

29 March 2016

Sarah Skaf

Sent by email to: foi+request-1697-44797ef2@righttoknow.org.au

ACMA file reference: ACMA2016/183

Dear Ms Skaf

Request for access to documents under the *Freedom of Information Act 1982*

I refer to your *Freedom of Information Act 1982* (FOI Act) request, dated and received by the Australian Communications and Media Authority (ACMA) on 29 February 2016, in which you sought access to:

'... any data and correspondence between both ACMA and Federal police regarding any information about internet piracy of movies, TV shows, music, gaming and even e-books. Information could include any arrests or plans on preventing piracy in the future. Could this information be within the time frames of JAN 2014-FEB 2016.'

I confirm that I am an authorised decision maker within the meaning of section 23 of the FOI Act.

On 2 March 2016, I wrote to you acknowledging receipt of your FOI request. I also noted that the ACMA has no direct role in the regulation of internet piracy of movies, TV shows, music, gaming or e-books and does not routinely correspond with the AFP on such matters. I asked that you clarify the nature of the documents you are interested in so that I could determine whether the ACMA holds any such documents.

Decision on access

I have decided to refuse your request to documents identified in your FOI request in accordance with subsection 24A(1) of the FOI Act.

Subsection 24A(1) provides as follows:

'An agency or Minister may refuse a request for access to a document if:

- (a) all reasonable steps have been taken to find the document; and
- (b) the agency of Minister is satisfied that the document:
 - (i) is in the agency's or Minister's possession but cannot be found; or
 - (ii) does not exist.'

The reasons for my decision, the findings on material questions of fact and the material on which those findings were based are set out below.

Searches of ACMA's records

I conducted searches of ACMA's records to locate any documents falling within the scope of your FOI request. These searches involved:

- Talking to staff members within particular ACMA divisional areas with responsibilities relating to matters such as industry codes of practice, prohibited online content and liaison with relevant police forces. I asked relevant staff member if they were aware of any documents or matters that may fall within the scope of your FOI request. Staff members confirmed that they are not aware of any documents that would fall within the scope of your FOI request.
- Undertaking searches of the ACMA's electronic file management systems using a number of different search queries, including document title and document content searches for the terms "AFP AND piracy" within the date range 1 January 2014 until 29 February 2016, and "police AND piracy" within the same date range. These electronic searches returned no relevant records. I also asked our Information Lifecycle Team to conduct searches of ACMA's record systems to locate any relevant documents that I may not have access to. They advised me that no relevant documents were found.

Findings

Having regard to the nature of the documents requested, my attempts to clarify the nature of the documents you are seeking and the searches undertaken of the ACMA's records, I am satisfied, in accordance with paragraph 24A(1)(a) that all reasonable steps have been taken to find any relevant documents that might fall within the scope of your request. Accordingly, I am satisfied, in terms of subparagraph 24(1)(b)(ii), that no documents exist that fall within the scope of your request.

I have therefore decided to refuse your request for access to documents identified in your FOI request in accordance with subsection 24A(1) of the FOI Act.

Your rights of review

Please find enclosed the ACMA's Information Sheet entitled *Freedom of Information Act 1982 – Rights of Review*.

If you have any questions in this regard please contact me on (03) 9963 6898 or at alison.jermey@acma.gov.au.

Yours sincerely



Alison Jermey
Senior Lawyer

Authorised decision maker pursuant to subsection 23(1) of the FOI Act.

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