

Approach - 2016-510597

Complainant

Mr Ben Fairless

Case Priority

6 - Cat 2

Street Address Case

Caller Phone Details

After Hours Phone

Business Phone

Mobile Phone

Fax

Email

Date of Birth

Organisation

Phone

Receipt Details

File Type:	Investigation-In-Confidence	Received Date:	3-Nov-16 12:40 PM
Case Type:	Non-AFP	Received By:	Newton, Thomas
How Received:	Email	Registered Date:	3-Nov-16 12:40 PM
TimeSpent:	0(to date)	Registered By:	Newton, Thomas
Owned By:	Parkhurst, Greg	Status:	Closed
Team:	Operations North		

Co Complainant

RoleHolder	Role	Comment
OMBFOI - Ombudsman FOI Requests	Agency	
Mr Ben Fairless	Caller	
	Incoming Document	
Harris, Elisa	Agency Specialist	
Walsh, Rodney	Agency SAO	
Parkhurst, Greg	Last Action Assigned Officer	

Summary

Reference number and date lodged

Complainant has made request via 'right to know' website with email address : foι+request-2580-811e11a7@righttoknow.org.au

Details of Complaint

Mr Fairless makes the following request via email on 2 November 2016:

"Dear Commonwealth Ombudsman,

Can I please have a copy of the current FOI Delegations, and any related directions issued in respect of FOI.

I believe this information could be considered "operational information" so I therefore request release under

the IPS, or under Administrative Access.

Yours faithfully,

DISCLOSED UNDER FOI

Ben Fairless"

Desired Action or Outcome

As above - Copy of FOI delegations and other related directions in respect of FOI under the IPS or Administrative Access

Steps taken to Resolve Complaint

N/A

PCT Action

Referred to Greg Parkhurst

ISSUES

Issues Request for documents

Cause Not Determined

Outcome FOI

Decision provided

Actions

Action	Contact	Assign To	Due Date	Completed By	Completed	Status	Time
Category Changed from 1 to 2	/	Newton, Thomas	4-Nov-16 12:42 PM	Newton, Thomas	3-Nov-16 12:42 PM		0
Case Ownership Changed	/	Newton, Thomas	3-Nov-16 12:44 PM	Newton, Thomas	3-Nov-16 12:44 PM		
Assigned to 'Parkhurst, Greg' by 'Newton, Thomas'							
Decision	/	Parkhurst, Greg	2-Dec-16 4:05 PM	Parkhurst, Greg	1-Dec-16 4:09 PM		0

I have considered the access request. It seeks access to a document prepared by the Ombudsman's Legal Team. The document was prepared for the dominant purpose of advising the Ombudsman about appropriate arrangements for administration of the Ombudsman's processing of requests received under the FOI Act.

In my view, if access to the document was requested under the FOI Act, it would be exempt from release under s 42.

However, the applicant has sought access under administrative release arrangements. As I am of the view that the document should not be disclosed, I will write to advise the applicant that I have declined his request.

Write to Caller	/	Parkhurst, Greg	8-Dec-16 4:10 PM	Parkhurst, Greg	1-Dec-16 4:50 PM		0
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Decision letter emailed to applicant 1 December 2016.

2016-510597 Write to Caller (1).doc 01. Decision letter.

Case Closure	/	Parkhurst,	2-Dec-16	Parkhurst,	1-Dec-16		0
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Greg 4:51 PM Greg 4:51 PM

Officer

Office:Canberra

External References

Filename

Comments

2016-510597 Write to Caller (1).doc

01. Decision letter.

1-12-2016_16-43-08.pdf

02. Signed copy decision letter.

20161201 EMail 01.msg

03. Email sending decision letter.

Cross References

Case

Comments

2016-511889

Additional Agency

Section ADD_AGENCY either doesnt exist or has no data or detail area properly defined

Closure Details

Closed On: 1-Dec-16 4:51 PM

Closed By: Parkhurst, Greg

Security Level

50

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Gregory Parkhurst

From: Ben Fairless <foi+request-2580-811e11a7@righttoknow.org.au>
Sent: Wednesday, 2 November 2016 9:01 PM
To: Ombudsman
Subject: Freedom of Information request - FOI Delegations - 2016

Dear Commonwealth Ombudsman,

Can I please have a copy of the current FOI Delegations, and any related directions issued in respect of FOI.

I believe this information could be considered "operational information" so I therefore request release under the IPS, or under Administrative Access.

Yours faithfully,

Ben Fairless

Please use this email address for all replies to this request:
foi+request-2580-811e11a7@righttoknow.org.au

Is ombudsman@ombudsman.gov.au the wrong address for Freedom of Information requests to Commonwealth Ombudsman? If so, please contact us using this form:
https://www.righttoknow.org.au/change_request/new?body=co

This request has been made by an individual using Right to Know. This message and any reply that you make will be published on the internet. More information on how Right to Know works can be found at:
<https://www.righttoknow.org.au/help/officers>

If you find this service useful as an FOI officer, please ask your web manager to link to us from your organisation's FOI page.

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Gregory Parkhurst

From: Ombudsman North
Sent: Thursday, 1 December 2016 4:50 PM
To: 'foi+request-2580-811e11a7@righttoknow.org.au'
Subject: Your information access request - Ombudsman's ref: 2016-510597
[SEC=UNCLASSIFIED]
Attachments: 1-12-2016_16-43-08.pdf

Dear Mr Fairless

I attach correspondence in response to your email to this office dated 2 November 2016.

Yours sincerely

Gregory Parkhurst

Senior Investigation Officer | FOI Co-ordinator | Operations North

Commonwealth Ombudsman

Ph: 1300 362 072 | Fax: 02 6276 0123

email: ombudsman@ombudsman.gov.au

Influencing agencies to treat people fairly through our investigations of their administration

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Our ref: 2016-510597

1 December 2016

Mr Ben Fairless

By email to: foi+request-2580-811e11a7@righttoknow.org.au

Dear Mr Fairless

Your email dated 2 November 2016

I refer to your email dated 2 November 2016, in which you requested access to certain documents from this office. Your request was framed in the following way:

'...Can I please have a copy of the current FOI Delegations, and any related directions issued in respect of FOI.

I believe this information could be considered "operational information" so I therefore request release under the IPS, or under Administrative Access...'

Decision

It is the policy of this office that disclosure of material may be made under administrative access arrangements where the applicant seeks access to their own personal information, and the relevant documents were previously provided to our office by the applicant.

However, the material to which you seek access is not your own personal information, and was not previously provided to this office by you. For this reason, I have concluded that material falling within the scope of your request is not appropriate for disclosure under administrative access arrangements, and I have declined your request.

Yours sincerely

A handwritten signature in black ink, appearing to read "G Parkhurst".

Gregory Parkhurst
Senior Investigation Officer