

[Redacted]

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 3 December 2025, in which you sought access to:

The following documents which detail:

- 1. Correspondence within the Education Directorate, between the Education Directorate and other directorates, and between the Education Directorate and the Minister for Education's office regarding community clubs and the Corporate Sponsorship Policy dated from 2024 to the present.*
- 2. Correspondence between the Education Directorate and any external stakeholders about the Corporate Sponsorship Policy and community clubs from 2024 until the present.*
- 3. Correspondence between the Education Directorate and any external stakeholders about school sponsorships and the potential ban on companies who are primarily in the business of gambling from 2024 until the present.*
- 4. Any briefings provided to the Minister for Education with respect to the inclusion of gambling companies in the school sponsorship ban from 2024 until present.*

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 21 January 2026. On 20 January 2026 you were advised that third party consultation was required on some records and the decision due date was revised to 11 February 2026. Your office confirmed your understanding of the extension of the due date.

Decision on access

Searches were completed for relevant records, and 25 records were identified that fall within the scope of your request.

I have included as Attachment A to this decision the schedule of relevant records. This provides a description of each record that falls within the scope of your request and the access decision for each of those records.

In summary, my decision is:

- full access to 10 records,
- partial access to 14 records with deletions applied, and
- non release of one record.

The records released to you are provided as Attachment B to this letter.

My access decisions are detailed 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 views of third parties consulted,
- the *Information Privacy Act 2014*,
- the FOI Guidelines issued under section 66 of the FOI Act by the Ombudsman.

Reasons for decision

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

Section 6(a) of the FOI Act provides for a right of access to government information unless access would, on balance, be contrary to the public interest. Contrary to the public interest information is defined at section 16 of the FOI Act as information that is taken to be contrary to the public interest to disclose under Schedule 1; or the disclosure of which would, on balance, be contrary to the public interest under the test set out in section 17.

Section 50 of the FOI Act provides for records to be partially released with deletions applied where they contain contrary to the public interest information that can be removed, which enables the remainder of the record to be released. This provision has been applied where appropriate.

Refusing to deal with part of the application

Section 43 of the FOI Act provides for the processing of an access request to be refused wholly or in part if the information sought is already available to the applicant (s43(1)(d)). Information that is publicly available is considered to be already available to the applicant in accordance with section 45(1)(d) of the FOI Act. Consequently, access has been refused

to information that is publicly available. The schedule of records at Attachment A sets out where this been applied.

Information taken to be contrary to the public interest to disclose

One of the records contains information that is considered as taken to be contrary to the public interest to disclose under Schedule 1 of the FOI Act.

Schedule 1, 1.6 specifies that information that has been submitted, or that a Minister proposes to submit, to Cabinet for its consideration is taken to be contrary to the public interest to disclose. The information concerned is information submitted to Cabinet and meets the test under schedule 1, 1.6. Therefore, it is not released.

Information, the disclosure of which would, on balance, be contrary to the public interest

The public interest test requires the identification of factors favouring disclosure and non-disclosure, the balancing of those factors, and a decision whether, on balance, disclosure of the information would be contrary to the public interest.

I have decided that the factors favouring disclosure, as listed at Schedule 2.1 of the FOI Act, are that disclosure of the information could reasonably be expected to:

- *promote open discussion of public affairs and enhance the government's accountability (Schedule 2, 2.1(a)(i))*
- *contribute to positive and informed debate on important issues or matters of public interest (Schedule 2, 2.1(a)(ii))*

These factors are relevant because decisions relating to ACT public schools are important to a large part of the community. In addition, some members of the community have concerns about corporate sponsorships that have affiliations with and promote gambling. Therefore, I give strong weight to the factors favouring disclosure.

I have decided that the applicable factors favouring non-disclosure, as listed at Schedule 2.2 of the FOI Act, are that disclosure of the information could reasonably be expected to prejudice the protection of an individual's right to privacy or any other right under the *Human Rights Act 2004* (Schedule 2, 2.2(a)(ii))

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. Consequently, I have decided that the right to privacy of

individuals in relation to their personal information as a factor favouring non-disclosure has significant weight.

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

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

In addition, information that is outside of the scope of your request has been deleted.

Charges

Processing charges are not applicable for this request in accordance with section [REDACTED] of the FOI Act.

Online publishing – disclosure log

Under section 28 of the FOI Act, the Directorate maintains an online record of access applications called a disclosure log. Information about your request, my decision and records 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. Your personal information will not be published.

You may view the Directorate's disclosure log at www.act.gov.au/open/foi-disclosure-logs/education-foi-disclosure-logs.

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/>

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



Paula Murray
Information Officer

11 February 2026