

[REDACTED]

Via email: [REDACTED]

Dear [REDACTED]

### **FREEDOM OF INFORMATION (FOI) REQUEST**

I refer to your application under section 30 of the *Freedom of Information Act 2016* (the FOI Act), received by the Education Directorate (the Directorate) on 27 January 2023, in which you sought access to:

[REDACTED]

2. *Copies of policies, procedures and implementation guidelines concerning:*
  - *Early entry for gifted and talented students that were in place in late 2021/early 2022*
  - *Family Law Guidelines: Dealing with Family Law Related Issues in Schools – Guidelines for School Staff*
  - *Enrolment, particularly relating to the capacity of one parent to enrol a child without the knowledge or consent of the other parent*
  - *The requirement to seek parents' views and input into decisions such as session choice*
  - *Internal and external review mechanisms of decisions regarding enrolment and session choice.*
3. *Copies of records of any changes to the early entry policy, procedures and implementation guidelines since late 2021.*

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

The Directorate was required to provide a decision on your access application 24 February. On 17 March, agreement was reached to deliver the bulk of the documents by 14 March, [REDACTED]

### **Decision on access**

Searches were completed and 57 records were identified that fall within the scope of your request.

I have included as Attachment A to this decision the schedule of relevant records. This provides a description of each record that falls within the scope of your request and the access decision for each of those records.

In summary, my decision is:

Full access to 30 records;

- Partial access to 25 records with some information deleted; and
- Non-release of 2 records

[REDACTED]

The records released to you 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, 50 and Schedule 2;
- the content of the records that fall within the scope of your request;
- the *Human Rights Act 2004*;
- the *Information Privacy Act 2014*; and
- [REDACTED].

### **Reasons for decision**

I have considered the records that are relevant to your request in accordance with the requirements of the FOI [REDACTED].

### Records considered under the FOI Act

Section 6(a) of the FOI Act provides for a right of access to government information unless access would, on balance, be contrary to the public interest. Contrary to the public interest information is defined at section 16 of the FOI Act as information that is taken to be contrary to the public interest to disclose under Schedule 1; or the disclosure of which would, on balance, be contrary to the public interest under the test set out in section 17.

Section 50 of the FOI Act provides for records to be partially released with deletions applied where they contain contrary to the public interest information that can be removed, which enables the remainder of the record to be released. This provision has been applied where appropriate.

### Information, to which access is refused


Section 43 of the Act sets out the circumstances in which access to information may be refused. This includes where government information is already available to the applicant because it is made publicly available by the Directorate (section 45(a)). This applies to two records that are within the scope of your request. Information is provided in the Schedule about where this information can be sourced.





**Additional information**

No records could be located for some of the information you had requested. For example:

- 
- no changes have been made to early entry policy, procedures or implementation guidelines since late 2021.

Records relevant to your request have been located and considered in this decision.

**Charges**

As your request is primarily for personal information about your children, processing charges do not apply to your request.

**Online publishing – disclosure log**

Under section 28 of the Act, the Directorate maintains an online record of access applications called a disclosure log. As your request sought a mix of personal and other

information, section 28(6) of the Act provides that the personal information component of your access application will not be published in the Directorate's disclosure log.

### **Review of decision**

#### FOI Act - Ombudsman review

My decision on your access request is a reviewable decision as identified in Schedule 3 of the FOI Act. You have the right to seek Ombudsman review of this outcome under section 73 of the FOI 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](mailto:actfoi@ombudsman.gov.au)


#### FOI Act - ACT Civil and Administrative Tribunal (ACAT) review

Under section 84 of the FOI 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](mailto:EducationFOI@act.gov.au).

Yours sincerely



Paula Murray  
Information Officer

14 March 2023