



RIGHT TO INFORMATION

The ***Right to Information Act 2009*** replaces the Freedom of Information Act. The new Act has five key elements:

- it mandates the proactive release of information
- it includes an enhanced role for the Ombudsman in relation to both review and the monitoring of the release of information
- it minimises fees payable for the formal release of information
- it clarifies the nature of exempt information
- it seeks to clarify what exactly the public interest test consists of.

To improve democratic government in Tasmania by:

- increasing the accountability of the executive to the people of Tasmania
- increasing the ability of the people of Tasmania to participate in their governance
- acknowledging that information collected by public authorities is collected for and on behalf of the people of Tasmania and is the property of the State.

The Act requires public authorities to develop policies and procedures in relation to the disclosure of information. Disclosure consists of information that we actively make available and information that can be made available upon request.

Registered providers and accredited courses

Types of information	Required (via legislation, eg Annual Report) and Routine Disclosure (eg on TQA website)	Active Disclosure, available upon request – not needing to be treated as ‘assessed disclosure’ under the RTI Act	Assessed Disclosure (requires a formal application under the RTI Act)	Exempt under the RTI Act (but a formal application still needs to be assessed, subject to a public interest test)	Comments
Course accreditation decisions	√				automatically posted on the TQA website as part of the Authority’s decisions. Successful accreditation decisions also appear in TQA course documents on the web
Accredited TQA course documents – Senior Secondary	√	√*			*superseded course documents, no longer on website, but held in TQA electronic records
Registered CRICOS provider organisation details	√*				*only where these providers are Tasmanian government schools
List of providers registered to deliver accredited senior secondary courses		√			
Audit reports of registered organisations – SS providers, CRICOS (only for Tasmanian government schools)			√	√*	*may be exempt if information provides competitive advantage/disadvantage
Advice to providers – following senior secondary Quality Assurance activities			√	√*	*would be exempt where the advice contains information identifying specific students
Complaints about providers			√	√*	*may be exempt if information provides competitive advantage/disadvantage
Registration of student exchange organisations	√				

Senior secondary assessments – examinations and tests

Types of information	Required (via legislation, eg Annual Report) and Routine Disclosure (eg on TQA website)	Active Disclosure, available upon request – not needing to be treated as ‘assessed disclosure’ under the RTI Act	Assessed Disclosure (requires a formal application under the RTI Act)	Exempt under the RTI Act (but a formal application still needs to be assessed, subject to a public interest test)	Comments
Past exam papers	√				
Examiners’ reports	√				once finalised
Current exam papers and test instruments				√	under public interest test, not disclosed
Public information about external assessments and tests – timetables, venues, rules etc.	√				
Security arrangements and logistics				√	under public interest test, not disclosed
Details of setters, critics and markers			√	√*	*exempt where such details breach personal privacy provisions *not disclosed, under public interest test, where current exam information is involved
Senior secondary attainment data (non-individual) – by provider, by sector	√		√		

Qualifications and certification - learner

Types of information	Required (via legislation, eg Annual Report) and Routine Disclosure (eg on TQA website)	Active Disclosure, available upon request – not needing to be treated as ‘assessed disclosure’ under the RTI Act	Assessed Disclosure (requires a formal application under the RTI Act)	Exempt under the RTI Act (but a formal application still needs to be assessed, subject to a public interest test)	Comments
Certificates available – and what they look like	√				
Requirements to receive the various qualifications	√				
Statistics on the numbers issued	√				in the TQA annual report

Quality assurance of senior secondary courses and results

Types of information	Required (via legislation, eg Annual Report) and Routine Disclosure (eg on TQA website)	Active Disclosure, available upon request – not needing to be treated as ‘assessed disclosure’ under the RTI Act	Assessed Disclosure (requires a formal application under the RTI Act)	Exempt under the RTI Act (but a formal application still needs to be assessed, subject to a public interest test)	Comments
Quality assurance models for the various courses	√				in the course documents on TQA website
Quality assurance arrangements – meeting dates and places, audits scheduled etc.	√				
Written requirements made of providers			√		
Notification of QA processes and arrangements for meetings and audits	√				
Past moderation reports and moderation advice	√	√			Moderation Reports for 1999, 2000 and 2001, and Year 10 Moderation Reports from 2002 and 2003 have been archived. 2002 – 2007 Moderation Reports are on our website

Individual student details and results

Types of information	Required (via legislation, eg Annual Report) and Routine Disclosure (eg on TQA website)	Active Disclosure, available upon request – not needing to be treated as ‘assessed disclosure’ under the RTI Act	Assessed Disclosure (requires a formal application under the RTI Act)	Exempt under the RTI Act (but a formal application still needs to be assessed, subject to a public interest test)	Comments
Individual student details – name, DoB, medical conditions etc.		√		√*	*exempt if requested by anyone other than the student to whom it relates – unless written permission is given by the student
Individual student assessment/certification results		√		√*	*exempt if requested by anyone other than the student to whom it relates – unless written permission is given by the student
Decisions about individual student appeals		√		√*	providers and student automatically receive this information from the TQA
Pathway plans (individual)		√		√*	*if by anyone other than the person to whom it relates
Student work (exam scripts, folios)		√		√*	*exempt if requested by anyone other than the student to whom it relates; when results are finalised, individual student has access upon request
Special awards received	√				
Applications for equivalence for overseas/interstate qualifications		√			Individual student has access upon request
Student information we hold from RTOs		√			*exempt if requested by anyone other than the person to whom it relates

