



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 15 March 2023. Your request was for:

Data relating to absconding incidents at Belconnen primary schools, by year, from the period 1 January 2013 to 31 December 2022, specifically

- *the number of incidents, and*
- *the number of individual students involved*

Schools identified were Aranda, Macquarie, Hawker, Weetangera, Evatt, Miles Franklin, Giralang, Florey, Mt Rogers and Latham

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 by 14 April 2023. Thank you for your agreeing to an extension of processing time. Your flexibility and consideration are greatly appreciated.

Decision on access

Searches were completed and three records were identified that fall within the scope of your request. The records are excerpts of data held by the Directorate.

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, I have decided to grant partial access to all records.

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 Schedules 2;
- the content of the records that fall within the scope of your request;
- the *Human Rights Act 2004*; and
- the *Information Privacy Act 2014*.

Reasons for decision

I have considered the records that are relevant to your request in accordance with the requirements of 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 taken to be contrary to the public interest to disclose

None of the records within the scope of your request contain information that is taken to be contrary to the public interest to disclose in accordance with the Act.

Information, the disclosure of which would, on balance, be contrary to the public interest

The public interest test 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 factors favouring disclosure, as listed at Schedule 2.1 of the FOI Act, are that disclosure of the information could reasonable be expected to:

- Promote open discussion of public affairs and enhance the government's accountability (Schedule 2, 2.1(a)(i));
- Contribute to positive and informed debate on important issues or matters of public interest (Schedule 2, 2.1(a)(ii); or
- Reveal the reason for a government decision and any background or contextual information that informed the decision (Schedule 2, 2.1(a)(viii))

I have decided that the applicable factor favouring non-disclosure, as listed at Schedule 2.2 of the FOI Act, is 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 2,2.2(a)(ii))

I have considered the factors favouring disclosure and the factor 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, information that could enable individuals to be identified, such as small numbers of students or incidents (less than 10), or the dates of incidents, has been deleted.

Additional information

It may assist your consideration of the records released to be aware of the following:

- Data held by the Directorate on student abscondments varies from school to school. Incidents may be recorded in the School Administration System (SAS), or reported to the School Operations team in the Education Support Office, or both.
- There may have been an inconsistent definition of abscondment applied in the different data sets. For example, in Record 1, an incident of a student leaving the school grounds for all or part of the day is considered to be an abscondment. This includes incidents where a student has left the school grounds without permission and has no intention of returning, or has exited school grounds/buildings to an adjacent area that is out of bounds, such as a car park. However, the definition of abscondment used for collation of data in Records 2 and 3 is not known.
- The most complete data set is provided for 2021 and 2022 from SAS (Record 1). Some data is provided in Record 3 dating back to 2017. No data was available prior to 2017 because past systems did not capture abscondment data in a retrievable form.
- Information provided in Record 2 indicates that there were 49 incidents of students absconding from Aranda Primary School in the period 2019 to April 2023, and 11 individual students were involved.
- The number of incidents and number of individual students is disclosed where this is 10 or more, and where the data is aggregated or not very recent.
- Across all data sets,
 - some incidents involved more than one student, and
 - some students were involved in more than one incident.

Charges

As the number of pages released is less than the threshold of 50 specified in the FOI Act, processing charges do not apply to the processing of 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. Information about your request, my decision and records released to you in response to your access application will be published in the Directorate's disclosure log between three and 10 working days after the 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.

Review of decision

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

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, please contact the Directorate's FOI team on 02 6205 0720 or email EducationFOI@act.gov.au.

Yours sincerely



Paula Murray
Information Officer

25 May 2023