

Our reference: CIT FOI 2024–002

[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) to the Canberra Institute of Technology (CIT) on 14 March 2024 (copy enclosed as **Attachment A**). In your application you requested access to the following information held by the CIT:

“I would like to make an FOI request related to your Diploma of Nursing course. I specifically seek information on

- *Number of complaints made about the course in the last five years*
- *Nature of these complaints*
- *How CIT has responded to these complaints*
- *Any information relating on work that has been done to ensure assessments for this course meet the ASQA principles of assessment*
- *Any information relating to moderation activities for this course “*

Authority

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

Decision

In relation to the first three dot points of your request, while it is not usual practice for a responding agency to provide response information to a FOI application that is not in the form of an existing artefact or documents, I have chosen to extract and collate the information that relates to the first three dot points of your request and provide it to you in a table (**Attachment A1**). In making this decision, I am satisfied this will provide you with the information you requested while meeting the objectives of the Act. I have decided to fully release this information to you.

In relation to your fourth and fifth dot point of your request, I have identified 41 documents that fall within the scope of these parts of your request. I have decided to fully release 21 of these documents and partially release 20 of these documents. These documents are enclosed as **Attachment A2** and

Attachment A3 respectively. A schedule of all information and documents provided is also included as **Attachment B**.

Statement of Reasons

In reaching my decision, I have taken the following into account:

- Your original access application.
- The FOI Act.
- The ACT Ombudsman FOI Guidelines.

The FOI Act has a presumption in favour of disclosure. As a decision maker I am required to decide where, on balance, public interest lies. As part of this process, I must consider factors favouring disclosure and non-disclosure.

Section 17(1) of the FOI Act sets out the test, to be applied to determine whether disclosure of information would be contrary to the public interest. These factors are found in subsection 17(2) and Schedule 2 of the FOI Act. Taking into consideration the information contained in the documents found to be within the scope of your request, I have identified that the following public interest factors are relevant to determine if release of the information contained within these documents is within the 'public interest'.

Factors favouring disclosure:

I consider that the following factors favouring disclosure apply in relation to these documents.

- promote open discussion and accountability (section 2.1 (a)(i));
- contribute to positive and informed debate (section 2.1(a)(ii)); and
- oversight of expenditure of public funds (section 2.1(a)(iv)).

I consider that the information sought would on balance support the factors favouring disclosure described above noting CIT's role as an ACT Government funded public provider of education to the community.

Factors favouring non-disclosure

I consider that the following factors favouring non-disclosure apply in relation to these documents.

- Prejudice the protection of an individual's right to privacy or any other right under the Human rights Act 2004 (section 2.2 (a)(ii)).

Although I have fully released the personal details of CIT staff members in their official capacities within the response information, I have decided not to release the personal details of individuals who are not CIT staff as release of this information would unreasonably prejudice their rights to privacy under the *Information Privacy Act 2014*. This includes the names of individuals who work outside of the CIT. Accordingly, this information has been redacted within the response information.

Consideration of factors

Taking into account the factors favouring disclosure and factors favouring non-disclosure and having undertaken the test under section 17 of the Act I have decided to fully release 21 of these documents and partially release 20 of these documents to you.

Charges

You have not been charged for this request.

Disclosure log

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 request will be published within 10 days from the date of decision. Your personal information will not be published.

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.

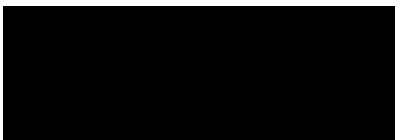
You may submit a request for review of my decision to the ACT Ombudsman by writing in one of the following ways:

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



Meghan Oldfield
Executive Director, Corporate Services &
CIT Information Officer
30 April 2024