



# Information statement

Under the *Freedom of Information Act 1991* (SA) and *Freedom of Information Act 1982* (Cwlth), you are legally entitled to access documents held by public sector organisations.

You may also apply to have records about you changed if you think they are incomplete, incorrect, out-of-date or misleading.

However, you may not be able to access all documents, e.g. if they affect the personal affairs of another person, are commercially confidential or would undermine law enforcement. Cabinet documents and some internal working documents are also not available.

Access to *some* documents held by the Education Standards Board (ESB) must be sought under the Commonwealth Freedom of Information Act. This Act applies to ESB operations that come under the *Education and Early Childhood Services (Registration and Standards) Act 2011*. Some other documents are accessed under the SA Freedom of Information Act.

You can apply for information using our FOI application request (see below). This form will help you work out which legislation to apply under. If you are still unsure, please contact our FOI Officer:

Email: [educationstandardsboard@sa.gov.au](mailto:educationstandardsboard@sa.gov.au)

Phone: (08) 8226 0077.

**Note:** Some documents can be accessed *without* having to make a formal FOI request. Please see *Public documents available without FOI request* (below) for more information.

## Types of documents held

The ESB holds a variety of documents including:

- reports
- policy documents
- discussion papers
- guidelines
- client records
- correspondence and administrative records
- internal policies
- staff-related records
- transport records
- records for school education services
- records for early childhood education and care services.

## Policy documents

ESB policy documents can be broadly classified as relating to either:

- regulation of education and early childhood services
- corporate functions.

## Public documents available *without* FOI request

Two documents people commonly want to inspect are available online, free of charge, with no need to make a freedom of information request:

- [register of early childhood education and care services](#)
- [Schools Register](#).

Many other documents are available on our [website](#) and include:

- information for families about services
- information on school registration procedures
- support for services and schools
- annual reports and strategic plans
- fact sheets for early childhood services.

Please check the website before applying for something that has a prescribed fee schedule.

## Making an FOI request

If you want to apply to access ESB documents that are not publicly available, or amend records relating to personal affairs considered incomplete, incorrect, out-of-date or misleading, this must be done under the relevant Freedom of Information Act.

Requests relating **to early childhood education and care services** should be made under the [Commonwealth Freedom of Information Act](#). This includes documents relating to:

- family day care
- long day care
- out-of-school-hours services
- preschool (kindergarten) programs.

Requests relating to **‘residual’ early childhood services** should also be made under the [Commonwealth Freedom of Information Act](#). This includes documents relating to:

- in-home care services
- occasional care services
- rural and mobile care services
- individual family care services.

If you are unhappy with a decision, you can request an internal review. If you are still not happy with a decision or we do not give what was requested, you can request an external review. The decision will be made by the National Education and Care Services Freedom of Information Commissioner.

Requests relating to **schools** or **other ESB functions** should be made under the [SA Freedom of Information Act](#). If you are unhappy with a decision, you can request an internal review. If you are still not happy with a decision or we do not give what was requested, you can request an external

review. External review of these decisions can be either by the [Ombudsman SA](#) or the [South Australian Civil and Administrative Tribunal \(SACAT\)](#).

## Fees

You need to provide the prescribed fee (or proof of financial hardship) with your application form. An application form is included in this *Information statement*.

## How long will it take?

We respond to these requests within 30 days of it being received, or sooner if possible. If for some reason we need longer than this, we will let you know within 20 calendar days of receiving your application that an extension is needed and why.

## Further information

For further information, see:

- [Ombudsman SA](#)
- [Office of the Australian Information Commissioner](#).



# Freedom of Information request

This form should be read in conjunction with the Education Standards Board's *Information statement*.

## Request details

This is an application to:

- ☐ access documents
- ☐ amend personal information in documents held by the Education Standards Board (ESB).

(Please complete the 'Applicant details' section if you have ticked this second box. After you have submitted the form, the FOI officer will contact you to help you complete your application.)

You should apply under *Commonwealth* legislation for access to documents about:

- family day care
- long day care
- out-of-school-hours services
- preschool (kindergarten)
- in-home care services
- occasional care services
- rural and mobile care services
- individual family care services.

Apply under SA legislation for access to documents about:

- schools
- any other information held by the ESB.

I am requesting access to documents under the following Act:

- ☐ *Freedom of Information Act 1982* (Cwlth)
- ☐ *Freedom of Information Act 1991* (SA)
- ☐ I'm not sure. Please contact me to assist.

Please describe the documents you wish to access:

If you want to access documents within a particular time period, enter from and to dates:

From:

To:

### Form of access

Please select your choice:

I require a copy of the documents.

☐ Yes

☐ No

I wish to inspect the documents.

☐ Yes

☐ No

I require access in another form (please specify below).

☐ Yes

☐ No

These documents ☐ **do**/ ☐ **do not** contain information about my personal affairs (please select your choice).

### Applicant details

Family name:

Given name(s):

Title: (Mr/Ms, etc.):

Australian postal address:

Phone number:

### Details of request

I request access to the document(s) concerning:

*Note:* Attach other pages as appropriate if you need to give more detail.

### Fees and charges\*

Fees and charges for freedom of information requests are set by regulation.

For applications under SA legislation:

- An application fee (currently \$35) must be paid when you submit your application.
- Additional processing charges in some circumstances. The FOI Officer will contact you to discuss your application if processing charges apply.

There is no application fee under Commonwealth legislation but processing charges may apply. The FOI Officer will contact you to discuss your application if processing charges apply.

You may be eligible for a fee waiver.

To apply for a fee waiver indicate the relevant reason below:

- ☐ concession card holder (please provide a copy of your concession card)
- ☐ financial hardship (please provide reasons below)
- ☐ member of the South Australian Parliament.

Please outline your reasons for seeking a fee waiver if due to financial hardship:

Applicant's signature:

Date:

Please email your application to: [educationstandardsboard@sa.gov.au](mailto:educationstandardsboard@sa.gov.au).

Or mail to:

ESB Freedom of Information

GPO Box 1811

Adelaide SA 5001

\*For further information about fees and charges, refer to the *Freedom of Information (Fees and Charges) Regulations 2003* (SA) or *Freedom of Information (Charges) Regulations 1982* (Cwlth).