

File Ref: [REDACTED]

[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 4 July 2018, in which you sought access to documents relating to the high school enrolment [REDACTED]

Specifically, you are seeking:

- 1. Criteria used to assess student applications for high school placements and to allocate a high school place in the ACT.*
- 2. How criteria in point 1 should be applied in case of each student during assessment and allocation of a high school place.*
- 3. What information the team/section or department have available or access to regarding each primary school student when student application is assessed to allocate a high school placement.*

[REDACTED]

- 5. Number of high school places available at Canberra High School, Belconnen High School, Lyneham High School and Kingsford Smith School at the time that assessment and allocation of a high school place for [REDACTED] was made*

[REDACTED]

7. Statistical information available to the ACT Education Directorate regarding incidents of bullying/harassment and any other factors or other types of incidents in each high school stated in point 5.

8. Number of non-priority enrolment area students offered high school places in schools listed in point 5 who are not ACT-resident siblings of existing students.

9. Number of high school placements available and filled during 2017 and 2018 in schools listed in point 5.

10. ACT Education Directorate's projected high school placements for schools in point 5 for 2019 and 2020.

11. Number of students issued with reasons in writing for not getting a high placement at a school of their choice. If none of these applicants have been given any reason/s, please simply state so.

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 1 August 2018. Thank you for agreeing to the extension to 15 August 2018.

Decision on access

Searches were completed for relevant documents and 19 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.

For some parts of your request the Directorate does not hold any relevant documents. You should be aware that access applications made under the FOI Act can only be used to seek access to documents in existence that are held by a government agency. The FOI Act cannot be used as a means of creating a new document to satisfy an applicant's request. As a courtesy, I have included at Attachment B a reconciliation of your request and the availability of documents that address your specific points.

Documents identified as relevant to your request contain information that I consider to be information that would, on balance, be contrary to the public interest to disclose under the test set out in section 17 of the Act.

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

- full access to 10 documents
- partial access to 9 documents with deletions applied

For documents where access is refused or partially provided, I have decided that they contain information that I consider 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.

In addition, some of the documents contain information that is outside of the scope of your request and this information has been redacted. These documents are identified on the Schedule.

My access decisions are detailed further in the following statement of reasons.

The documents released to you are provided as Attachment C to this letter.

One of the documents released is technically outside of the scope of your request, as it was compiled after the date of your request; however, I have decided to provide this to you because it specifically addresses part of your request. I am referring to Document 19 which relates to point 10.

Material considered (if documents are redacted or access refused)

In reaching my access decision, I have taken the following into account:

- the FOI Act, particularly sections 17 and 50, and schedule 2 [include others as needed];
- the content of the documents that fall within the scope of your request;
- the *Human Rights Act 2004*

Reasons for decision

Five documents contain information relating to third parties that were referred to in documents that also referred to [REDACTED] or were relevant to other points from your request.

In making my decision in relation to these documents I have decided that the factors favouring disclosure, as listed at Schedule 2.1 of the Act, are as per Schedule 2.1(b)(ii), that the information is personal information of a child and the information is to be given to the child's parent or guardian and the disclosure of the information to the child's parent or guardian is reasonably considered to be in the best interests of the child.

I have decided that the applicable factors favouring non-disclosure, as listed at Schedule 2.2 of the Act, are as per Schedule 2.2(a)(ii), that the information would prejudice the protection of an individual's right to privacy or any other right under the *Human Rights Act 2004*.

I have considered the factors favouring disclosure and the factors favouring non-disclosure.

I have concluded that for these matters the individuals' right to privacy has a higher standing of public interest not to disclose, than the public interest in disclosing this information.

In making my decision, I considered undertaking third party consultation about the possible disclosure of information that would identify individuals. I decided that the complexities involved in undertaking such consultation due to the need to protect the privacy of others, including [REDACTED] would make this unwieldy and unlikely to result in a different outcome from the way the documents are being released to you.

Charges

Processing charges are not applicable for this request because most of the information you have requested is personal and relates to [REDACTED] and the non-personal information that you have requested does not exceed the threshold of 50 pages.

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. Personal information [REDACTED] 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.

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

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.

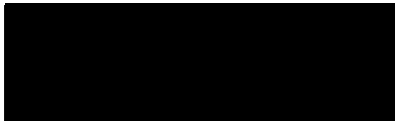
Further information may be obtained from the ACAT at:

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.

Yours sincerely



Margaret Stewart
Information Officer

9 August 2018