



**Office of the Minister for Justice  
Office of the Minister Assisting the Prime Minister on Counter-Terrorism**

E Meller

By email: [foi+request-1324-1fce4e73@righttoknow.org.au](mailto:foi+request-1324-1fce4e73@righttoknow.org.au)

14 DEC 2015

Dear Ms Meller

**Freedom of Information Request dated 22 October 2015 - MJO-FOI2015/09**

The purpose of this letter is to give you a decision about access to documents that you requested under the *Freedom of Information Act 1982* (FOI Act).

**Summary**

I, Peter Soros, Chief of Staff, am an officer authorised under section 23(1) of the FOI Act to make decisions in relation to FOI requests.

You requested access to the following documents:

1. *All drafts of the press release issued 9 September 2015 titled "New \$18.5 million biometrics tool to put a face to crime";*
2. *All correspondence between employees of the Attorney-General's Department regarding the drafting and approval of the press release mentioned in point 1; and*
3. *All correspondence between the Attorney-General's Department and the Minister for Justice's office and/or the Minister for Justice regarding the press release mentioned in point 1.*

I have identified that the Minister for Justice's Office has no documents that fall within the scope of your request. A thorough electronic search for documents has been undertaken, as well as making enquiries of those who may have been able to help locate relevant documents.

I have accordingly decided to refuse your request. More information, including my reasons for my decision, is set out below.

**Decision and reasons for decision**

With regard to the documents requested in your application, I have found that:

- the documents you requested do not exist (section 24A(1)(b)(ii)) – information about why they do not exist is given below.

**Material taken into account**

I have taken the following material into account in making my decision:

- the content of the documents that would fall within the scope of your request
- the FOI Act (specifically sections 24A(1)(b)(ii))

- the guidelines issued by the Australian Information Commissioner under section 93A of the FOI Act

My reasons for refusing the request are given below.

Under section 24A(1)(b)(ii) of the FOI Act, an agency may refuse a request for access to documents if:

- (a) *all reasonable steps have been taken to find the document; and*
- (b) *the agency or Minister is satisfied that the document:*
  - ...
  - (ii) *does not exist.*

No documents were found within the scope of your request. I arranged for thorough search of both electronic and hard copy records held by the Minister for Justice's Office as well as making enquiries of staff who may have been able to help locate documents within the scope of your request.

I am satisfied that those searches constitute a 'reasonable search' for the purposes of Part 3 of the Guidelines issued by the Australian Information Commissioner under section 93A of the FOI Act (Guidelines): that is: '*a reasonable search on a flexible and common sense interpretation of the terms of the request*'.

#### **Information Commissioner review**

Under section 54L of the FOI Act, you may apply to the Australian Information Commissioner to review my decision. An application for review by the Information Commissioner must be made in writing within 60 days of the date of this letter, and be lodged in one of the following ways:

online: <https://forms.business.gov.au/aba/oaic/foi-review-/>

email: [enquiries@oaic.gov.au](mailto:enquiries@oaic.gov.au)

post: GPO Box 2999, Canberra ACT 2601

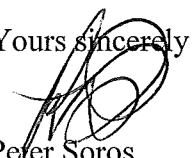
in person: Level 3, 175 Pitt Street, Sydney NSW

More information about Information Commissioner review is available on the Office of the Australian Information Commissioner website. Go to <http://www.oaic.gov.au/freedom-of-information/foi-reviews>.

#### **Questions about this decision**

If you wish to discuss this decision, please contact this office on 02 6277 7290.

Yours sincerely

  
Peter Soros  
Chief of Staff