

Our reference: **FOI20/39**

Dear [REDACTED]

DECISION ON YOUR ACCESS APPLICATION

I refer to your application under section 30 of the *Freedom of Information Act 2016* (FOI Act) received by ACT Health Directorate (ACTHD) on Tuesday 21 July 2020.

This application requested access to:

“Correspondence between immunologists from Australian National University and ACT Health regarding Telopea Park School and COVID-19 from March 15 to March 19, 2020. Please include any correspondence forwarded to ACT Health by the ACT Education Directorate concerning this matter on these dates. ”

I am an Information Officer appointed by the Director-General of ACT Health Directorate (ACTHD) under section 18 of the FOI Act to deal with access applications made under Part 5 of the Act. ACTHD was required to provide a decision on your access application by **Tuesday 8 September 2020**.

I have identified two documents holding the information within the scope of your access application. This is outlined in the schedule of documents included at [Attachment A](#) to this decision letter.

Decisions

I have decided to:

- grant part access to two documents.

My access decisions are detailed further in the following statement of reasons and the documents released to you are provided as [Attachment B](#) to this letter.

In reaching my access decision, I have taken the following into account:

- The FOI Act;
- The contents of the documents that fall within the scope of your request; and
- The *Human Rights Act 2004*.

Partial Access

I have decided to grant partial access to all two documents.

Public Interest Factors Favouring Disclosure

The following factors were considered relevant in favour of the disclosure of the documents:

- Schedule 2.1(a)(i) promote open discussion of public affairs and enhance the government's accountability.

Public Interest Factors Favouring Non-Disclosure

The following factors were considered relevant in favour of the non-disclosure of the documents:

- Schedule 2.2(a)(ii) prejudice the protection of an individual's right to privacy, or any other right under the *Human Rights Act 2004*.

Two of the identified documents contain information that I consider, on balance, to be contrary to the public interest to disclose under the test set out in section 17 of the Act as the information contained in these folios is partially comprised of personal information, such as contact details and email addresses of external agencies.

Charges

Processing charges are not applicable to this request.

Disclosure Log

Under section 28 of the FOI Act, ACTHD maintains an online record of access applications called a disclosure log. The scope of your access application, my decision and documents released to you will be published in the disclosure log not less than three days but not more than 10 days after the date of this decision. Your personal contact details will not be published.

<https://www.health.act.gov.au/about-our-health-system/freedom-information/disclosure-log>.

Ombudsman review

My decision on your access request is a reviewable decision as identified in Schedule 3 of the FOI Act. You have the right to seek Ombudsman review of this outcome under section 73 of the Act within 20 working days from the day that my decision is published in ACT Health's disclosure log, or a longer period allowed by the Ombudsman.

If you wish to request a review of my decision you may write to the Ombudsman at:

The ACT Ombudsman
GPO Box 442
CANBERRA ACT 2601
Via email: ACTFOI@ombudsman.gov.au
Website: ombudsman.act.gov.au

ACT Civil and Administrative Tribunal (ACAT) review

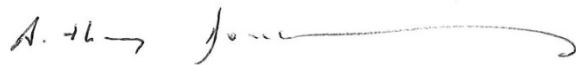
Under section 84 of the Act, if a decision is made under section 82(1) on an Ombudsman review, you may apply to the ACAT for review of the Ombudsman decision. Further information may be obtained from the ACAT at:

ACT Civil and Administrative Tribunal
Level 4, 1 Moore St
GPO Box 370
Canberra City ACT 2601
Telephone: (02) 6207 1740
<http://www.acat.act.gov.au/>

Further assistance

Should you have any queries in relation to your request, please do not hesitate to contact the FOI Coordinator on (02) 5124 9831 or email HealthFOI@act.gov.au.

Yours sincerely

A handwritten signature in black ink, appearing to read 'A. Dombkins', with a long horizontal flourish extending to the right.

