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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, and my letter to you dated 6 March 2019.

This letter addresses the decision and documents that have been processed for Stage 2, which was due to be provided to you on 22 March 2018, and specifically relates to the following points from your request:

2. *Documents generated or received by the directorate (including meeting minutes, correspondence and reports) during Theodore Primary's 2018 school review via the school improvement tool and ongoing work between the school and ACER*
5. *Reports of student accidents/incidents at Theodore Primary School between 1 January 2017 and 6 February 2019.*
6. *Documents and correspondence within the directorate or between the directorate and Theodore Primary School related to student incidents at Theodore Primary school, especially involving injury (including emails, letters of action, meeting minutes)*

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.

Once again, thank you for agreeing to the processing of your request in two stages.

Decision on access

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

No documents were located that are relevant to point 2 of your request.

I have included as Attachment A to this decision the schedule of documents being released to you. 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 nine documents.

For documents where access is partially provided, I have decided that 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, or is outside the scope of your request. Access is partially provided to these documents under section 50 of the Act.

The documents released are provided as Attachment B.

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 17 and 50, and schedule 2;
- the Human Rights Act 2004;
- the content of the documents that fall within the scope of your request.

Reasons for decision

I have considered the documents that are relevant to your request in accordance with the public interest test at section 17 of the Act.

I have determined that the public interest factors favouring disclosure, as listed at Schedule 2.1 of the Act, are that the information could reasonably be expected to:

- promote open discussion of public affairs and enhance the government's accountability (Schedule 2.1(a)(i)); or
- contribute to positive and informed debate on important issues or matters of public interest (Schedule 2.1(a)(ii))

I have decided that the applicable factor favouring non-disclosure, as listed at Schedule 2.2 of the Act, is that the information could reasonably be expected to prejudice 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.

Documents that are relevant to point 5 of your request relate to a small number of incidents (less than 10) and a small number of children (less than 10). I have concluded that the release of any information about these incidents could enable the individuals to be identified, and that the right to privacy of these individuals has a higher standing of public interest not to disclose than the public interest in disclosing this information. Therefore, no documents are released in relation to point 5 and it would also be inappropriate for any information about them to be provided in the Schedule.

Some of the documents relevant to point 6 of your request also contain personal information of third parties, or information that could enable third parties to be identified. This information has been deleted from the documents released on the basis that their right to privacy.

Additional information relevant to Stage 1 decision

In my decision for the Stage 1 release of documents, I advised that the information requested regarding Theodore Primary School's 2018 satisfaction survey results would be published in the school's annual board report for 2018 in May 2019. I have decided to release a copy of the results to you and this is provided at Attachment C.

Charges

I have decided that processing charges do not apply to your request in recognition of your accommodation of the Directorate's request for a staged release of documents.

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 is required to be published in the Directorate's disclosure log between three and 10 working days after a decision on access has been provided to you. Personal information of the applicant is not published in the disclosure log.

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



Danielle Krajina
Information Officer

DK March 2019