


By email: 

Dear 

REVISED 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 my letter provided to you on 21 December 2020, I have now reviewed CIT's previous decision with a view to provide you with less redacted information in consideration of CIT's previous decision.

Your revised scope of application (to that which you originally provided by email on 28 August 2020) was:

"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:
- 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  or  team,*
- 4. All communications between executive members in regards to re-negotiations of contracts awarded to  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 *Revised Schedule of Documents (Attachment A)*. Please note I am providing the related documents to you electronically by email in four parts due to email size limitations.

I have decided to:

- grant full access to 87 documents
- grant part access to 64 documents
- not release 0 documents.

My reasons for this decision are outlined in the enclosed *Reasons for Revised 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 at our website, unless the access application is an application for your personal, business, commercial, financial or professional information.

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 on CIT's disclosure log on 4 February 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



Andrew Whale
Executive Director, Education and Training Services &
Information Officer

22 January 2021

Reasons for Revised 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:*
 - 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] or [REDACTED] team,*
- 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 revising my decision, I took into account:

- your original access application dated 28 August 2020
- the documents containing the redacted information that were previously provided to you
- additional consultation with third parties about information concerning them
- additional advice provided by the ACT Government Solicitor
- the FOI Act
- the less redacted information provided to the ACT Ombudsman as part of the review of CIT's previous decision
- ACT Ombudsman FOI Guidelines

Reasons for my revised decision

My revised decision has been made with a view to provide you with less redacted information in consideration of CIT's previous decision and the ACT Ombudsman's previous review. Although 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 revised decision has resulted in more information being released to you whilst still considering the factors 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 also 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. 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] [REDACTED] business perspectives. I have balanced this factor against Schedule 2.1; *to favour disclosure to ensure effective oversight of expenditure of public funds* and Schedule 2.1 (viii); *to reveal the reason for a government decision and any background or contextual information that informed the decision*. My decision is to favour disclosure of this information to the fullest extent possible whilst still considering any other factors that apply. For example, headings contained in relevant documents containing trade secrets and business affairs have been released, but the underlying text (that does not fall within the intent of the request) has not been released.

For example, documents 90, 96 and 97 in the schedule are documents provided by [REDACTED] to the CIT Board. These documents contain Intellectual Property and therefore have only partly been released. I have released each of the headings in the document but not the detailed text to help give you greater context. If you would like to understand more of the text in these documents, I am happy to discuss them further with you.

In relation to free text staff survey response information that was obtained confidentially, I have applied Schedule 2.2 (a)(xii); *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. However high level, summary survey response information that is not identifiable to staff has been released.