

File Ref: [REDACTED]

[REDACTED]

Dear [REDACTED]

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 20 March 2019.

You had requested:

Documents, including incident reports and correspondence, generated during critical incidents in ACT public, Catholic and independent schools, from the period 1 January 2016 to 31 December 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 6 May 2019. This was subsequently extended to 9 May 2019 with your agreement. 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 and 155 documents were identified that fall within the scope of your request. No documents were located that related to incidents at Catholic or independent schools.

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 83 documents; and
- partial access to 50 documents; and
- non-release of 22 documents.

For documents where access is not provided or 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 some of these documents partially provided 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; and
- 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 factors favouring non-disclosure, as listed at Schedule 2.2 of the Act, are 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)); or
- prejudice trade secrets, business affairs or research of an agency or person (Schedule 2.2(a)(xi)).

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

Some of the documents relate to incidents involving individual students. I have concluded that the release of 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.

Consequently, some documents are not released, and others are partially released with deletions applied on the basis of the individual's right to privacy.

A small number of documents contain information relating to third party service providers. I have determined that it may be prejudicial to their business affairs for this information to be disclosed and therefore this information has been deleted from the documents released.

Charges

I have decided that processing charges do not apply to your request in recognition of your accommodation of the Directorate's requests for extensions.

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.

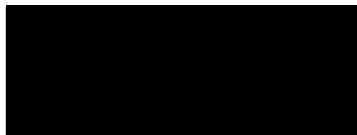
Further information may be obtained from the ACAT at:

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



Information Officer

10 May 2019