



Our ref: D16-8234

Mr Jack Bremner

By e-mail: foi+request-1554-d2145a7a@righttoknow.org.au

Dear Mr Bremner

Freedom of Information Request No. 16/293

I refer to your request for access under the *Freedom of Information Act 1982* (Cth) (**FOI Act**) for a copy of any documents relating to residential noise complaints received from 9 to 16 February 2016 (inclusive) at 11 Crawford Street Ashgrove.

Your request was received on 17 February 2016. An acknowledgement e-mail was sent to you on 17 February 2016 informing you that a decision was due to be made in relation to this request by 21 March 2016.

Authority and Materials Considered

I am authorised under section 23 of the FOI Act to make a decision concerning your request. In reaching my decision I have taken into consideration:

- the relevant provisions of the FOI Act;
- the guidelines issued by the Office of the Australian Information Commissioner under section 93A of the FOI Act; and
- relevant Tribunal and Federal Court decisions concerning the operation of the FOI Act.

Decision

I have refused your request for access to documents because the documents you have sought access to cannot be found or do not exist.

Under section 24A of the FOI Act an agency may refuse access to a document if all reasonable steps have been taken to find the document and the agency is satisfied that:

- the document is in the agency's possession but cannot be found; or
- the document does not exist.

I have discussed your request at length with the Technical Application Support Manager who is familiar with the type of information held within CrimTrac's national police information systems. Please note:

- CrimTrac's primary role is to facilitate, manage and administer information-sharing solutions to support police and law enforcement agencies' work in crime prevention, detection and reduction. CrimTrac is **not** directly involved in operational police work. While CrimTrac holds information collected by operational police, CrimTrac staff do not collect information relating to crime, criminal activity, or persons of interest.
- The National Police Reference System (NPRS) enables Australian police agencies to integrate their data with data from other police agencies. The NPRS provides Australian police agencies with instant access to comprehensive nationwide information on *persons of interest* who have been charged with an offence by police. Noise complaints are not capable of being recorded in the NPRS unless a person has been charged by police. Instead, if they did exist, they would be in the possession of the police agency that received the complaint – in your case, the Queensland Police Service.

I consider that reasonable steps have been taken to locate the documents that are the subject of your request. I am satisfied that the documents either cannot be found or do not exist.

If this is a matter you intend to pursue, I recommend you contact your local police station.

Your Review Rights

If you are dissatisfied with this decision you can apply for internal or Information Commissioner review.

Internal Review

Under section 54 of the FOI Act, you may apply in writing to the CrimTrac Agency for an internal review of my decision. Your application should be sent to the FOI Officer at foi@crimtrac.gov.au.

The internal review application must be made within 30 days of the date of this letter. Where possible please attach reasons why you believe review of the decision is necessary. The internal review will be carried out by another officer within 30 days.

Information Commissioner Review

Alternatively you may apply under section 54L of the FOI Act to the Australian Information Commissioner for a review of 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 by email to enquiries@oaic.gov.au or via the website (www.oaic.gov.au).

Right to Complain

You can complain about this agency's actions under the FOI Act. This is a separate process from asking for review of a decision made under the FOI Act. Complaints usually focus on how an agency has handled your request or complied with other obligations under the FOI Act.

UNCLASSIFIED

If you wish to make an FOI complaint, please contact the Commonwealth Ombudsman
(<http://www.ombudsman.gov.au/contact-us>)

If you wish to discuss this decision please do not hesitate to contact me on 02 6268 7000.

Yours sincerely

A handwritten signature in black ink, appearing to be 'Sunny Leow', with a stylized flourish at the end.

Sunny Leow
Senior Legal Adviser
7 March 2016

UNCLASSIFIED