



Our reference: RQ16/01657
Departmental reference: 1603-F1405

Ms Marie-Charlotte McKenna
Director, Legal
Department of Foreign Affairs and Trade
R.G. Casey Building
John McEwen Crescent
BARTON ACT 0221

Sent by electronic mail to: foi@dfat.gov.au

Dear Ms McKenna

Extension of time request under s 15AB

Thank you for your correspondence of 24 May 2016, in which you requested an extension of time for the Department of Foreign Affairs and Trade (the **Department**) to process a request for access to documents made by Mr Matthew Buchanan. Mr Buchanan's request was made on 24 February 2016 under the *Freedom of Information Act 1982* (Cth) (the **FOI Act**) in the following terms:

any correspondence with China, Taiwan, the Philippines, Malaysia, Vietnam and the United States in regards to the island building project in the South China Sea enacted by China, and also correspondence between ministers of parliament in regards to this

Background

On 25 March 2016, the Department received Mr Buchanan's written agreement to extend the processing period by 30 days under s 15AA of the FOI Act.

On 22 April 2016, the Office of the Australian Information Commissioner (**OAIC**) granted the Department an extension until 26 May 2016 under s 15AB (2) of the FOI Act (OAIC reference: RQ16/01557). This was on the basis that the request was complex.

You have sought a further extension on the basis that the current processing period is insufficient to deal adequately with Mr Buchanan's request, because it is complex.

Contact with Applicant

On 14 June 2016, I wrote to Mr Buchanan to seek his comment on the Department's request. To date the OAIC has not received a response from Mr Buchanan.

Decision

As a delegate of the acting Information Commissioner, I am authorised to make decisions on requests for extensions of time under s 15AB of the FOI Act.

I have decided to grant the Department further time under s 15AB (2) of the FOI Act to **27 June 2016**. In coming to this decision I have considered the following factors:

- The nature of the subject matter of the request is sensitive. Since the Department was granted an extension by the OAIC, the agency has identified documents as potentially being held in an additional three posts. This has meant that the agency has 'tasked 16 areas of the Department, the majority of which are overseas posts' with obtaining documents covered by the scope of the request. I am satisfied that the identification of additional documents introduces a level of complexity to what was already a complex request.

Based on the information above, I am satisfied that granting the Department further time to process this request will allow the agency sufficient time to manage and produce a well-reasoned FOI decision. I am satisfied that an extension until 27 June 2016 is appropriate in the circumstances.

A copy of this decision will be provided to Mr Buchanan.

Contact

If you have any questions about this email, please contact me on (02) 9284 9615 Tuesday and Wednesdays. Alternatively, I can be reached by email at Ben.Kirkwood@oaic.gov.au. In all correspondence please include reference number **RQ16/01657**.

Yours sincerely

A handwritten signature in blue ink, appearing to read 'Ben Kirkwood', is positioned above the typed name and title.

Ben Kirkwood
Assistant Merit Review Officer
Dispute Resolution Branch

21 June 2016