10 June 2014

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CRICOS Provider No. 00120C

Dear [Name],

**Freedom of Information Request No. 201400162C**

I refer to your request for access to documents relating to the ANU’s participation in MOOC (Massive Open Online Course) programmes such as EdX under the Freedom of Information Act 1982.

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 5 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:

- 5 documents relate to your request.
- 3 documents are suitable for partial release
- 1 document is suitable for full release
- 1 document is exempt from release

The documents are summarised in the attached schedule of documents.

No documents exist in relation to point 1 of your request - Any cost-benefit analyses produced by or for the ANU, relating to the ANU's participation in Massive Open Online Courses (MOOCs), specifically the EdX programme.

Minutes of the meetings of University Council referred to in Point 3 of your request can be accessed through the following link: [http://about.anu.edu.au/governance-structure/council/meetings](http://about.anu.edu.au/governance-structure/council/meetings).

**A. Documents to which Section 47G(1) applies:**

Section 47G provides in relevant part that:

(1) A document is conditionally exempt if its disclosure under this Act would disclose information concerning a person in respect of his or her business or personal affairs or concerning the business, commercial or financial affairs of an organisation or undertaking, in a case in which the disclosure of the information:

   (a) would, or could reasonably be expect to, unreasonably affect that person adversely in respect of his or her lawful business or professional affairs or that organisation or undertaking in respect of its lawful business, commercial or financial affairs.
(b) could reasonably be expected to prejudice the future supply of information to the Commonwealth, Norfolk Island or an agency for the purpose of the administration of a law of the Commonwealth or of a Territory or the administration of matters administered by an agency.

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

(a) the general public interest in access to information under the Act.

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

(b) the extent to which the information is known to competitors and/or others engaged in similar business; and
(c) the likely impact on the business if the information were disclosed;

I have considered the public interest factors in favour and against disclosure and factors (b) and (c) outweigh the factor favouring disclosure. I find that documents or parts of documents are therefore exempt under section 47G of the Act.

Therefore I have redacted invoice details and details relating to the administration of business affairs from the documents.

B. Documents to which Section 47(D) applies:

Section 47 provides that:

A document is conditionally exempt if its disclosure under this Act would have a substantial adverse effect on the financial or property interests of the Commonwealth, of Norfolk Island or of an agency.

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

(a) the general public interest in access to information under the Act.

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

(b) the extent to which the information is known to competitors and/or others engaged in similar business; and
(c) the likely impact on the business if the information were disclosed;

I have considered the public interest factors in favour and against disclosure and factors (b) and (c) outweigh the factor favouring disclosure. I find that the document is therefore exempt under section 47D of the Act.

Therefore I have exempted an executed agreement between the University and edX.

C. 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

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