



E: [REDACTED]

Dear [REDACTED]

RE: Notification of decision regarding your freedom of information request

I refer to your request received by the Education Directorate on 30 October 2017 seeking access to documents under the ACT *Freedom of Information Act 1989*, and our telephone conversation on 3 November 2017 clarifying the scope of your request.

Your request is for:

Documents held or created by the Directorate in the period 1 October 2016 to 1 October 2017 about investigations completed by the Children's Education and Care Assurance team, specifically the compliance actions given to providers from those investigations.

As this request relates to the ACT Regulatory Authority – Children's Education and Care Assurance (CECA), which is responsible under the *Education and Care Services National Law (ACT) Act 2011*, it has been processed under the Commonwealth's *Freedom of Information Act 1982* (the Cth FOI Act).

My decision

I am authorised under section 23 of the Cth FOI Act to make a decision on behalf of the Directorate in relation to your request.

The Directorate has identified 13 documents relevant to your request.

I have decided that all of the documents are to be partially released under provisions within section 47F 'documents affecting personal privacy' of the Cth FOI Act.

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

Details of the exemption provision, together with my reasons for applying it are set out below.

Section 47F: Public interest conditional exemptions documents affecting personal privacy

This section of the Cth FOI Act states in part:

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

Section 47F of the FOI Act protects personal privacy by exempting documents the disclosure of which would result in the unreasonable disclosure of personal information about any individual person, including a deceased person. I have formed the view that all personal information affecting the privacy of individuals, particularly the names of children at the childcare centres involved and their parents, as well as the names of staff members, is exempt from disclosure.

I am satisfied that it is not in the public interest to release the personal information of these individuals. Therefore this information is exempt under section 47F of the Cth FOI Act and has been redacted from all documents.

Your rights for review

My decision not to release all the information relevant to your request is subject to review under section 53A of the Cth FOI Act. It is also appealable if, in your opinion, you do not believe that all the documents relevant to your request in the possession of the Directorate have been located.

An information sheet outlining the review and appeal process provided for in the Cth FOI Act is attached to this letter.

Online FOI Publication

Section 11C of the Cth FOI Act requires that information made available to an applicant be published to members of the public generally on a website, subject to exceptions including for personal information and information relating to business affairs. The publication must occur within ten working days after the day the applicant is given access to the documents. The documents being released to you will be made available publicly.

Yours sincerely


Rodney Bray
Acting Executive Director
Business Services Division

23 February 2018

Cth Freedom of Information Act 1982: Review and Appeal Processes

Internal review

Under s 53A of the Cth FOI Act you may request a review of a decision made under the *Freedom of Information Act 1982* (Cth). Requests for review must be made in writing to the Education Directorate. Requests can be sent by mail to:

The Director-General
C/- FOI Officer,
Governance and Community Liaison Branch
ACT Education Directorate
PO Box 158
CANBERRA CITY ACT 2601

Or email: EDULegalLiaison@act.gov.au

You have **30 days** from the date you were notified of the decision to request a review. This period may be extended by the Director-General.

National Education and Care Services FOI Commissioner

If you are not satisfied after the Directorate has conducted an internal review, you may seek an independent review of the decision by the Information Commissioner: s 54L Cth FOI Act. In this instance the relevant person is the National Education and Care Services FOI Commissioner (NECS FOI Commissioner). The NECS FOI Commissioner undertakes a review and can then either affirm, vary or substitute the decision, under s 55K of the Cth FOI Act.

Commonwealth Administrative Appeals Tribunal

The Administrative Appeals Tribunal (AAT) is an independent body which undertakes independent merits review of administrative decisions made under Commonwealth laws. The AAT can affirm or vary a decision made by the Directorate, or set aside the decision and substitute its own decision. Alternatively, the AAT can send the matter back to the Directorate for reconsideration in accordance with the Tribunal's recommendations.

You can find out further information on the AAT website: <http://www.aat.gov.au/applying-for-a-review>

You can contact the AAT via telephone on 1800 228 333.

Or you can make an application online via:

<https://forms.aat.gov.au/landing.htm?formCode=app-for-review>

An appeal must be filed in the Tribunal within **28 days** after the internal review decision is made although you may seek an extension of time in certain circumstances.