



Decision to grant an extension of time under s 54D of the *Freedom of Information Act 1982*

Agency	APSC - Australian Public Service Commission
FOI applicant	Cynthia T
Date of decision	18 January 2024
OAIC reference number	RQ24/00273
Agency reference number	LEX 761

Decision

On 16 January 2024, Australian Public Service Commission (the APSC) applied to the Information Commissioner under s 54D of the *Freedom of Information Act 1982* (Cth) (FOI Act) for an extension of 30 days to 14 February 2024 to process Cynthia T's (the FOI applicant) request of 16 December 2023 (the FOI request).

The FOI Applicant's request has been deemed as affirmed as a decision has not been made by the APSC within the statutory timeframe. You have therefore sought further time to process the request.

Decision

As a delegate of the Information Commissioner, I am authorised to make decisions on applications for extensions of time under s 54D of the FOI Act.

I have decided to grant the APSC further time under s 54D of the FOI Act to **29 January 2024**. In coming to this decision I have considered factors including your advice that:

- The absence of key decision -making personnel due to the Agency's shutdown period over December and January.

While the APSC has requested a 30 day extension, I have decided to grant a 14 day extension of time to **29 January 2024** noting the complexity of this request appears to be limited to the Agency shutdown period.

By granting further time it is anticipated that the APSC will provide a well-reasoned and better managed decision.

This extension of time means that the deemed affirmation is taken never to have applied if the APSC makes a decision and takes all reasonable steps to provide it to the FOI applicant by **29 January 2024**.

Such an extension can only be granted once and cannot be extended by a variation.

Further information

Further information about how applications to extend the timeframe to process an FOI request are handled by the OAIC can be found published on our website:

For FOI applicants: [How to make an FOI request: Extensions of time](#)

For agencies and ministers: [Guidance and advice: Extension of time for processing requests](#)

Contact

If you have any questions about this letter, please contact me at FOIDR@oaic.gov.au. In all correspondence please include OAIC reference: RQ24/00273.

Yours sincerely,



Hannah Holswilder
Director
Freedom of Information Branch
Office of the Australian Information Commissioner

18 January 2024