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Dear

Freedom of Information Request No. 201300785C

I refer to your request for access to documents relating to the Australian National University's Medical School Admissions for 2014 under the Freedom of Information Act 1982. I have taken your request to be:

1. Completed PBL Quantitative Observer Forms for all PBL groups.

2. Any documents containing information regarding the grading system including classes and types, related reasons, mechanics and implications, how the content of an answer or behavior accords what marks or penalties and how this all adds up, and standard comments that may be put in the Admission Outcome column of Interview Combined Result forms.

3. Any document containing information that refers to the translation of combined marks from PBL Quantitative Observer Forms to Interview Combined Result Forms.

4. Any documents containing information regarding the transfer of information from individual station results contained within Interview Records Forms and PBL Quantitative Observer Forms to Interview Combined Result Forms that shows the basis of:
   - who made the comment
   - how, why and when the information is transferred;
   - revisions to comments, marks or any other information contained; and
   - whether revisions to marks and comments is allowed or is impermissible.

5. Any documents containing information provided to Gemsas about you.

6. A sample of de-identified 5 highest scoring combined forms.

In preparing your FOI request I have conducted a search of the University's records and contacted relevant people within the University. The documents were then examined to determine whether any of them may be exempt or conditionally exempt.

I have located 9 documents that are relevant to your request. After locating the documents I have reviewed them in accordance with provisions of the Act to determine whether they may be exempt or otherwise conditionally exempt from disclosure. As the Freedom of Information delegate I find that:

- 9 documents relate to your request
- 9 documents are suitable for partial release

1 | UNIVERSITY RECORDS
o Document 1 concerns point 1 of your request
o Documents 2 - 3 concern points 2 - 4 of your request
o Documents 4 - 8 concern point 6 of your request
o Document 9 concerns point 5 of your request

These documents are summarised in the attached schedule of documents.

A. Documents to which Section 47E(b) applies.

Section 47E(b) of the Act provides that:

A document is conditionally exempt if its disclosure under this Act, would, or could reasonably be expected to, do any of the following:

(a) prejudice the attainment of the objects of particular tests, examinations or audits conducted by an agency

The documents or parts of documents identified in the schedule as exempt under this section of the Act contain information, the release of which would have a substantial adverse effect on the selection of potential students. Specifically, the information contained in these documents relates to the assessment of applicants that affect the University's ability to effectively conduct future assessments for admission to programs at the University. The release of the information could be prejudicial to the testing methods used to assess applicants for admission to the University's Medical School.

In relation to factors favouring disclosure, I believe the following are relevant:

(a) The general public interest in access to information under the Act; and

(b) The general public interest to scrutinise the operations of a government agency.

In relation to the factors against disclosure, I believe the following are relevant:

(c) the need for the University to maintain confidentiality in relation to the examination and assessment of applicants;

(d) that the release of information in relation to the assessment of applicants may have an adverse impact on the University's ability to conduct future assessments as it could allow the circulation of questions that would lead to a breach of the integrity of the examination system; and

(e) that the release of the information would allow scrutiny of past test questions for the preparation of expected/acceptable responses.

I have considered the public interest factors both in favour and against disclosure and I find that the factors identified at (c), (d) and (e) outweigh the factors in favour of disclosure. I find that the documents or parts of the documents are exempt under section 47E(b) of the Act as the release of the information will likely have a substantial adverse effect on the assessment of future applicants for admission to the University's Medical School. I therefore have masked information relating to assessment questions and methods.
B. Documents to which Section 47C applies:

Section 47C provides that:

(1) A document is conditionally exempt if its disclosure under this Act would disclose matter (deliberative matter) in the nature of, or relating to, opinion, advice or recommendation obtained, prepared or recorded, or consultation or deliberation that has taken place, in the course of, or for the purposes of, or for the purposes of, the deliberative processes involved in the functions of an agency or Minister of the Government of the Commonwealth.

The parts of documents identified in the Appendix as exempt under Section 47C contain exempt information on the basis that the documents are internal working documents. Provision of these documents or parts of them would disclose matter in the nature of consultation and deliberation that took place for the purposes of deliberative processes involving operational functions of the University. The documents identified record recommendations and advice.

