



FOI16/111; 16/8853

5 September 2016

Gabor Szathmari

By email: foi+request-2122-d760a5ef@righttoknow.org.au

Dear Gabor Szathmari,

Freedom of Information Request FOI16/111

The purpose of this letter is to give you a decision about access to documents requested under the *Freedom of Information Act 1982* (FOI Act).

Summary

I, Anne Sheehan, Assistant Secretary, am an officer authorised under subsection 23(1) of the FOI Act to make decisions in relation to FOI requests.

On 10 August 2016 you requested access to documents relating to the *Telecommunications (Interception and Access) Act 1979*. Specifically you sought access to:

'copies of any correspondence with the department in which a body or agency not authorised under 176A of the Telecommunications (Interception and Access) Act to access telecommunications metadata:

- *Requests such authorisation either by seeking to be declared an enforcement agency under the Act, or*
- *Seeks authorisation external to 176A(3)*

... since a similar Freedom of Information request made on 3 November 2015 (FOI 15/216)'

Your request was acknowledged on 22 August 2016. On 26 August 2016 you were invited to clarify its scope. After further correspondence, on 29 August 2016 you confirmed by email that you wished to modify the scope of your request to be as follows:

'changes to the list of agencies published in FOI15/216. I would like to know which agencies have applied to access 'telecommunications data' since the list published as part of FOI15/216.'

Material taken into account

I have taken the following material into account in making my decision:

- the content of the documents that would fall within the revised scope of your request
- the FOI Act (specifically section 24A), and
- the guidelines issued by the Australian Information Commissioner under section 93A of the FOI Act.

Decision and reasons for decision

Under subsection 24A(1) of the FOI Act, an agency may refuse a request for access to documents if all reasonable steps have been taken to find the document and the agency is satisfied that the document cannot be found or does not exist within the agency.

I am satisfied that the department has no documents that fall within the scope of your request. Accordingly, I refuse your request.

Your review rights

If you are dissatisfied with my decision, you may apply for internal review or Information Commissioner review of the decision. We encourage you to seek internal review as a first step as it may provide a more rapid resolution of your concerns.

Internal review

Under section 54 of the FOI Act, you may apply in writing to the Attorney-General's Department for an internal review of my decision. The internal review application must be made within 30 days of the date of this letter, and be lodged in one of the following ways:

email: foi@ag.gov.au
post: Freedom of Information and Privacy Section
 Strategy and Delivery Division
 Attorney-General's Department
 3-5 National Circuit
 BARTON ACT 2600

Where possible please attach reasons why you believe review of the decision is necessary. The internal review will be carried out by another officer within 30 days.

Information Commissioner review

Under section 54L of the FOI Act, you may apply to the Australian Information Commissioner to review my decision. An application for review by the Information Commissioner must be made in writing within 60 days of the date of this letter, and be lodged in one of the following ways:

online: <https://forms.business.gov.au/aba/oaic/foi-review/>
email: enquiries@oaic.gov.au
post: GPO Box 5218, SYDNEY NSW 2001
in person: Level 3, 175 Pitt Street, SYDNEY NSW

More information about Information Commissioner review is available on the Office of the Australian Information Commissioner website. Go to <http://www.oaic.gov.au/freedom-of-information/foi-reviews>.

Questions about this decision

If you wish to discuss this decision, please contact Sarah, FOI case manager, by telephone on (02) 6141 6666 or by email foi@ag.gov.au.

Yours sincerely

A handwritten signature in cursive script that reads "Sheehan".

Anne Sheehan
Assistant Secretary