Course development

Types of information	Required (via legislation, eg Annual Report) and Routine Disclosure (eg on TQA website)	Active Disclosure, available upon request – not needing to be treated as ‘assessed disclosure’ under the RTI Act	Assessed Disclosure (requires a formal application under the RTI Act)	Exempt under the RTI Act (but a formal application still needs to be assessed, subject to a public interest test)	Comments
Procedures and guidelines	√				
Current projects, including specifications, timelines	√				
Course writers- who	√				
Selection of course writers – how we selected them			√	√*	*may be exempt if information provides competitive advantage/disadvantage
Funds allocated (if applicable)	√				

The Authority

Types of information	Required (via legislation, eg Annual Report) and Routine Disclosure (eg on TQA website)	Active Disclosure, available upon request – not needing to be treated as ‘assessed disclosure’ under the RTI Act	Assessed Disclosure (requires a formal application under the RTI Act)	Exempt under the RTI Act (but a formal application still needs to be assessed, subject to a public interest test)	Comments
Policies	√		√*		*those to do with internal processes only
Strategic plan	√				
Governance model	√				
Legal advice				√	
Authority special committee meeting details – agendas, minutes, papers			√	√*	*where releasing a decision breaches personal privacy provisions *may be exempt if information provides competitive advantage/disadvantage
Authority decisions	√			√*	*where releasing a decision breaches personal privacy provisions *may be exempt if information provides competitive advantage/disadvantage
Briefing notes and papers to the Authority			√	√*	*where releasing a decision breaches personal privacy provisions *may be exempt if information provides competitive advantage/disadvantage
Minutes of Authority meetings - detail	√		√		annotated notes are placed on our website
Membership of Authority	√				
Authority member personal details				√	personal information, judged not to be in the public interest
Papers and recommendations from advisory groups			√		
Ministerial briefings				√	not subject to any public interest test
Research reports	√	√			

Office of the Tasmanian Qualifications Authority

Types of information	Required (via legislation, eg Annual Report) and Routine Disclosure (eg on TQA website)	Active Disclosure, available upon request – not needing to be treated as ‘assessed disclosure’ under the RTI Act	Assessed Disclosure (requires a formal application under the RTI Act)	Exempt under the RTI Act (but a formal application still needs to be assessed, subject to a public interest test)	Comments
Procedures and guidelines		√			
Resources, e.g. how many computers etc.		√			
Staff details – addresses, pay rates etc				√*	*subject to personal privacy provisions
Information about complaints re the TQA		√	√*		*where they affect a third party that can be identified
Communications between the TQA and other government agencies			√		subject to public interest test
Fees for services/products	√				
Consultants/contractors used			√		
Internal working documents e.g. checklists, notes from informal meetings			√		Internal opinion, advice or deliberations (not the final decision or ruling, nor the reason for this) are subject to the public interest test
Finances received and spent	√*		√		*overall information available in the TQA annual report
Budget planning			√		Internal opinion, advice or deliberations (not the final decision or ruling, nor the reason for this) are subject to the public interest test

Scope of information generated by the TQA

Exempt categories under the Right to Information Act that are relevant to the operations of the TQA

a. *Not subject to any public interest test and are therefore not subject to disclosure*

- Internal briefing information to the Minister
- Information not relating to official business
- Information relating to enforcement of the law – e.g. if there is a active investigation of court case
- Legal professional privilege

b. *Subject to public interest test*

- Information that was provided to us in confidence by another public authority
- Information that could prejudice the relations between this and another State or Territory
- All other information obtained in confidence
- Internal opinion, advice or deliberations (not the final decision or ruling, nor the reason for this)
- Personal information – that is, where the individual is, or can be, identified
- Information relating to business affairs of a third party – this relates to requested information about a third party. Such information is only exempt if it relates to trade secrets or the disclosure of the information is likely to expose the third party to competitive disadvantage. The non-disclosure should be balanced with any public interest served by the disclosure
- Information relating to business affairs of public authority – relating to exams, student submissions concerning exams, examiners' reports etc.

Much of the Act is about situations where information can be sought by application (what we would have previously called Freedom of Information applications).

Personal information means “any information or opinion in any recorded format about an individual –

- (a) whose identity is apparent or is reasonably ascertainable from the information or opinion; and
- (b) who is alive, or who has not been dead for more than 25 years” (*Right to Information Act*, Section 5: Interpretation)