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FREEDOM OF INFORMATION (FOI) REQUEST

I refer to your application under the *Freedom of Information Act 2016* (the Act) received by the Education Directorate (the Directorate) on 25 May 2021, in which you are seeking access to:

Records relating to Margaret Hendry School, specifically:

- 1. Correspondence between Margaret Hendry School executive staff and parents and carers of students at the school regarding any school lockdown incidents between 1 January 2019 and 25 May 2021.*
- 2. Results from the parent satisfaction survey from Margaret Hendry School in 2019 and 2020.*
- 3. Documents relating to the number of suspension incidents and suspension days issued to students at Margaret Hendry School each year in 2019, 2020 and to 25 May 2021.*
- 4. Data regarding permanent and temporary teachers who have entered or exited from Margaret Hendry School since 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 was required to be provided by 24 June 2021, in accordance with section 40 of the Act. A suspension period of six working days applied while the details of the scope of the request was agreed, which extended the decision date to 2 July 2021.

Decision on access

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

In summary, I have decided to grant partial access to all documents relevant to your request as follows 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 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 Act, particularly sections 16, 17 and 50, and Schedules 1 and 2.
- the content of the documents that fall within the scope of your request.
- the *Human Rights Act 2004*.

Reasons for decision

I have considered the documents that are relevant to your request in accordance with the requirements of the FOI Act.

Documents that are partially released with deletions applied in accordance with Section 50 of the FOI Act, contain 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 FOI Act.

The public interest test has been applied in accordance with Section 17 of the FOI Act, which requires the identification of factors favouring disclosure and non-disclosure, the balancing of those factors, and a decision whether, on balance, disclosure of the information would be contrary to the public interest.

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

I have decided that the applicable factors favouring non-disclosure, as listed at Schedule 2.2 of the FOI Act, 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)).

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, identifying information of third parties has been deleted from the information being provided to you.

In addition, information that is outside of the scope of your request has been deleted.

Additional information

In relation to point 4 of your request: *Data regarding permanent and temporary teachers who have entered or exited from Margaret Hendry School since 2019*, there are no records available that contain the information you are seeking. However, I can provide the following which was determined from a number of different sources:

Entries	52
Exits Total	12
Exits – <i>Permanent Teachers</i>	7
Exits – <i>Temporary Teachers</i>	5

Please note:

- Entries cannot be separated into permanent vs temporary, as some temporary teachers have secured permanent employment since commencing with the school and this may not accurately reflect changes in employment status, i.e., temporary to permanent.
- Exits of permanent staff may be the result of officers transferring to another school or a position elsewhere within the ACT Public Service or resigning/retiring from the ACT Public Service.

Charges

Processing charges are waived for this request because the Act requires that the first 50 pages must be provided free of charge, and the number of pages involved does not exceed this threshold.

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.

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. Whilst information released in response to your request will be made available via the disclosure log, your personal information will not be published.

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 the 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



Information Officer

2 July 2021