

File Ref: [REDACTED]

[REDACTED]

Dear [REDACTED]

I refer to your application under section 30 of the *Freedom of Information Act 2016* (the Act), received by the Education Directorate on 5 March 2019, in which you sought access to documents relating to school chaplaincy. Your request was specifically for:

Documents relating to the decision to end the National School Chaplaincy Programme in ACT public schools, including the impact of this decision on religious youth work and pastoral care programmes, from 31 October 2016 to 5 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 3 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 115 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 38 documents;
- Partial access to 72 documents with deletions applied; and
- Not release five documents.

This decision is detailed further in the following statement of reasons.

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.

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; 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; 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 taken to be contrary to the public interest

Some documents contain information that was compiled for the purpose of provision to Cabinet. In accordance with Schedule 1, 1.6 of the Act, this information is taken to be contrary to the public interest to disclose and therefore is not released.

In addition, some documents contain information that is subject to legal professional privilege and this information has not been released in accordance with Schedule 1, 1.2 of the Act.

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:

- contribute to positive and informed debate on important issues or matters of public interest (Schedule 2.1(a)(ii)); 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)); 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.

In accordance with Section 50 of the FOI Act, I have decided to delete information from the documents being provided to you because they contain 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.

Similarly, I have decided to delete information from the documents relating to the business affairs of other organisations. I have decided that they have a right to the protection of this information as it could be prejudicial to their business if it were disclosed, and that this has a higher standing of public interest not to disclose, than the public interest in disclosing the information.

Information that is publicly available

Attachments to Documents 58 and 60 are not released because they are publicly available and readily accessible.

As a courtesy, I have decided to release the attachment to Document 77 because, whilst it is publicly available, it is not easy to source.

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.

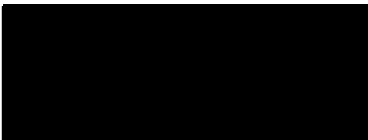
Further information may be obtained from the ACAT at:

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