

[REDACTED]

By email: [REDACTED]

Dear [REDACTED]

DECISION ON YOUR ACCESS APPLICATION

I refer to your access application made under the *Freedom of Information Act 2016 (FOI Act)* received by the Canberra Institute of Technology (CIT) on 28 August 2020.

As per our conversations on 7 and 8 September 2020 you revised the scope for this application (to that which you originally provided by email on 28 August 2020) to:

"I am seeking documents under the Freedom of Information Act 2016 from CIT in relation to its ongoing transformation activities.

Specifically, I am seeking:

- 1. All internal and externally conducted staff surveys, including qualitative feedback or comments, from June 2016 to date,*
- 2. All reporting about the CIT Strategic Compass including the Evolving Together Project, held in:*
 - the CIT Strategic Compass Reporting Dashboard (2017); and*
 - the CIT Strategic Compass Quarterly Board Reports (2018-19).*
- 3. All reports or presentations given to the CIT board from June 2016 to date that include references to activities conducted by [REDACTED]*
- 4. All communications between executive members in regards to re-negotiations of contracts awarded to [REDACTED] or requests to re-negotiate those contracts, from Jan 1 2018 to date."*

Authority

I am the CIT Information Officer appointed to make decisions about access to government information, in accordance with section 18 of the FOI Act.

Decision

I have identified 151 documents containing information within the scope of your access application. These are outlined in the attached *Schedule of documents (Attachment A)*.

I have decided to:

- grant full access to 67 documents
- grant part access to 41 documents
- not release 43 documents.

My reasons for this decision are outlined in the attached *Reasons for decision*.

Disclosure log

Please note that section 28 of the FOI Act requires publication of access applications and any information subsequently released on CIT's disclosure log at:

https://cit.edu.au/about/freedom_of_information/disclosure_log.

This means that if access to the information is granted, it will also be made publicly available on our website, unless the access application is an application for your personal, business, commercial, financial or professional information.

CIT acknowledges and agrees to your request made as part of your application for a "*five-day waiting period before provision of the information I've sought is published on any disclosure log*" after the day the decision notice is given to you as the applicant.

Review rights

You may apply to the ACT Ombudsman to review my decision under section 73 of the FOI Act.

An application for review must be made in writing within 20 days of my decision being published in the disclosure log on 29 October 2020.

You may submit a request for review of my decision to the ACT Ombudsman by writing in one of the following ways:

Email (preferred): actfoi@ombudsman.gov.au

Post: The ACT Ombudsman
GPO Box 442
CANBERRA ACT 2601

More information about ACT Ombudsman review is available on the ACT Ombudsman website at:
<http://www.ombudsman.act.gov.au/improving-the-act/freedom-of-information>.

Yours sincerely



Alice Clements
A/g Executive Director, Corporate Services &
Information Officer

19 October 2020

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Reasons for decision

What you requested:

"I am seeking documents under the Freedom of Information Act 2016 from CIT in relation to its ongoing transformation activities.

Specifically, I am seeking:

- 1. All internal and externally conducted staff surveys, including qualitative feedback or comments, from June 2016 to date,*
- 2. All reporting about the CIT Strategic Compass including the Evolving Together Project, held in:*
 - the CIT Strategic Compass Reporting Dashboard (2017); and*
 - the CIT Strategic Compass Quarterly Board Reports (2018-19).*
- 3. All reports or presentations given to the CIT board from June 2016 to date that include references to activities conducted by [REDACTED]*
- 4. All communications between executive members in regards to re-negotiations of contracts awarded to [REDACTED] or requests to re-negotiate those contracts, from Jan 1 2018 to date."*

What I took into account:

In reaching my decision, I took into account:

- your original access application dated 28 August 2020
- the documents containing the information that fall within the scope of your access application
- consultation with third parties about information concerning them
- advice provided by the ACT Government Solicitor
- consultations with agency officers about:
 - the nature of the documents
 - the agency's operating environment and functions
- the FOI Act
- the ACT Ombudsman FOI Guidelines.

Reasons for my decision

I am authorised to make decisions under section 18 of the FOI Act.

I have decided that some documents or parts of documents that contain the information you requested contain information that is taken to be contrary to the public interest to disclose under Schedule 2 of the FOI Act.

My reasons are discussed below.

I have applied Section 2.2 (a)(ii) of the FOI Act to all documents. Section 2.2 (a)(ii) prescribes a factor favouring non-disclosure when disclosure of information could reasonably be expected to prejudice the protection of an individual's right to privacy or any other right under *Human Rights Act 2004*. This factor was applied to the personal information of individuals which falls within the scope of points 1, 2, 3 and 4 of your request but who are external to CIT, or who are CIT staff but are referenced outside of their normal day to day role and duties (such as a CIT staff member's survey response information that may potentially enable an individual to be identified). As such, this information has been redacted from the response information provided and results in partial access to those documents.

I have applied Schedule 2.2 (a)(xi) to all documents. Schedule 2.2 (a)(xi) prescribes a factor for non-disclosure on the basis that release of the information may prejudice trade secrets, business affairs or research of an agency or person. Schedule 2.2 (a)(xiii) has also been applied to all documents. Schedule 2.2 (a)(xiii) prescribes a factor for non-disclosure where the release of such information may prejudice the competitive commercial activities of an agency. In the context of this FOI application these factors were specifically applied to the contractual information sought under points 3 and 4 of your request from both CIT, [REDACTED] perspectives.

I have applied Schedule 2.2 (a)(xii) regarding prejudice to an agency's ability to obtain confidential information and specifically applied this factor to the information relating to point 1 of your request with respect to all confidential individual staff survey free text response information.

I am satisfied that the application of Schedule 2.2 (a)(xi), and Schedule 2.2 (a)(xii) as described above outweigh any factors favouring disclosure under Schedule 2.1 (a)(iv) regarding effective oversight of expenditure of public funds and Schedule 2.1 (a)(vi) to reveal or substantiate that an agency or public official has engaged in misconduct or negligent, improper or unlawful conduct or has acted maliciously or in bad faith.

Summary of my decision

In conclusion, I have decided to:

- grant full access to 67 documents
- grant part access to 41 documents
- not release 43 documents.