Anthony Dombkins
Chief Nursing and Midwifery Officer
Office of Professional Leadership and Education

28 August 2020

FREEDOM OF INFORMATION SCHEDULE OF DOCUMENTS

Please be aware that under the *Freedom of Information Act 2016*, some of the information provided to you will be released to the public through the ACT Government's Open Access Scheme. The Open Access release status column of the table below indicates what documents are intended for release online through open access.

Personal information or business affairs information will not be made available under this policy. If you think the content of your request would contain such information, please inform the contact officer immediately.

Information about what is published on open access is available online at: <http://www.health.act.gov.au/public-information/consumers/freedom-information>

APPLICANT NAME	WHAT ARE THE PARAMETERS OF THE REQUEST	FILE NUMBER
[REDACTED]	Correspondence between immunologists from Australian National University and ACT Health regarding Telopea Park School and COVID-19 from March 15 to March 19, 2020. Please include any correspondence forwarded to ACT Health by the ACT Education Directorate concerning this matter on these dates.	FOI20/39

Ref Number	Page Number	Description	Date	Status Decision	Factor	Open Access release status
1.	1-2	Email: FW: Covid-19 and Telopea Park School with attachment	19/03/2020	Partial release	Schedule 2.2(a)(ii) prejudice the protection of an individual's right to privacy, or any other right under the <i>Human Rights Act 2004</i> ;	Yes
2.	3-4	Email: RE: Covid-19 and Telopea Park School	19/03/2020	Partial release	Schedule 2.2(a)(ii)	Yes
Total Number of Documents						
2.						

Lowes, Shannon (Health)

From: Haire, Katy
Sent: Thursday, 19 March 2020 9:37 AM
To: EDUIMT; Myers, Christina
Cc: DGEDUoffice
Subject: Fwd: Covid-19 and Telopea Park School

Katy Haire | Education Directorate
 02 6205 9158 | Katy.Haire@act.gov.au

From: [REDACTED]
Sent: Thursday, March 19, 2020 9:33:56 AM
To: STEPHEN-SMITH <STEPHEN-SMITH@act.gov.au>; BERRY <BERRY@act.gov.au>
Cc: [REDACTED] Blain,
 Kerrie (ACTEDU) <Kerrie.Blain@ed.act.edu.au>; Haire, Katy <Katy.Haire@act.gov.au>
Subject: Covid-19 and Telopea Park School

Minister for Health, Rachel Stephen-Smith
 Minister for Education, Yvette Berry

CC:
 Katy Haire, Director General, Education Directorate
 Kerry Blain, Principal, Telopea Park School

Letter from Telopea Park School Parents and Citizens Association

Dear Ministers,

CC: Ms Haire and Ms Blain,

We are aware of yesterday's letter from expert immunologists. We understand that while their advice re school closure is based on WHO guidelines, there are many options available to support the Telopea Park School community. We understand that the school is under great strain in responding to a rapidly changing health situation. We stand ready to support our school in this time, and ask the same of the broader ACT Government.

The P&C believes there is greater opportunity to support parents to make appropriate decisions for the health of their children and their families, many of whom will be in the vulnerable categories of aged, immune-compromised or with pre-existing respiratory conditions. The P&C ask for greater transparency from the Department of Health, such as informing the community whether any further members of our school community related to the confirmed case have been tested.

We are aware that many parents who have flexible working arrangements have already made the choice to withdraw children from school informally. For the parents who cannot isolate at home, the school could use this opportunity of fewer attending children for social distancing within classrooms, rather than amalgamating classes. We understand this may require some support from the Directorate.

The P&C advocates for the following:

- ACT Health inform parents of the testing status of the Telopea school community. More broadly, we support testing of all immediate contacts of the parent who tested positive, including asymptomatic children. Our community of parents are ready to provide any and all assistance to this family in this difficult time, and we stand with them.
- As soon as possible, the school be resourced to offer support to those parents who have withdrawn children through the provision of online worksheets tasks or other homework.
- The school be supported by the Directorate to use the opportunity of lower class attendance to institute as much social distancing as possible for the children who cannot be withdrawn from school in the short term.