Public Interest Test

There is a public interest in protecting the integrity of the decision-making process by separating the final decision-making policy or steps towards making the final decision from the opinions and advice of persons who provided their opinions into the consideration of the matter. The specific documents listed in the Schedule as conditionally exempt under Section 47C do not constitute final decisions nor were they intended as such. The views expressed in the documents are merely preliminary in nature.

Subsection 47C(2) provides that:

(2) Deliberative matter does not include either of the following:

(a) operational information (see section 8A);

(b) purely factual material.

Because the opinions expressed in the documents involve a portion of the process to form judgment, I am satisfied that the information is not operational information or purely factual material and is therefore not excluded under subsection 47C(2). In reaching my decision, I considered public interest factors in favour and against disclosure of the information.

In relation to factors favouring disclosure, I believe the following are relevant:

(f) the general public interest in access to information under the Act; and

(g) the general public interest to scrutinise the operations of a government agency.

In relation to the factors against disclosure, I believe the following are relevant:

(h) the disclosure of the information would restrict the ability of University volunteers in future to record their opinions directly and freely during a deliberative process; and

(i) there is a public interest in protecting the integrity of the decision-making process by separating the final decision-making policy, including the steps and reasons therefore, from the opinions and advice of the employees who contributed to the deliberation.

I have considered the public interest factors both in favour and against disclosure and I find that the factors identified at (c) and (d) and outweigh the factors in favour of disclosure. I find that the documents or parts of the documents are exempt under section 47C of the Act. I therefore have masked information relating to the deliberative process.
C. Documents to which section 47F apply:

I have determined that portions of the document(s) identified in the Appendices are partially exempt under Section 47F.

Section 47F of the Act provides that:

(1) A document is conditionally exempt if its disclosure under this Act would involve the unreasonable disclosure of personal information about any person (including a deceased person).

(2) In determining whether the disclosure of the document would involve the unreasonable disclosure of personal information, an agency or Minister must have regard to the following matters:
   a. the extent to which the information is known;
   b. 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;
   c. the availability of the information from publicly accessible sources;
   d. any other matters that the agency or Minister consider relevant.

Personal information means information or an opinion (including information forming part of a database), whether true or not, and whether recorded in a material form or not, about an individual whose identity is apparent, or can reasonably be ascertained, from the information or opinion.

I have determined that documents or parts of documents identified in the Schedule as exempt under this section of the Act include personal information of individuals (including third parties) and the information contained in the documents: readily identifies natural persons, the information directly relates to them and the information says something about them. I have also determined that the public release of the information would affect the individuals’ personal privacy interests.

Public Interest Test

In reaching my decision, I considered: the extent to which the information is well known; whether the persons identified in your request are known to be or have been associated with the matters dealt with in the information and whether this information is publicly available.

In relation to factors favouring disclosure I believe the following are relevant:

   (a) the general public interest in access to information under the Act;
   (b) the general public interest to scrutinise the operations of a government agency.

In relation to the factors against disclosure, I believe the following are relevant:

   (c) the extent to which the information is well known;
   (d) the availability of the information from publicly accessible sources; and
   (e) the likely impact on the individual(s) if the personal information were to be released; and
   (f) whether the individual(s) have a reasonable expectation of privacy in the information.

I have considered the public interest factors in favour and against disclosure and I find that the factors at (c) to (f) outweigh the factors in favour of disclosure. Considering all the circumstances I find that parts of documents would be exempt under section 47F of the Act. Therefore I have exempted parts of documents identifying personal information of individuals.
D. Documents to which Section 22 applies:

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 identified includes matter irrelevant to the request and that information has been redacted from the document.

Application for Internal Review of Decision

I draw your attention to Section 54A of the Act, which gives you the right to apply for an internal review of my decision.

An application for internal review of my decision must be made in writing within 30 days 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.

Application for review of the decision should be addressed to:

Executive Director (Administration & Planning)
Building 10
The Australian National University
Canberra ACT 0200

Or via email: edap@anu.edu.au

Application for Information Commissioner (IC) Review of decision

Under section 54L of the FOI Act, you may apply to the Australian Information Commissioner to review my decision. An application for review by the Information Commissioner 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.australia.gov.au/forms/oaic/foi-review/
email: enquiries@oaic.gov.au
post: GPO Box 2999, Canberra ACT 2601
in person: Level 3, 175 Pitt Street, Sydney NSW


Yours sincerely

David Brumby
FOI Coordinator