

File Ref: [REDACTED]

[REDACTED]

Via email: [REDACTED]

Dear [REDACTED]

FREEDOM OF INFORMATION (FOI) REQUEST

I refer to your application under the *Freedom of Information Act 2016* (the Act) received by the Education Directorate (the Directorate) on 28 February 2020, in which you sought access to:

all internal school emails from January 2019 to date, relating to the schools enrolment policy.

On 2 March you clarified your scope to also include:

emails between the Directorate and the School relating to the enrolment policy.

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.

A decision on your access application is due by 30 March 2020.

Decision on access

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

I have included as Attachment A to this decision, the schedule of relevant documents. This provides a description of each document and its access decision.

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

- full release to three documents;
- partial access to two documents; and
- non-release to two documents.

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

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 16, 17 and 50, and schedule 2;
- the content of the documents that fall within the scope of your request; and
- the *Human Rights Act 2004*.

Reasons for decision

I have considered the documents that are relevant to your request in accordance with Sections 16 and 17 of the Act.

Documents that are partially released have had deletions applied in accordance with Section 50 of the Act to information that: would, on balance, be contrary to the public interest to disclose, in accordance with the public interest test set out in Section 17 of the Act.

In applying the public interest test in accordance with Section 17 of the Act. I have decided that the applicable factors favouring disclosure, as listed at Schedule 2.1 of the Act, are that the released information could reasonably be expected to:

- promote open discussion of public affairs and enhance the government's accountability (Schedule 2.1(a)(i))
- reveal the reason for a government decision and any background or contextual information that informed the decision (Schedule 2.1(a)(viii))

I have decided that the applicable factors favouring non-disclosure are 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.

I place significant weight on the right to privacy of individuals and their right to have their personal information protected. I have decided that their right to privacy in relation to their personal information has a higher standing of public interest not to disclose, than the public interest in disclosing this information. Accordingly, the mobile numbers of Directorate staff, have been deleted from the information being provided to you.

Further, two documents were deemed not for release, as under section 45 of the Act, this information was already available to you. Information about these documents is provided in the schedule.

Charges

Processing charges are waived for this request because the number of pages being released to you is less than 50, and the Act requires that the first 50 pages must be provided free of charge.

Online publishing – disclosure log

Under section 28 of the Act, the Directorate maintains an online record of access applications called a disclosure log. The Directorate is required to publish the information released in response to an access application on the disclosure log between three and ten days after the decision is released to the applicant. Whilst information released in response to your request will be made available via the disclosure log, your personal information will not be published.

For your information, the Directorate's disclosure log is available 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 released 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
Telephone: (02) 6276 3773

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
Website: <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 team on 02 6205 0720 or email EducationFOI@act.gov.au.

Yours sincerely



Paula Murray
Information Officer

30 March 2020