

File Ref: [REDACTED]

[REDACTED]

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 Act), received by the Education Directorate (the Directorate) on 20 November 2018, in which you sought access to documents relating to:

*Final briefing notes and documents prepared for the 2017/2018 Annual Reports hearings.*

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.

The Education Directorate was required to provide a decision on your access application by 18 December 2018.

**Decision on access**

Searches were completed for relevant documents and 66 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 that falls within the scope of your request and the access decision for each of those documents.

I have decided to grant access to the documents relevant to your request as follows:

- full access to 57 documents;
- partial access to five documents with deletions applied; and
- not release four documents.

For documents where access is refused or partially provided, I have decided that, in accordance with Schedule 1 of the FOI Act, they contain information that I consider to be contrary to the public interest to disclose, or would, on balance, be contrary to the public interest to disclose under the test set out in section 17 of the Act. Access is partially provided to these documents under section 50 of the Act.

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 17 and 50, and schedules 1 and 2;
- the content of the documents that fall within the scope of your request; and
- the *Human Rights Act 2004*.

### **Reasons for decision**

I have decided to not release one document in accordance with Schedule 1, 1.6 of the Act because it contains information that has been submitted to Cabinet for its consideration and that was brought into existence for that purpose. Therefore, it is taken to be contrary to the public interest to disclose this document.

Three of the documents are not released in accordance with Section 45(a) of the Act as these documents are publicly available.

In making my decision in relation to all other documents I have applied the public interest test that is set out in section 17 of the Act. I have decided that the factors favouring disclosure, as listed at Schedule 2.1 of the Act, are that disclosure of the information could reasonably be expected to:

- inform the community of the government's operations, including the policies, guidelines and codes of conduct followed by the government in its dealings with members of the community (Schedule 2.1(a)(iii));
- allow or assist inquiry into possible deficiencies in the conduct of administration of an agency or public official (Schedule 2.1(a)(v)); and
- 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 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.

The documents that have deletions applied contain information relating to third parties or could lead to the identification of individuals. I have concluded that the individual's right to privacy has a higher standing of public interest not to disclose, than the public interest in disclosing this information.

#### **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 documents 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 a 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](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 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)

#### **ACT Civil and Administrative Tribunal (ACAT) review**

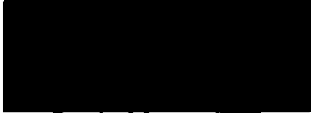
Under section 84 of the Act, if a decision is made under section 82(1) on an Ombudsman review, you may apply to the ACAT for review of the Ombudsman decision. Further information may be obtained from the ACAT at:

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 the Directorate's FOI Coordinator on 02 6205 0720 or email [EDULegalLiaison@act.gov.au](mailto:EDULegalLiaison@act.gov.au).

Yours sincerely



Paula Murray  
Information Officer

18 December 2018