The P&C stands ready to assist the school to put such arrangements in place, to ensure parents can take immediate action to protect their families and the broader ACT community. We respect the privacy of all concerned and ask on behalf of parents and guardians of vulnerable children, and children who have regular contact with high risk adults, that as much information as is possible is shared ongoing in this crisis, so parents and guardians to make the best possible choices for their families and our

community.

Yours sincerely,

Larissa Lefevre, P&C Secretary on behalf of the P&C
Kate Gauthier, School Board Chair

Lowes, Shannon (Health)

From: Myers, Christina
Sent: Thursday, 19 March 2020 10:37 AM
To: McNeill, Laura (Health); Coleman, Kerry (Health)
Subject: RE: Covid-19 and Telopea Park School

UNCLASSIFIED

Hi again Laura,
 I can see the corro from ANU parents has already been redirected to ACTH for response.
 If I could get a copy of the response it would help inform my response to the related P&C letter.
 Thanks so much
 Christina

From: Myers, Christina
Sent: Thursday, 19 March 2020 10:31 AM
To: McNeill, Laura (Health) <Laura.McNeill@act.gov.au>; Coleman, Kerry (Health) <Kerry.Coleman@act.gov.au>
Subject: FW: Covid-19 and Telopea Park School

UNCLASSIFIED

Hi Laura
 Can we please discuss – I will call.
 We have received correspondence from below ANU immunologists and parents of children at Telopea. We have also received the attached letter from the Telopea P&C.
 These have also gone to Minister Stephen-Smith and Minister Berry.
 Christina

From: Carola Garcia de Vinuesa [REDACTED]
Sent: Wednesday, 18 March 2020 3:04 PM
To: STEPHEN-SMITH <STEPHEN-SMITH@act.gov.au>; Blain, Kerrie (ACTEDU) <Kerrie.Blain@ed.act.edu.au>; BERRY <BERRY@act.gov.au>; Haire, Katy <Katy.Haire@act.gov.au> [REDACTED]
Cc: [REDACTED] Anselm Enders [REDACTED] Anne Bruestle
Subject: Covid-19 and Telopea Park School

Minister for Health, Rachel Stephen-Smith
 Minister for Education, Yvette Berry

Katy Haire, Director General, Education Directorate

Kerry Blain, Principal, Telopea Park School

Letter from ANU parents of Telopea Park School Children

Dear Ministers, Ms Blain and Ms Haire,

We are a group of parents of children attending Telopea Park School.

It has been brought to our attention that a parent of Telopea School Children tested positive for Covid-19 this past Sunday, and had visited school while infectious.

We are all immunologists and are aware that the virus may have been transmitted by this parent's children whether asymptomatic or not, prior to their isolation this Monday. While depending on the start date of the infectious period, the risk may be smaller or larger, even if small, it could still threaten the most vulnerable in our community.

Because we know that children frequently are asymptomatic carriers, but still can spread the infection we ask why the school was not advised to close immediately until the children have been tested negative.

We would like to ask that the children of the positive case be urgently tested and if found positive, contact tracing via testing of classmates is undertaken. Until the children are found to be negative we would ask that the school is immediately closed to prevent further spread of infection.

If due to the current strict eligibility criteria for Covid-19 testing the asymptomatic children are not considered eligible for testing, we would ask the school to consider closing for 2 weeks, or at the very least, parents should be informed that this positive Covid-19 case was a parent of Telopea Park School children (the initial email was ambiguous in the wording) so they can decide to home-school their children for that period.

Sincerely,

Dr Carola Vinuesa (Professor of Immunology at ANU)

Dr Anselm Enders (Associate Professor of Immunology at ANU)

Dr Anne Bruestle (Assistant Professor of Immunology at ANU)

Dr Sophie (Qian) Shen (Research Fellow, Immunology, ANU)

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Professor Carola G. Vinuesa LMS (MBBS), PhD, FFSc (RCPA), FAA
Elizabeth Blackburn NHMRC Principal Research Fellow
Co-Director, Centre for Personalised Immunology (NHMRC CRE)
John Curtin School of Medical Research | The Australian National University

Executive Assistant: [REDACTED]