



**Australian Government**  
**Department of Finance**

Reference: FOI 16/30  
Contact: FOI Team  
Telephone: (02) 6215 1783  
e-mail: [foi@finance.gov.au](mailto:foi@finance.gov.au)

via email: [foi+request-1575-c11ff229@righttoknow.org.au](mailto:foi+request-1575-c11ff229@righttoknow.org.au)

Dear Mr Conheady

**Freedom of Information Request – FOI 16/30**

Thank you for your email, dated 22 February 2016, to the Department of Finance (Finance) in which you sought access to the following under the *Freedom of Information Act 1982* (FOI Act).

*The document 'Analysis Approach - Department of Finance and Deregulation - Reliance Framework - 2 September 2011' (available at [http://www.finance.gov.au/sites/default/files/reliance\\_framework\\_analysis\\_approach\\_110902.docx](http://www.finance.gov.au/sites/default/files/reliance_framework_analysis_approach_110902.docx)) refers at page 2 to:*

*'A relational database, using MS Access, was built for data entry.*

*'This database was populated with lists of forms and the labels on those forms, with a view to identifying common labels which could be de-duplicated.*

*Please provide that MS Access database.*

**Authorised decision-maker**

I am authorised by the Secretary under subsection 23(1) of the FOI Act to grant or deny access to documents under the FOI Act.

**Decision**

Under subparagraph 24A(1)(b)(ii) of the FOI Act, an agency may refuse a request for access to a document if the agency is satisfied that the document does not exist. In line with this provision, I have decided to refuse your request.

**Reasons for Decision**

In making my decision, I have had regard to the following:

- the scope of your FOI request;
- the relevant provisions of the FOI Act; and
- the FOI Guidelines issued by the Office of the Australian Information Commissioner (OAIC Guidelines).

In coming to my decision, I have:

- consulted widely within Finance and I have been advised that the MS Access database function was subject to Machinery of Government changes in 2013. As such, Finance does not hold responsibility for the database;
- ensured searches were undertaken of filing systems to confirm that Finance does not have that database in its possession.

As a result of the searches and consultations, I am satisfied that Finance does not have responsibility for the database and does not have that database in its possession. As such, I have decided to refuse your request.

### **Charges**

In regard to the processing of your FOI Request, I have decided that you are not liable to pay a charge in accordance with regulation 3 of the *Freedom of Information (Charges) Regulations 1982* for the processing which has been undertaken to date.

### **Review Rights**

The process for review and appeal rights is set out at Attachment A.

Please contact the FOI Team on the above contact details if you wish to discuss your request.

Yours sincerely



Patricia Hawley  
Assistant Secretary  
Legal Services Branch  
Department of Finance  
21 March 2016



**Australian Government**

**Department of Finance**

## **Freedom of Information – Your Review Rights**

If you disagree with the decision made by the Department of Finance (Finance) under the *Freedom of Information Act 1982* (the FOI Act), you can ask for the decision to be reviewed. You may want to seek review if you sought certain documents and were not given full access, if you have been informed that there will be a charge for processing your request, if you have made a contention against the release of documents that has not been agreed to by the Department, or if your application to have your personal information amended was not accepted. There are two ways you can ask for review of a decision: internal review by Finance, or external review by the Australian Information Commissioner.

### **Internal Review**

If Finance makes an FOI decision that you disagree with, you can ask Finance to review its decision. The review will be carried out by a different agency officer, usually someone at a more senior level. There is no charge for internal review.

You must apply within 30 days of being notified of the decision, unless Finance agrees to extend the application time. You should contact Finance if you wish to seek an extension.

Finance is required to make a review decision within 30 days. If Finance does not do so, the original decision is considered to be affirmed.

### ***How to apply for internal review***

You must apply in writing and should include a copy of the notice of the decision provided and the points you are objecting and why.

You can lodge your application in writing through one of the contact details provided at the end of this attachment.

### **Review by the Australian Information Commissioner (IC)**

The IC is an independent office holder who can review the decisions of agencies and ministers under the FOI Act. The IC can review access refusal decisions (s 54L(2)(a) of the FOI Act), access grant decisions (s 54M(2)(a)), refusals to extend the period for applying for internal review under s 54B (s 54L(2)(c)), and agency internal review decisions under s 54C (ss 54L(2)(b) and 54M(2)(b)).

If you are objecting to a decision to refuse access to documents, impose a charge or refuse to amend a document, you must apply to the IC within 60 days of being given notice of the decision. If you are objecting to a decision to grant access to another person, you must apply within 30 days of being notified of that decision.

### ***Do I have to go through Finance's internal review process first?***

No. You may apply directly to the IC. However, going through Finance's internal review process gives Finance the opportunity to reconsider its initial decision, and your needs may be met more quickly without undergoing an external review process.

### ***Do I have to pay?***

No. Review by the IC is currently free.

### ***How do I apply?***

You must apply for IC review in writing and you can lodge your application in one of the following ways:

**Post:** Office of the Australian Information Commissioner

GPO Box 5218

SYDNEY NSW 2001

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

**Fax:** 02 9284 9666

**In person:** Level 3  
175 Pitt Street  
SYDNEY NSW 2000

An electronic application form is also available on the OAIC's website ([www.oaic.gov.au](http://www.oaic.gov.au)). Your application should include a copy of the notice of the decision that you are objecting to (if one was provided), and your contact details. You should also set out why you are objecting to the decision.

### ***Making a complaint***

You may make a written complaint to the IC about actions taken by Finance in relation to your application. However, if you are complaining that a Finance decision is wrong, it is treated as an application for review.

### ***When can I go to the Administrative Appeals Tribunal (AAT)?***

Under the FOI Act, you must seek external review through the IC prior to applying to the AAT for such a review. The fee for lodging an AAT application is \$861, although there are exemptions for health care and pension concession card holders and the AAT can waive the fee on financial hardship grounds.

### ***Investigation by the Ombudsman***

The Commonwealth Ombudsman can also investigate complaints about action taken by agencies under the FOI Act. However, if the issue complained about either could be or has been investigated by the IC, the Ombudsman will consult the Commissioner to avoid the same matter being investigated twice. If the Ombudsman decides not to investigate the

complaint, then they are to transfer all relevant documents and information to the IC.

The IC can also transfer a complaint to the Ombudsman where appropriate. This could occur where the FOI complaint is only one part of a wider grievance about an agency's actions. It is unlikely that this will be common. You will be notified in writing if your complaint is transferred.

Applications to the Ombudsman should be directed to the following address:

**Post:** Commonwealth Ombudsman  
PO Box 442

CANBERRA ACT 2601

**Phone:** 02 6276 0111  
1300 362 072

#### **Finance FOI contact details**

FOI Coordinator

Legal Services Branch

Department of Finance

John Gorton Building

King Edward Terrace

PARKES ACT 2600

**Phone:** 02 6215 1783

**Email:** [foi@finance.gov.au](mailto:foi@finance.gov.au)

**Website:** [www.finance.gov.au/foi/foi.html](http://www.finance.gov.au/foi/foi.html)