

Our ref: 2016-100176

12 April 2016

Anonymous Not Given

Dear Anonymous

I refer to your email received on 31 March 2016 in which you requested access to certain documents under the *Freedom of Information Act 1989* (the FOI Act). Your request was framed in the following way:

'...People would like copies of video tape recordings manufactured by police officers who were making denigrating jokes during the non-recorded periods, you should know this by the shaking video footage and if you have a mobile phone im sure it could perhaps pick-up the smothered laugh breathing sounds even from VHS.

Do not use the excuse - we lost it, that is not acceptable and you can simply release everyone convicted if your going to keep up with that excuse.

Sex related crimes do not have a time limit. Please provide the video recordings that are simply an example of how police perform acts that endanger the health and life of others

Yours faithfully,

Respondent to DVO issued after 3rd party that with intent falsely claimed to represent myself whilst committing the criminal act of threatening to KILL another person - a term of 10 years punishment I think; onto the respondent.

Dirt file victim...'

I am authorised to make decisions under s 22 of the FOI Act in relation to your request.

***Decision***

We have checked our records for any documents we may be able to provide to you.

A search of the records held by this office has not located any documents which fall within the scope of your request.

Accordingly, I have decided that I am not able to grant you access to any of the documents you requested because the documents either do not exist or cannot be found.

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

- the terms of your FOI request
- relevant provisions in the FOI Act.

## **Review rights**

### ***Internal review***

Under s 59 of the FOI Act, you may apply in writing to our office for an internal review of my decision. To do so, you should write to the Ombudsman requesting a review. The internal review application must be made within 30 days of the date on which you were notified of my decision. Where possible, please attach the reasons why you believe review of the decision is necessary. The internal review will be carried out by another Ombudsman officer within 30 days.

Should you be dissatisfied with the decision on internal review, you would be able to apply to the ACT Civil and Administrative Tribunal.

### ***Complaints***

You can complain to the Ombudsman about the way your request has been handled. Your complaint would be considered by an officer not involved with this decision.

I have attached further information about your review and complaint rights.

## **Contacts**

If you require clarification of any of the matters discussed in this letter you may contact me using the contact information set out at the foot of the first page of this letter.

Yours sincerely



Gregory Parkhurst  
FOI Co-ordinator

## **APPLICATION FOR INTERNAL REVIEW**

You have the right to apply for an internal review of the decision refusing to grant access to documents in accordance with your request. If you make an application for review, the Ombudsman, the Deputy Ombudsman, or a Senior Assistant Ombudsman specifically authorised by the Ombudsman, will conduct a review of the decision and make a completely fresh decision on the merits of the case.

You must apply in writing for a review of the decision within 30 days of receipt of this letter, although the decision-maker may extend this period where appropriate.

You do not have to pay any processing charges for an internal review.

No particular form is required to apply for review although it is desirable (but not essential) to set out in the application the grounds on which you consider that the decision should be changed.

Application for a review of the decision should be addressed to:

The FOI Contact Officer  
ACT Ombudsman  
GPO Box 442  
CANBERRA ACT 2601  
Tel: (02) 6276 0111 (reverse charge if necessary) or 1300 362 072  
Fax: (02) 6276 0123

## **COMPLAINTS TO THE ACT OMBUDSMAN**

You may make a complaint to the Ombudsman if you are dissatisfied with the decision or the manner in which your request was dealt with. The Ombudsman will arrange for an independent investigation of your complaint and will ensure that the investigation is handled by a person who has not had prior involvement with your FOI request.

You may complain by writing to the Ombudsman. The Ombudsman's address is:

ACT Ombudsman  
GPO Box 442  
CANBERRA ACT 2601  
Fax: (02) 6276 0123  
Email: [ombudsman@ombudsman.gov.au](mailto:ombudsman@ombudsman.gov.au)

The Ombudsman usually prefers applicants to seek internal review before complaining about a decision. There is no fee for making a complaint.