



Watson Norwood

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Dear Mr Norwood

FOI 23-10 - Decision on Access

I refer to the request made under the *Freedom of Information Act 1982* (Cth) (**FOI Act**) to Airservices Australia (**Airservices**) on 6 May 2023 (**the request**). It seeks access to:

a complete copy of the departments' Freedom of Information (FOI) logs for the period 2013-2023, including any secondary departments controlled by the agency

I am authorised under section 23 of the FOI Act and the Airservices Instrument of Delegation and Authorisation to make decisions on primary requests under the FOI Act.

Section 24A Decision – Documents do not exist

Section 24A of the FOI Act provides in part that an agency may refuse a request for access to a document if all reasonable steps have been taken to find the document and the agency is satisfied that it does not exist.

The FOI request appears to seek a complete record of every FOI request received by Airservices over the the last 10 years. Airservices does not have a centralised record that contains this information and it would take a significant amount of resources to create such a document. I have therefore decided to refuse access to this document under section 24A of the FOI Act.

I note that the request has been driven by the applicant's suspicion that our FOI Disclosure Log is incomplete in that it does not hold a record of every request received. I can advise that to the best of my knowledge our FOI Disclosure Log is complete, but that it does not hold record of every request received during the 2013-2023 period. This discrepancy is due to Airservices not being required to publish information in accessed documents upon its disclosure log where that publication would be unreasonable (for example, publication of sensitive personal or business information).

If the applicant would like further detail on the exact numbers of requests received by Airservices and those published on our disclosure log, this information is publicly available as part of our statistical reporting to the OAIC and published on data.gov.au.

Review rights and complaints

Information about your rights of review and how you can make a complaint about the handling of your request is at **Attachment A**.

Contact

If you wish to discuss my decision please contact me at foi@airservicesaustralia.com.

Yours sincerely

Alan Hilvert-Bruce
Authorised FOI Decision Maker

INFORMATION ON REVIEW RIGHTS

The *Freedom of Information Act 1982 (the FOI Act)* gives you the right to apply for a review of this decision via:

- (a) an internal review; or
- (b) the Australian Information Commissioner (**Information Commissioner**).

Internal review

If you apply for internal review, it will be carried out by a different decision-maker who will make a fresh decision on your application. An application for review must be:

- (a) made in writing;
- (b) made within 30 days of receiving this letter; and
- (c) sent to foi@airservicesaustralia.com.

No particular form is required, but it is desirable to set out in the application the grounds upon which you consider the decision should be reviewed.

If the internal review results in you not being provided access to all of the documents to which you have requested access, you have the right to seek a review of that decision by the Information Commissioner.

Information Commissioner review

You can opt to instead seek external review by the Information Commissioner. To seek review you must apply to the Information Commissioner within 60 days of the receipt of this decision letter. Further details on this process can be found on their website at <https://www.oaic.gov.au/>.

You will also have the opportunity to seek Information Commissioner review of an Internal Review if you are dissatisfied with its outcome.

Complaints to the Information Commissioner

Information Commissioner

You may also complain to the Information Commissioner concerning action taken by an agency in the exercise of powers or the performance of functions under the FOI Act. There is no fee for making a complaint. A complaint to the Information Commissioner must be made in writing. Further details on this process can be found on their website at <https://www.oaic.gov.au/>.