




Via email: 

Dear 

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 30 June 2022, in which you sought access to:

'a copy of all correspondence between the Ombudsman and the Education Directorate regarding the Campbell Primary School Modernisation Project. This request includes but is not limited to emails, letters, accompanying papers and attachments.'

On 5 July I wrote to you to explain some issues with the scope of your request, to outline the consultation requirements that arose under section 46 of the FOI Act, to provide you the opportunity to make available additional information relevant to the application; and make the application in a form that would remove the ground for refusal.

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.

Scope of your request

In accordance with section 43(1)(e) of the FOI Act, I advised you that it was my intention to refuse to deal with your access application because the information you have requested access to relates to government information of a kind that is taken to be contrary to the public interest to disclose under schedule 1 of the Act. Under schedule 1, 1.12(a) information in possession of the ombudsman, that has been obtained or generated in relation to an ombudsman review is taken to be contrary to the public interest to disclose unless the information identifies corruption or the commission of an offence by a public official.

The consultation period of 10 working days required by section 46 of the Act ended 19 July 2022.

The Education Directorate was required to provide a decision on your access application by 28 July 2021.

In the absence of further contact by your office, your application is now considered closed. This letter is to inform that I have decided to refuse access to the information requested in line with section 43(1)(e) of the FOI Act.

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 and my decision will be published in the Directorate’s disclosure log between three and 10 working days after a decision on access has been provided to you. Your personal information will not be published.

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

Yours sincerely



Paula Murray
Information Officer

21 July 2022