



Australian Government  
Department of Education and Training

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Marlene Lang  
Via [www.righttoknow.org.au](http://www.righttoknow.org.au)

By email: [foi+request-2680-9fb9e535@righttoknow.org.au](mailto:foi+request-2680-9fb9e535@righttoknow.org.au)

Dear Ms Lang

I refer to your correspondence received by the Department of Education and Training (the department) on 7 November 2016, in which you asked the following:

*"As set out in their funding agreements, do all workers at the Budget Based Funded Early Childhood services around Australia have working with children checks".*

Section 11 of the FOI Act provides a general right of access to "(a) a document of an agency, other than an exempt document." Section 15 of the FOI Act sets out how the right of access provided in section 11 can be exercised, including, at section 15(b), by providing "such information concerning the document as is reasonably necessary to enable a responsible officer of the agency...to identify it".

I consider that your request is not a valid request under section 15 of the FOI Act. This is because your request is for information rather than documents. The Guidelines issued by the Australian Information Commissioner under section 93A of the FOI Act explain, at paragraph 2.29, that the right of access is to existing documents, rather than to information.

Noting the above, if you wish to proceed to make a request for access to documents under the FOI Act, please send a request providing information concerning the document or documents that you are seeking access to, to assist us to identify that document, together with confirmation that you are making an application for the purposes of the FOI Act, to the following address: [foi@education.gov.au](mailto:foi@education.gov.au).

If you have any questions in relation to this matter, please send your query to [foi@education.gov.au](mailto:foi@education.gov.au).

Yours sincerely

A handwritten signature in black ink, appearing to read 'K. Thomas', with a long horizontal flourish extending to the right.

Kathryn Thomas  
FOI Officer  
Child Care, Schools and Corporate Legal Branch  
People, Communication and Legal Group

14 November 2016