

2020

**THE LEGISLATIVE ASSEMBLY FOR THE
AUSTRALIAN CAPITAL TERRITORY**

**Education Directorate Notice provided to the Ombudsman under section 39 of the
Freedom of Information Act 2016**

**Presented by
Yvette Berry MLA
Minister for Education and Youth Affairs
December 2020**



File Ref: EDU20/1418

The ACT Ombudsman
GPO Box 442
CANBERRA ACT 2601

Email: actfoi@ombudsman.gov.au

Dear Ombudsman

FREEDOM OF INFORMATION - ACCESS APPLICATION – NOTICE OF DECISION NOT MADE IN TIME

On 3 September 2020, the Education Directorate received an access application made under the *Freedom of Information Act 2016* (the Act) from a member of the public seeking:

All documents held by a named school including teachers and other staff containing any information or reference to the applicant or the applicant's child, including information held in any systems or notes of both an informal or formal manner.

I am writing to notify you that a decision on this access application was not made within the statutory processing period. This was because the Directorate was concurrently processing a number of voluminous and complex FOI requests that were received prior to the applicant's access application. The processing of the other requests was well-advanced and the other applicants had already agreed to extensions of processing time.

The decision for the applicant's request was due to be provided on 2 October 2020. Rather than suspending processing of the other requests or attempting to seek further extensions from those applicants, an extension of nine working days was sought from the applicant under section 41 of the Act. This was not agreed by the applicant and they advised that they wanted the documents before the start of Term 4 (12 October).

A revised extension date to 9 October (four working days) was proposed by the Directorate but was also not agreed by the applicant. On 29 September, the Directorate submitted a request for extension to 9 October to you under section 42 of the Act.

On 1 October your office advised that they had also tried to negotiate with the applicant on the Directorate's behalf without success. On 2 October advice was received from your office that the requested extension was not granted.

Despite the time to decide having expired, the Directorate continued to deal with the access application and a decision was made on 9 October. The decision and documents released were sent via registered post to the applicant on that day. There has been no further contact or correspondence with the applicant since then.

The Minister for Education and Youth Affairs will table this notice in the Legislative Assembly within three sitting days in accordance with section 39(4) of the Act.

Please contact the Directorate's FOI team at EducationFOI@act.gov.au if you have any queries in relation to this matter.

Yours sincerely

A handwritten signature in black ink that reads "Katy Haire". The signature is written in a cursive style with a period at the end.

Katy Haire
Director-General
24 November 2020