

Dear 

I refer to your application under section 30 of the *Freedom of Information Act 2016* (the Act), received by the Education Directorate on 26 March 2019, in which you sought access to documents relating to the funding and management of ANU programs. Your request was specifically for:

Documents relating to the management of ACT Government funding and applications for funding and grants provided to the ANU, including the management of ACT Government funding for ANU programs, and the termination of funding or grants, from 31 October 2016 to 26 March 2019.

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

The Directorate was required to provide a decision on your access application on 26 April 2019. Extensions to this deadline were negotiated with you and the due date was amended to 24 May 2019. The Directorate appreciates your accommodation of the requested extensions and willingness to negotiate a mutually acceptable timeframe.

Decision on access

Searches were completed for relevant documents and 58 documents were identified that fall within the scope of your request.

My decision is to provide access to the documents as follows:

- Full access to eight documents; and
- Partial access to 50 documents with deletions applied.

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.

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

My decision is 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 schedules 1 and 2;
- the *Human Rights Act 2004*;
- the content of the documents that fall within the scope of your request;
- documents that are being considered by other Directorates in response to your FOI request to them; and
- information that is publicly available.

Reasons for decision

My reasons for deciding not to grant access to parts of the documents are because they contain information that:

- is taken to be contrary to the public interest to disclose in accordance with Schedule 1 of the Act, or
- I consider, on balance, to be contrary to the public interest to disclose under the test set out in section 17 of the Act, or
- is publicly available;
- is being considered by another Directorate in their response to your FOI request to them; or
- is outside of the scope of your request.

I have decided to grant access, where possible, under section 50 of the Act, to copies of documents with information deleted that I consider is contrary to the public interest to disclose, or is not within the scope of your request.

Information that is considered, on balance, to be contrary to the public interest

In applying the public interest test I have decided that the factors favouring disclosure, as listed at Schedule 2.1 of the Act, are that the information would:

- 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)); or
- ensure effective oversight of expenditure of public funds (Schedule 2.1(a)(iv)); or

- 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, as listed at Schedule 2.2 of the Act, are that disclosure of the information would 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.

In accordance with Section 50 of the FOI Act, I have decided to delete information from the documents being provided to you that is personal information of third parties. I have decided that the individual's right to privacy of this information has a higher standing of public interest not to disclose, than the public interest in disclosing this information.

Information being considered by other Directorates

I am aware that the Chief Minister, Treasury and Economic Development Directorate (CMTEDD) is currently processing an FOI request for you relating to the same topic. Some of the documents held by the Education Directorate are also held by CMTEDD because they originated from CMTEDD. The CMTEDD FOI processing team have advised that they will consider these documents in their decision. This is noted on the schedule.

Information that is publicly available

Some documents are not released because they are publicly available and readily accessible. This is noted on the schedule.

Charges

Processing charges are not applicable for this request.

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 Education 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

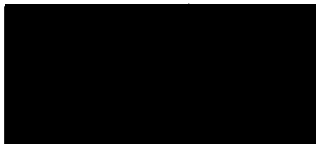
Canberra City ACT 2601

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 our FOI Coordinator on (02) 6205 0720 or email EDULegalLiaison@act.gov.au

Yours sincerely



Information Officer
Education Directorate

24 May 2019