



Australian Government
Attorney-General's Department

FOI 16/122; 16/9386

13 September 2016

Evelyn Doyle

By email: foi+request-2193-3c84cbc4@righttoknow.org.au

Dear Ms Doyle

Freedom of Information Request FOI 16/122

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

Summary

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

On 31 August 2016 you requested access to documents relating to the ATO's decision to ban FOI requests via the Right to Know Website. Specifically you sought access to:

'All documents including correspondence (electronic and print) and briefings in 2016 relating to the ATO's decision to ban Freedom of Information requests via the Right to Know site (run by the Open Australia Foundation). The scope of this request includes all documents, briefings, emails and correspondence with internal and external stakeholders including the relevant Ministers and any guidance given to the ATO (or Minister) by the Attorney-General or his department as the portfolio responsible for FOI policy'

I have identified that the Attorney-General's Department has no documents that fall within the scope of your request. I did this by arranging for a comprehensive search of the department's electronic document management system and making inquiries with staff likely to be able to identify relevant documents.

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 scope of your request
- the FOI Act (specifically section 24A)
- 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 do not exist within the agency.

I am satisfied that the department has no documents that fall within the scope of your request. Accordingly, I have decided to 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 Monique, FOI case manager, by telephone on (02) 6141 6666 or by email foi@ag.gov.au.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Andrew Walter', with a long horizontal flourish extending from the bottom of the signature.

Andrew Walter
Assistant Secretary

