



**RE: Notification of decision regarding your Freedom of Information request**

I refer to your request received by Chief Minister, Treasury and Economic Development Directorate on 29 September 2017, which was transferred on the same date to the Education Directorate for processing.

**Your request**

You have requested access under the ACT *Freedom of Information Act 1989* (the FOI Act) to:

*The 'final' version of the school canteen audit and traffic light assessment report for Telopea Park School for 2016 and 2017.*

It is noted that, if the final report was not completed as at the date of your request, then you were seeking the latest version of the draft report.

**My decision**

I am authorised under section 22 of the FOI Act to make a decision on behalf of the Directorate in relation to your request.

Two documents have been identified as falling within the scope of your request. I have decided to provide partial access to these document with redactions made for personal information in accordance with section 41 of the 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 section 41 exemption provisions, together with my reasons for applying them 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).*

Section 41 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 decided to redact personal information regarding the operator of the Telopea Park School Canteen because I am of the view that to disclose this information would be unreasonable and, in some cases, prejudice the protection of those individual's right to privacy.

Accordingly, I am satisfied that the personal information in these documents is exempt under section 41 of the FOI Act.

### **Your rights for review**

My decision not to release all the information relevant to your request is subject to review under section 59 of the 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 FOI Act is attached to this letter.

### **ACT Government Online FOI Publication**

As part of the ACT Government's commitment to open government, all written documents made available to an applicant in response to an FOI request are made available for online access by the public, subject to exceptions for personal information, information relating to business affairs, and copyright material. In this case the documents will be released publicly.

Yours sincerely



Paula Murray  
Senior Advisor  
Governance and Legal Liaison

30 October 2017

## ***Freedom of Information Act 1989: Review and Appeal Processes***

### **Internal review**

You may request a review of a decision made under the *Freedom of Information Act 1989* (ACT). 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](mailto:EDULegalLiaison@act.gov.au)

You have **28 days** from the date you were notified of the decision to request a review. This period may be extended by the Director-General.

### **ACT Civil and Administrative Tribunal**

If you are not satisfied after the Directorate has conducted an internal review, you may seek an independent review of the decision by 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 Tribunal can be contacted by fax (02 6205 4855), email ([tribunal@act.gov.au](mailto:tribunal@act.gov.au)) or by mail to:

ACT Civil and Administrative Tribunal  
DX5691  
GPO Box 370  
CANBERRA CITY ACT 2601

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.

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

### **ACT Ombudsman**

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.