

File Ref: [REDACTED]

[REDACTED]

[REDACTED]

FREEDOM OF INFORMATION (FOI) REQUEST

I refer to your application received by the Education Directorate (the Directorate) on 20 December 2019 in which you are seeking access to information under *the Freedom of Information Act 2016* (the Act).

Your request is for copies of:

1. *All documents and reports that detail the financial contributions made by the ACT Education Directorate to Arawang Primary School for the Indigenous Garden that was opened in 2019.*
2. *All documents and reports that detail the financial contributions made by Arawang Primary School for the Indigenous Garden that was opened in 2019.*
3. *All documents and reports that detail the total cost of building, decorating and opening the Indigenous Garden that was opened at Arawang Primary School in 2019.*
4. *All documents and reports that detail any monetary grants or gifts received by Arawang Primary School for the Indigenous Garden that was opened in 2019.*
5. *All documents and reports that detail the building plans, disability accessibility approvals, building standards checks, safety inspection outcome reports and any other information relating to the approvals of the final design of the Indigenous Garden that was opened at Arawang Primary School in 2019.*

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 13 February 2020.

Decision on access

Searches were completed for relevant documents and 31 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 the documents relevant to your request as follows:

- full release of four documents; and
- partial access to 27 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;
- the views of third parties that were consulted about documents relevant to 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; or
- is outside of the scope of your request.

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

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, signatures of Directorate staff, and the names of personnel in Commonwealth agencies have been deleted from the information being provided to you.

In addition, it is my view that businesses providing services to the Directorate also have a right to have their business affairs and competitive commercial activities protected, and that it is not in the public interest for those businesses or the Directorate's ability to obtain commercial services to be impacted through the disclosure of such information. On this basis, information that I have determined would be prejudicial to the business affairs of third parties has been deleted.

Further, out of scope information has been deleted from some documents and this is indicated in the schedule.

Charges

Processing charges are waived for this request because the number of pages being released to you is not materially more 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, except if the request is for personal information. 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.

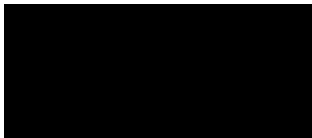
Further information may be obtained from ACAT at:

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

13 February 2020