



Australian
National
University

22 June 2019

A and U

Via email: foi+request-5439-7ef491d4@righttoknow.org.au

David Brumby
FOI Coordinator
University Records
The Australian National University
Canberra ACT 2601

foi@anu.edu.au

CRICOS Provider No. 00120C

Dear A and U

Freedom of Information Request 201900024 – Access Decision

On 23 May 2019, The Australian National University accepted your request for access to documents under the *Freedom of Information Act 1982* (the FOI Act).

1. Scope of Request

The University has taken your request for access to documents to be:

A record(s) and/or list(s) of academic scores/results (e.g. weighted average means, GPAs) of the candidates awarded Commonwealth Supported Placement scholarships by ANU for its 2019 semester 1 intake for ANU's Master of Computing course.

The purpose of this letter is to provide you with a decision on your request for access under the FOI Act.

2. Authority to Make Decision

I am an officer authorised under section 23 of the FOI Act to make decisions in respect of requests to access documents or to amend or annotate records.

3. Relevant Material

In reaching my decision I referred to the following:

- The terms of your request.
- Documents relevant to the request.
- Advice from University staff with responsibility for matters relating to the documents to which you sought access.
- The FOI Act.
- Guidelines published by the Office of the Information Commissioner under section 93A of the FOI Act (the FOI Guidelines).

4. Decision

As the Freedom of Information (FOI) delegate I find that:

- a search was conducted of the records of the University for documents within the scope of your request and 1 document was located that relate to your request.

The decision in relation to the documents in the possession of the University which fall within the scope of your request is as follows:

- 1 document is partially released with deletions under Sections 22 (irrelevant material) and 47F (personal privacy) of the FOI Act.

My findings of fact and reasons for deciding that an exemption provision applies to the relevant information are set out below.

4.1 Section 22C of the FOI Act – Irrelevant to request

Section 22 of the Act applies if:

(a) an agency or Minister decides:

- (i) to refuse to give access to an exempt document; or;*
- (ii) that to give access to a document would disclose information that would reasonably be regarded as irrelevant to the request for access: and*

(b) it is possible for the agency or Minister to prepare a copy (an edited copy) of the document, modified by deletions, ensuring that:

- (i) access to the edited copy would be required to be given under Section 11A (access to documents on request); and*
- (ii) the edited copy would not disclose any information that would reasonably be regarded as irrelevant to the request ; and*

(c) it is reasonably practicable for the agency or Minister to prepare the edited copy, having regard to:

- (i) the nature and extent of the modification; and*
- (ii) the resources available to modify the document; and*

(d) it is not apparent (from the requestor from consultation with the applicant) that the applicant would decline access to the edited copy.

I have determined that the document includes matters that are irrelevant to the request and those matters have been deleted from the document.

4.2 Section 47F of the FOI Act – Personal Privacy

Section 47F of the FOI Act provides that a document is conditionally exempt if its disclosure under the FOI Act would involve the unreasonable disclosure of personal information of any person. 'Personal information' means information or an opinion about an identified individual, or an individual who is reasonably identifiable, whether the information or opinion is true or not, and whether the information or opinion is recorded in a material form or not (see sections 4 of the FOI Act and 6 of the *Privacy Act 1988*).

I consider that disclosure of the redacted personal information in the document would disclose personal information relating to third parties. The personal information within the document would reasonably identify a person either through names, positions or descriptions of their role or employment circumstance.

The FOI Act states that, when deciding whether the disclosure of the personal information would be 'unreasonable', I must have regard to four factors set out in section 47F(2) of the FOI Act. I have therefore considered each of these factors below:

- The extent to which the information is well known;
- Whether the person to whom the information relates is known to be (or to have been) associated with the matters dealt with in the document;
- The availability of the information from publicly available resources;
- Any other matters that the agency or the Minister considers relevant.

I am satisfied that the disclosure of the information within the document would involve an unreasonable disclosure of personal information about individuals.

I have decided that the information referred to above is conditionally exempt under section 47F of the FOI Act. Access to a conditionally exempt document must generally be given unless it would be contrary to the public interest to do so. I have turned my mind to whether disclosure of the information would be contrary to the public interest, and have included my reasoning in that regard below.

4.3 The Public Interest – Section 11A of the FOI Act

As I have decided that parts of the document are conditionally exempt, I am now required to consider whether access to the conditionally exempt information would be contrary to the public interest (section 11A of the FOI Act).

