



Our reference: MR16/00059

Agency Reference: FA 15/12/01765; ADF2015/70046

Mr Ben Fairless

By email: [foi+request-1454-79473357@righttoknow.org.au](mailto:foi+request-1454-79473357@righttoknow.org.au)

Dear Mr Fairless

**Your application for Information Commissioner review of a decision by the Department of Immigration and Border Protection**

I refer to your request for Information Commissioner review (IC review) of a deemed access refusal decision made by the Department of Immigration and Border Protection (the Department) under the *Freedom of Information Act 1982* (Cth) (the FOI Act).

**Background**

On 25 December 2015, you made an FOI request to the Department for documents relating to the processing of requests from applicants via Right to Know.

On 6 January 2016, you clarified the scope of your request with the Department.

On 13 February 2016, as the Department had not yet provided you with a decision, you made an application for IC review of the Department's deemed refusal decision.

On 28 June 2016, the Department provided you with a substantive decision on your request granting you full access to the one document within scope.

On 5 July 2016, Ms Shelley Napper, the case officer in this matter, wrote to you to confirm whether you were satisfied with the Department's decision or, if you were not, to explain why you disagreed with the Department's decision so that the OAIC could consider whether to conduct a review.

On 22 July 2016, I wrote to you and advised that if the OAIC did not hear from you by 5 August 2016, your request would be closed.

I note that the OAIC has not received a response to date.

## **Discretion not to conduct an IC review**

I am a delegate of the Information Commissioner.

Under s 54W(a)(ii) of the FOI Act, I have found the IC review applicant has failed to cooperate in progressing the IC review application, or the IC review, without reasonable excuse. Accordingly, I have decided not to undertake a review, or not to continue to undertake a review in this matter.

I confirm that this IC review is now closed.

If you would like to discuss this matter, please contact Shelley Napper on (02) 9284 9721 or email [shelley.napper@oaic.gov.au](mailto:shelley.napper@oaic.gov.au). Please quote reference number MR16/00059.

Yours sincerely

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

Rocelle Ago  
Director  
Freedom of Information, Dispute Resolution Branch  
Office of the Australian Information Commissioner

9 August 2016