



Office of the Hon Alan Tudge MP
Minister for Human Services

22 November 2016

Our reference: LEX 22963

Mr Ben Fairless

By email: foi+request-2359-f1ee1faf@righttoknow.org.au

Dear Mr Fairless,

Decision on your Freedom of Information request

I refer to your request dated 19 October 2016 and received by the Office of the Minister for Human Services (the **Office**) on 25 October 2016 for access under the *Freedom of Information Act 1982* (the **FOI Act**) to the following documents:

'a copy of all inbound and outbound chats in the 7 days prior to this request that was sent or received from the minister using any of the below applications:

- WhatsApp
- Facebook Messneger [sic]
- Signal
- Telegram
- Grindr
- Scruff
- Tinder
- Email Accounts without a .gov.au email address.'

My decision

I have decided to refuse your request for access under section 24A of the FOI Act on the basis that all reasonable steps have been taken to locate the documents you have requested and I am satisfied that they do not exist. Please see **Attachment A** for the reasons behind my decision.

You can ask for a review of my decision

If you disagree with any part of my decision you can ask for an external review by the Office of the Australian Information Commissioner. You do not have to pay for reviews of decisions. See **Attachment B** for more information about how arrange a review.

Further assistance

If you have any questions please email andrew.asten@humanservices.gov.au.

Yours sincerely



Andrew Asten
Authorised FOI Decision Maker
Office of the Minister for Human Services

REASONS FOR DECISION

What you requested

- *'a copy of all inbound and outbound chats in the 7 days prior to this request that was sent or received from the minister using any of the below applications:*
 - *WhatsApp*
 - *Facebook Messneger [sic]*
 - *Signal*
 - *Telegram*
 - *Grindr*
 - *Scruff*
 - *Tinder*
 - *Email Accounts without a .gov.au email address.'*

What I took into account

In reaching my decision I took into account:

- your original request dated 19 October 2016, received by the Office on 25 October 2016;
- the documents that would fall within the scope of your request if they existed;
- searches undertaken by staff within the Office;
- guidelines issued by the Australian Information Commissioner under section 93A of the FOI Act (the **Guidelines**);
- the FOI Act.

Reasons for my decisions

I am authorised to make decisions under section 23(1) of the FOI Act.

Section 24A of the FOI Act

Section 24A of the FOI Act provides that:

- (1) 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 or 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 Office conducted searches of the office's electronic and mobile devices. The Office did not identify any documents matching the description in your request.

On the basis of these searches, I am satisfied that in accordance with section 24A of the FOI Act:

1. all reasonable steps have been taken to find the documents; and
2. the documents do not exist.

INFORMATION ON RIGHTS OF REVIEW

FREEDOM OF INFORMATION ACT 1982

Asking for a full explanation of a Freedom of Information decision

Before you ask for a formal review of an FOI decision, you can contact me to discuss your request. I will explain the decision to you. This gives you a chance to correct misunderstandings.

Asking for a formal review of an Freedom of Information decision

If you still believe a decision is incorrect, the *Freedom of Information Act 1982* (FOI Act) gives you the right to apply for a review of my decision. Under section 54L of the FOI Act, you can apply for a review of an FOI decision by the Australian Information Commissioner.

Note: There are no fees for this review.

Applying for external review by the Australian Information Commissioner

If you do not agree with the original decision, you can ask the Australian Information Commissioner to review my decision.

You will have 60 days to apply in writing for a review by the Australian Information Commissioner.

You can **lodge your application:**

Online: www.oaic.gov.au

Post: Australian Information Commissioner
GPO Box 5218
SYDNEY NSW 2001

Email: enquiries@oaic.gov.au

Important:

- If you are applying online, the application form the 'Merits Review Form' is available at www.oaic.gov.au.
- You should include with your application a copy of my decision on your FOI request
- Include your contact details
- Set out your reasons for objecting to my decision.