



ACT
Government

Education and Training

File Ref: 2015/00625



Dear 

I refer to your email received by the Directorate on 16 January 2015, in which you sought a review of a decision concerning access to documents under the ACT *Freedom of Information Act 1989* (the FOI Act).

Your initial request

In your original application, dated 14 November 2014, you sought access to copies of:

- a. correspondence between Turner Primary School and the ACT Education and Training Directorate
- b. correspondence between Turner Primary School and the ACT Minister for Education and Training
- c. notes of meetings
- d. file notes
- e. Directorate briefs (both internal briefs and briefs to the Minister for Education and Training), and
- f. records of phone conversations

where these documents included comment on fencing, containment or safety at Turner Primary School and were written after January 2012.

Request for internal review

You are seeking an internal review to determine if the documents provided to you in the initial response include all relevant documents with comment on safety, inclusive of occupational safety.

Internal review response

I am an officer authorised to make a decision under section 59 of the Act in relation to your request for internal review.

Although the FOI Act provides a right of access to documents in existence at the time a request is received, I have decided to provide you with two documents that were created after the date of the receipt of your initial request.

A schedule setting out the documents and my decision in relation to their release is at Attachment A, and the released documents are at Attachment B.

You will note that the documents are identified as Documents 10 and 11. Documents 1 to 9 were released in response to your initial request.

You will also note I have decided to release Document 10 to you in full and to delete information in Document 11 in accordance with section 41 of the FOI Act.

Details of section 41, together with my reasons for applying it, are set out below.

Section 41 – Documents affecting personal privacy

Section 41 of the Act relates to documents affecting personal privacy. Section 41(1) states:

A document is an exempt document if its disclosure under this Act would involve the unreasonable disclosure of personal information about any person (including a deceased person).

I have decided not to release a mobile phone number in Document 11. In my view the release of this information would be an unreasonable disclosure of personal information.

Your rights of further review

If you are not satisfied with my decision, you may seek a review in the ACT Civil and Administrative Tribunal. The Tribunal is an independent body which can affirm, change or reject the decision made by the Directorate and either substitute its own decision or send the matter back to the Directorate for reconsideration in accordance with the Tribunal's recommendations.

The contact details for the Tribunal are:

ACT Civil and Administrative Tribunal
GPO Box 370
CANBERRA CITY ACT 2601
Telephone: 6207 1740
Fax: 6205 4855.
Email: tribunal@act.gov.au

An application for a review may be made by writing to the Tribunal or by completing the *Application for Review of a Decision* form which is available on the Tribunal's website at www.acat.act.gov.au. There is a fee for lodging an appeal with the Tribunal. This fee may be remitted under certain circumstances.

You have 28 days from the date of the internal review decision to appeal to the Tribunal.

You also have the right to complain to the ACT Ombudsman about the processing of your request. If you wish to lodge a complaint you should write to:

ACT Ombudsman
GPO Box 442
CANBERRA CITY ACT 2601

The ACT Ombudsman cannot override a decision made by the Directorate.

Online publication


Please be aware that under the ACT Government's Online FOI Publication policy, information released to you under this Freedom of Information internal review request may be released on the internet.

Personal information or business affairs information will not be made available under this policy.

A copy of the policy, with details about what information may be published on the internet, is available at:

http://www.cmd.act.gov.au/open_government/report/freedom_of_information_online

Yours sincerely


Joanne Garrison
Director
Governance and Assurance
2 February 2015