 June 2018. Thank you for your patience and understanding about the time taken to process your request and the additional information that was required.

Decision on access

Searches were completed for relevant documents and 23 documents were identified that fall within the scope of your request.

The Directorate was not able to locate documents relevant to points 1, 3 and 4 of your request.

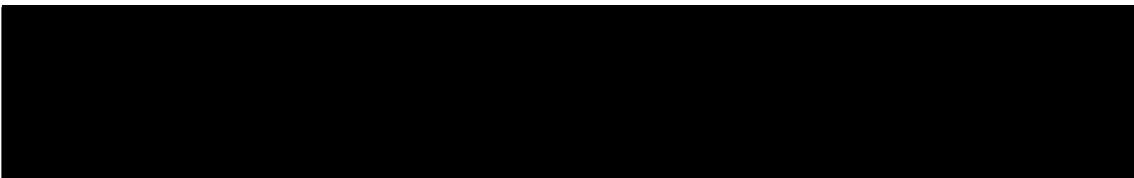
I have included as Attachment A to this decision the Schedule of relevant documents. This provides a description of each document that falls within the scope of your request and the access decision for each of those documents.

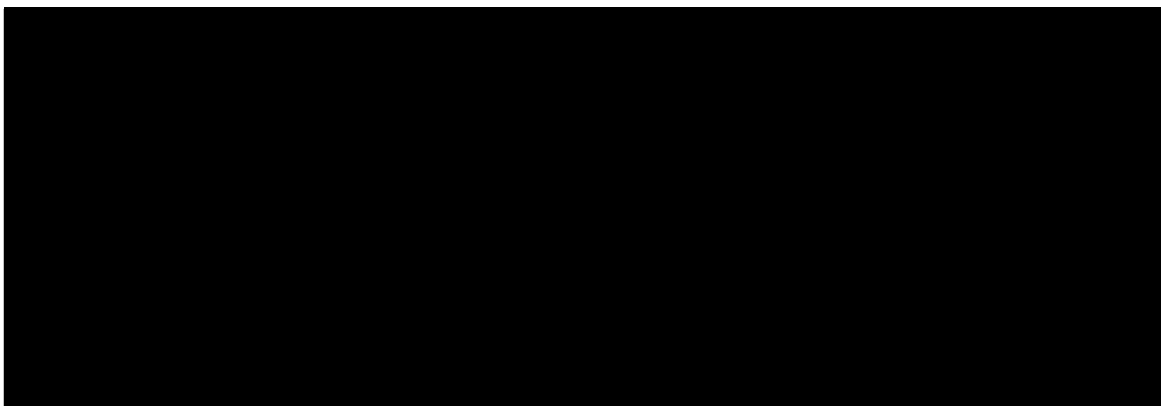


I have decided to grant access to the documents relevant to your request as follows:

- full access - 12 documents
- partial access - seven documents, with deletions applied
- not release - four documents

For documents that are not released or are partially provided, I have decided that they contain information that I consider would, on balance, be contrary to the public interest to disclose under the test set out in section 17 of the FOI Act.





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

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

Material considered

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

- the FOI Act, particularly sections 17 and 50, and schedule 2;
- the content of the documents that fall within the scope of your request;
- the *Information Privacy Act 2014*;
- the *Health Records (Privacy and Access) Act 1997*; and
- the *Human Rights Act 2004*.

Reasons for decision

Four of the identified documents are entirely composed of, or contain information in an otherwise out of scope document, that I consider, on balance, to be contrary to the public interest to disclose under the test set out in section 17 of the FOI Act. This applies to:

- Document 6 - Most of the information contained in this document is outside of the scope of your request. The information that it does contain which relates to point 5 of your request refers to small numbers of people which could enable individuals to be identified. Therefore, I have decided that the factors favouring non-disclosure (Schedule 2.2(a)(ii) disclosure would 'prejudice the protection of an individual's right to privacy under the *Human Rights Act 2004*') outweigh factors favouring disclosure for this document.



[REDACTED]

In the case of Document 4, which is released to you under the FOI Act, information has been deleted in accordance with section 50 of the FOI Act to protect the privacy of a third party as I have decided that the factors favouring non-disclosure (Schedule 2.2(a)(ii) disclosure would 'prejudice the protection of an individual's right to privacy under the *Human Rights Act 2004*') outweigh factors favouring disclosure for this document.

Charges

I have decided that processing charges are not applicable for this request [REDACTED]

Online publishing – disclosure log

Under section 28 of the Act, the Directorate maintains an online record of access applications called a disclosure log. [REDACTED]

[REDACTED] Document 4 is relevant to point 5 of your request and will be published online, along with information about your request and my decision. These will be published in the Directorate's disclosure log between three and 10 working days after my decision on access has been provided to you. Personal information about you, [REDACTED] will not be published.

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



Camille Carroll
Information Officer

22 June 2018