



10 June 2016

FOI ref: 1907

Mr Patrick Conheady
Right to Know

By email: foi+request-1936-7ad993dc@righttoknow.org.au

Dear Mr Conheady

FREEDOM OF INFORMATION (FOI) REQUEST

I refer to your FOI request to this department dated 11 May 2016. Your request reads as follows:

'Please provide the directory listing (showing names of files) for the following folder on the Department's Sharepoint:

Sharepoint/LDP-RGShare/LDP Reporting/

*(This path is from a document you released under an earlier FOI request, described at <https://www.righttoknow.org.au/request/list_of_tax_measures_referred_to#incoming-5449>.)
I am an authorised decision maker under section 23 of the Freedom of Information Act 1982 (the Act).'*

Decision

I am unable to grant you access to the documents you have requested. This is because, despite thorough searches having been carried out in the department, no such documents have been located.

Section 24A(1) of the Act provides that an agency may 'refuse' a request for access to a document if, after all reasonable steps have been taken to find the document, it is satisfied that (a) the document is in its possession but cannot be found or (b) does not exist.

On this occasion that I am satisfied that all reasonable steps to locate the documents you have requested have been taken by the department but none have been located. I must therefore refuse your request under section 24A(1).

Searches Carried Out

Departmental officers conducted a thorough search of our hard copy and electronic files, as well as making enquiries of those officers who may have been able to locate any such documents. I am advised that

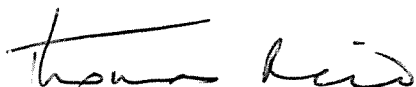
'Sharepoint/LDP-RGShare/LDP Reporting/' no longer exists. This is no doubt due to the ongoing process of developing improved structures in the LDP SharePoint libraries. A search in SharePoint for that folder name returned only your FOI correspondence and the document already provided to you under FOI. We are unable, therefore, to obtain the requested directory listing.

I consider that the above searches constitute the taking of 'all reasonable steps' to find the documents for the purposes of section 24A(1).

Rights of Review

A statement setting out your rights of review in this matter is attached.

Yours sincerely

A handwritten signature in black ink, appearing to read "Tom Reid". The signature is written in a cursive, slightly slanted style.

Tom Reid
Division Head
Law Design Practice Division

INFORMATION ON RIGHTS OF REVIEW

1. APPLICATION FOR INTERNAL REVIEW OF DECISION

Section 54 of the Freedom of Information Act gives you the right to apply for an internal review of the decision refusing to grant access to documents in accordance with your request.

Application for a review of the decision must be made in writing within 30 days of receipt of this letter.

No particular form is required but it would assist the decision-maker if you could set out in the application the grounds on which you consider that the decision should be reviewed.

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

The Secretary
The Treasury
Langton Crescent
PARKES ACT 2600

Attention: Parliamentary and Legal Services Unit

OR

2. APPLICATION TO AUSTRALIAN INFORMATION COMMISSIONER (INFORMATION COMMISSIONER) FOR REVIEW OF DECISION

Section 54L of the Act gives you the right to seek a review of the decision from the Information Commissioner. An application for review must be made within 60 days of receiving the decision.

Applications for review must be in writing and must:

- give details of how notices must be sent to you; and
- include a copy of the notice of decision.

You should send your application for review to:

The Information Commissioner
Office of the Australian Information Commissioner
GPO Box 5218
SYDNEY NSW 2001

AND/OR

3. COMPLAINTS TO THE INFORMATION COMMISSIONER

Section 70 of the Act provides that a person may complain to the Information Commissioner about action taken by an agency in the exercise of powers or the performance of functions under the Act.

A complaint to the Information Commissioner must be in writing and identify the agency the complaint is about. It should be directed to the following address:

The Information Commissioner
Office of the Australian Information Commissioner
GPO Box 5218
SYDNEY NSW 2001

The Information Commissioner may decline to investigate the complaint in a number of circumstances, including that you did not exercise your right to ask the agency, the Information Commissioner, a court or tribunal to review the decision.