

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 FOI Act), received by the Education Directorate (the Directorate) on 19 February 2026, in which you sought access to records relating to your [REDACTED] and Elements and Panthers programs at Alfred Deakin High School, specifically:

- 1. All financial records over the past five years relating to expenditure and income received (de-identified) for Elements and Panthers programs, including allocation of school funding, specifically for the programs, camps, excursions, etc.*
 - 2. All information (de-identified) for the graduating Elements students of 2025 in terms of racial or cultural identification.*
 - 3. Any de-identified information regarding indigenous students being accepted (de-identified) into the Elements program in 2024 and 2025.*
- [REDACTED]

I am an Information Officer appointed by the Director-General under section 18 of the FOI Act to deal with access applications made under Part 5 of the FOI Act.

In accordance with section 40 of the FOI Act, the Directorate was required to provide a decision on your access application within 30 working days of receipt, being 19 February 2026.

On 13 January 2026, the Directorate sought an extension of time under the FOI Act due to its inability to obtain records relevant to the scope of your application during the school holiday period, when key staff were unavailable. You did not agree to the extension. In accordance with section 42 of the Act, the Directorate subsequently applied to the ACT Ombudsman for an extension of time to decide the application. The Ombudsman approved this application, extending the decision-due date to 6 March 2026.

Decision on access

Searches were completed for relevant records, and 74 records were identified as falling within the scope of your request.

Attachment A to this decision contains a schedule of the records identified as relevant, including a description of each record and the access decision applied.

In summary, my decision is:

- full access to 67 records,
- partial access to 6 records with deletions applied, and

Some of the records include information that meets the definitions of *personal health information* and *health records* under the *Health Records (Privacy and Access) Act 1997* (Health Records Act). The Health Records Act recognises that consumers have a right to access health-related information held by government agencies. Rather than requiring you to lodge a separate request under that Act, I have determined access to this material as part of your FOI application. Records such as medical certificates relating to your daughter have been released to you in accordance with section 10 of the Health Records Act.

The records released to you are provided at Attachment B.

My decisions are explained 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 16, 17, 35 and 50, and schedules 1 and 2
- the content of the records that fall within the scope of your request,
- the *Human Rights Act 2004*,
- the *Information Privacy Act 2014*,
- the *Health Records (Privacy and Access) Act 1997*,

Reasons for decision

I have considered the records that are relevant to your request in accordance with the requirements of the FOI Act.

Records considered under the FOI Act

Section 6(a) of the FOI Act provides that access must be given to government information unless, on balance, disclosure would be contrary to the public interest. Information contrary to the public interest includes information taken to be contrary under Schedule 1, or information that would, on balance, be contrary to the public interest under section 17.

Section 50 allows for partial release of records with deletions where contrary-to-the-public-interest information can be removed.

Information taken to be contrary to the public interest to disclose

None of the records contain information that is taken to be contrary to the public interest to disclose under Schedule 1.

Information where a public interest test is required

I identified the following factors favouring disclosure under Schedule 2.1 of the FOI Act:

- the information is personal information about your child and relates to their best interests (Schedule 2, s 2.1(b)(ii)).

Whilst the right of access to personal information is appropriate and enshrined in a number of legislative instruments, it is not absolute and must be considered alongside other issues. Therefore, I give strong weight to this as a factor favouring disclosure.

I also identified a factor favouring non-disclosure under Schedule 2.2:

- disclosure could reasonably be expected to prejudice the protection of the privacy or other rights of individuals (Schedule 2, s 2.2(a)(ii)).

This relates to the names and personal details of other students. I give significant weight to this factor.

The consideration of the right to privacy of individuals and their right to have their personal information protected activates provisions of the *Human Rights Act 2004* and the *Information Privacy Act 2014*. Section 12(a) of the Human Rights Act provides that everyone has the right ‘*not to have his or her privacy, family, home or correspondence interfered with unlawfully or arbitrarily*’. Ombudsman review decisions addressing this matter have stated that this “can essentially be viewed as the right of an individual to preserve their personal sphere from interference by others.” In addition, the Territory Privacy Principles contained in the *Information Privacy Act 2014*, set out the expectation that, in ordinary circumstances, individuals are required to give consent before their personal information, which includes information that could lead to them being identified, is disclosed. Given the sensitivity of student-related information, the age of the individuals, and the school setting, I find the privacy factor carries particularly high weight. Protecting the personal information of other students and their families is a matter of substantial public importance.

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

As the factor favouring non-disclosure has been given significant weight and the factor favouring disclosure has strong weight, information within the records has been redacted where it has been deemed contrary to the public interest to disclose. Further, I note that

the redactions applied to third-party personal information do not affect or limit the substantive information you requested.

Charges

Processing charges are not applicable for this request because the subject is of interest to members of the community.

Online publishing – disclosure log

Under section 28 of the FOI Act, the Directorate maintains an online record of access applications called a disclosure log. As your request sought your child's personal information, section 28(6) of the FOI Act provides that your access application will not be published in the Directorate's disclosure log.

Review of decision

FOI Act - Ombudsman review

My decision on your access request is a reviewable decision as identified in Schedule 3 of the FOI Act. You have the right to seek Ombudsman review of this outcome under section 73 of the FOI Act within 20 working days from the day my decision is provided to you, 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

FOI Act - ACT Civil and Administrative Tribunal (ACAT) review

Under section 84 of the FOI 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
Allara House, 15 Constitution Ave
GPO Box 370
Canberra City ACT 2601

Telephone: (02) 6207 1740
<http://www.acat.act.gov.au/>

Health Records Act

The ACT Human Rights Commission handles complaints about access to and integrity of health records in the ACT under the Health Records Act. Further information is available on the Commission's website at <https://hrc.act.gov.au/health/>

If you have any questions concerning the Directorate's processing of your request, please contact the Directorate's FOI team on 02 6205 0720 or email EducationFOI@act.gov.au.

Yours sincerely



Lisa Guteridge
Information Officer

5 March 2026