

[REDACTED]

By email: [REDACTED]

Our reference: CIT2021-001

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 21 July 2021.

You revised the scope for your application by email to CIT on 30 July 2021 to:

"I am requesting information held by CIT:

- 1. relating to communications between CIT, CIT Solutions, Ministers Steel's office, the ACT Legislative Assembly and [REDACTED] with respect to the basic car maintenance workshop and MIG & TIG Welding class and beginners crochet class, or any other enrolments and contact with CIT and CIT Solutions, between 14 January 2021 until 30 July 2021. Including any counselling or complaint information provided or received during this time.*
- 2. relating to communications between CIT Student Support, CIT Human Resources and myself in relation to a request for [REDACTED] and any advice of the timeframes involved between 14 January 2021 until 30 July 2021."*

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 59 documents containing information within the scope of your access application which are enclosed as **Attachment A**. These documents are outlined in the *Schedule of Documents* which is enclosed as **Attachment B**.

I have decided to:

- grant full access to 24 documents
- grant part access to 35 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. As the information concerned with your application relates to your personal complaint, only a copy of this decision letter which is redacted of your personal information and that of others will be published on CIT's disclosure log.

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 13 September 2021.

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

Cheryl Steff  Digitally signed by
Cheryl Steff
Date: 2021.09.07
13:12:25 +10'00'

Cheryl Steff
A/g Executive Director, Corporate Services &
Information Officer

September 2021

Reasons for decision

What you requested:

"I am requesting information held by CIT:

- 1. relating to communications between CIT, CIT Solutions, Ministers Steel's office, the ACT Legislative Assembly and [REDACTED] with respect to the basic car maintenance workshop and MIG & TIG Welding class and beginners crochet class, or any other enrolments and contact with CIT and CIT Solutions, between 14 January 2021 until 30 July 2021. Including any counselling or complaint information provided or received during this time.*
- 2. relating to communications between CIT Student Support, CIT Human Resources and myself in relation to a request for [REDACTED] and any advice of the timeframes involved between 14 January 2021 until 30 July 2021."*

What I took into account:

In reaching my decision, I took into account:

- your original access application dated 21 July 2021 with your revised scope provided on 30 July 2021.
- the documents containing the information that fall within the scope of your access application
- consultation with third parties about information concerning them
- CIT'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 all of the documents provided contain information which is taken to be in favour of disclosure under Section 2.1 (b)(i) of the FOI Act.

I have also decided that some parts of the documents provided contain information which is taken to be contrary to the public interest to disclose under Section 2.2 (a)(ii) of the FOI Act.

My reasons are discussed below.

I have applied Section 2.1 (b)(i) which prescribes a factor in favour of disclosure across all of the documents provided. Section 2.1 (b)(i) provides that it is the public interest to disclose information where the information is the personal information of the person making the request. This information has therefore been provided to you in full.

I have also applied Section 2.2 (a)(ii) of the FOI Act to all documents as detailed on the attached Schedule. 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 the *Human Rights Act 2004*. This factor was applied to the personal information of individuals which falls within the scope of your request, and which is also the personal information of third party staff who are not ACT government employees. As such, only this information has been redacted from the response information provided and results in partial access to those documents.

I have considered the application of Schedule 2.2 (b)(v) of the FOI Act which is a factor favouring non-disclosure where the information is about unsubstantiated allegations of misconduct or unlawful, negligent or improper conduct and disclosure of the information could prejudice the fair treatment of an individual. In making this decision I have acknowledged that although the information pertains to such allegations, no third-party objections were made against the release of this information, and together with the application of Section 2.2 (a)(ii) in this regard, it would also be unlikely that an individual would be treated unfairly as a result of the release of this information. I have therefore decided to disclose this information to you in full on this basis.

Summary of my decision

In conclusion, I have decided to:

- grant full access to 24 documents
- grant part access to 35 documents