



Marlene Lang
Via www.righttoknow.org.au

By email: foi+request-2680-9fb9e535@righttoknow.org.au

Dear Ms Lang

I refer to your correspondence of 14 November 2016, in which you requested an internal review of our correspondence of 14 November 2016 in relation to your request for access under the Commonwealth *Freedom of Information Act 1982 (the FOI Act)*, lodged with Department of Education and Training (department) on 7 November 2016.

Valid FOI Request

Section 15 of the FOI Act sets out the following requirements in order to make a valid request:

- be in writing;
- state that it is an application for the purposes of the FOI Act;
- *provide information concerning the document as is reasonably necessary to identify the document*; and
- provide an address (eg an email address) for the purposes of correspondence.

In addition, requests must be sent to the address specified by the agency.

Your request of 7 November 2016 was not a valid FOI request as you requested information – not documents. To have made a valid FOI request, you would have needed to provide sufficient information to allow the department to identify the document or documents you were seeking to access.

Internal Review

Section 52 of the FOI Act provides for internal review of certain decisions by agencies. As discussed above, your request did not satisfy the requirements of section 15 of the FOI Act for a valid FOI request. Accordingly, there was no decision made which would enliven internal review rights under the FOI Act.

New FOI request

If you would like to make a new FOI request, please send a request providing information about the document(s) that you are seeking to access, to assist us in identifying that document, together with confirmation that you are making an application for the purposes of the FOI Act.

Yours sincerely

Genevieve Fiot
Senior Government Lawyer
Schools, Child Care and Corporate Legal Branch

People, Communication and Legal Group

29 November 2016