A part of a document which is conditionally exempt must also meet the public interest test in section 11A(5) before an exemption may be claimed in respect of that part. In summary, the test is whether access to the conditionally exempt part of the document would be, on balance, contrary to the public interest.

In applying this test, I have noted the objects of the FOI Act and the importance of the other factors listed in section 11B(3) of the FOI Act, being whether access to the document would do any of the following:

- (a) Promote the objects of this Act (including all the matters set out in sections 3 and 3A);
- (b) Inform debate on a matter of public importance;
- (c) Promote effective oversight of public expenditure;
- (d) Allow a person to access his or her own personal information.

Having regard to the above:

- I am satisfied that access to the document would promote the objects of the FOI Act;
- I consider that the subject matter of the document does not have the character of public importance;
- I consider that an insight into public expenditure would not be provided through examination of the document;

- I am satisfied that you do not require access to the document in order to access your own personal information.

Disclosure of the document would not provide a person with sufficient information to assess the rigour or efficiencies of internal decision making processes within the University, promote scrutiny of government decision making or reveal the reasoning for a government decision. I consider these considerations as neutral.

I have also considered the factors that weigh against the release of the conditionally exempt information in the document.

- The disclosure of personal information which is conditionally exempt under section 47F of the FOI Act could reasonably be expected to prejudice the protection of those individuals' right to privacy.
- I am satisfied that you do require access to the document in order to access your own personal information. I also consider that disclosing the personal information of third parties could reasonably be expected to prejudice the protection of these individual's right to privacy.
- While you may or may not be aware of the personal information relating to some of these third parties, their information is not well known to the public generally. The document is not available from publicly accessible sources. I have had regard to the fact that disclosure of information under the FOI Act must be considered to be a disclosure to the world at large and not just to you as the applicant.
- The University is committed to complying with its obligations under the *Privacy Act 1988*, which sets out standards and obligations that regulate how the University must handle and manage personal information. It is firmly in the public interest that the University uphold the rights of individuals to their own privacy and meets its obligations under the *Privacy Act 1988*. I consider that this factor weighs heavily against disclosure of the personal information contained within the document.

I have also had regard to section 11B(4) which sets out the factors which are irrelevant to my decision, which are:

- Access to the document could result in embarrassment to the Commonwealth Government, or cause a loss of confidence in the Commonwealth Government;
- Access to the document could result in any person misinterpreting or misunderstanding the document;
- The author of the document was (or is) of high seniority in the agency to which the request for access to the document was made;
- Access to the document could result in confusion or unnecessary debate.

I have not taken into account any of those factors in this decision.

Upon balancing all of the above relevant public interest considerations, I have concluded that the disclosure of the conditionally exempt information in the document is not in the public interest and therefore exempt from disclosure under the FOI Act.

A copy of the document schedule and document released under the FOI Act are enclosed.

As the processing time for this request was nominal, no charges will be applied.

Should you wish to discuss this decision, please do not hesitate to contact me.

Yours sincerely

A handwritten signature in black ink that reads "David Brumby". The signature is written in a cursive style with a large, stylized initial "D".

David Brumby
FOI Coordinator

Your Review Rights

If you are dissatisfied with my decision, you may apply for internal review or Information Commissioner review of the decision. We encourage you to seek internal review as a first step as it may provide a more rapid resolution of your concerns

Application for Internal Review of Decision

Section 54A of the Act, gives you the right to apply for an internal review of my decision.

It must be made in writing within 30 days of receipt of this letter, no particular form is required but it is desirable to set out in the application the grounds on which you consider the decision should be reviewed.

The application should be addressed to:

Chief Operating Officer
Office of the Vice-Chancellor
Building 10
The Australian National University
Canberra ACT 2601

Or via email: chris.grange@anu.edu.au

Application for Information Commissioner Review of decision

Under section 54L of the FOI Act, you may apply to the Australian Information Commissioner to review my decision. An application must be made in writing within 60 days of the date of this letter, and be lodged in one of the following ways:

online: <https://forms.business.gov.au/aba/oaic/foi-review/>
email: enquiries@oaic.gov.au
post: GPO Box 5218, Sydney NSW 2001
in person: Level 3, 175 Pitt Street, Sydney NSW 2000

More information is available on the Office of the Australian Information Commissioner website. Go to www.oaic.gov.au/freedom-of-information/foi-reviews.