



Australian Government
Department of Social Services

Mr Bill Tarte
Righttoknow.org.au

By email: <mailto:foi+request-2981-9bd8be77@righttoknow.org.au>

Dear Mr Tarte

Freedom of Information Request No. 16/17-104

1. I refer to your correspondence received by the Department of Social Services (the Department) on 25 January 2017 in which you sought access under the *Freedom of Information Act 1982* (FOI Act) to documents as follows:

- *Privacy impact assessment on the internal use of Twitter data.*
- *Privacy impact assessment on the internal use of Facebook data.*
- *Privacy impact assessment on the internal use of LinkedIn data.*

2. I am authorised to make decisions under subsection 23(1) of the FOI Act. The following is my decision and the reasons for the decision.

Decision on access to documents

3. Pursuant to subparagraph 24A(1)(b)(ii) of the FOI Act, I have decided to refuse your request for access to documents on the basis that the documents you are requesting do not exist.

Reasons for decision

4. An agency or Minister may refuse a request for access to documents under subsection 24A(1) of the FOI Act 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.*

5. I have decided to refuse your request pursuant to section 24A of the FOI Act on the basis that the Department has taken all reasonable steps to find documents falling within the scope of your request, and I am satisfied that documents do not exist.

6. The evidence on which I have based my decision is:

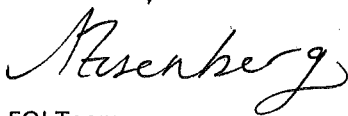
- your correspondence dated 25 January 2017 outlining the particulars of your request for documents under the FOI Act;
- consultations with departmental officers as to the information held by the Department and searches for documents undertaken by them;
- the FOI Act; and

- the guidelines issued by the Australian Information Commissioner under section 93A of the FOI Act.
7. I am advised by departmental officers in the Communications Services Branch, IT Operations Branch, the Organisation Strategy Services Branch Executive and the Social Security Analytics Executive that thorough searches have not located any documents which fall within the scope of your request.
 8. Accordingly, I am satisfied that all reasonable steps have been taken to determine whether the relevant documents exist and such steps have failed to locate any document falling within the scope of your request. I have therefore decided to refuse your request pursuant to subparagraph 24A(1)(b)(ii) of the FOI Act on the basis that the documents you are seeking do not exist.

Rights of review

9. I have enclosed information about your rights of review at **Attachment A**.
10. Should you have any enquiries concerning this matter, please do not hesitate to contact the FOI Team by email on foi@dss.gov.au.

Yours sincerely



FOI Team
Government and Executive Services Branch
Corporate Services Group

10 February 2017

ATTACHMENT A**Internal review**

Section 54 of the *Freedom of Information Act 1982* (FOI Act) gives you the right to apply for an internal review of this decision. The review will be conducted by a different person to the person who made the original decision.

If you wish to seek an internal review of the decision you must apply for the review, in writing, within 30 days of receipt of this letter. No particular form is required for an application for internal review, but to assist the decision-maker you should clearly outline the grounds upon which you consider the decision should be reviewed. Applications for internal review can be lodged in one of the following ways:

Post: Freedom of Information (FOI) Coordinator
Corporate Services Branch TOP CE4
Department of Social Services
GPO Box 9820
Canberra ACT 2601

Email: foi@dss.gov.au

External review by the Australian Information Commissioner

Section 54L of the FOI Act gives you the right to apply to the Australian Information Commissioner (Information Commissioner) to review a decision made by an agency on internal review of an access refusal decision.

If you wish to have this decision reviewed by the Information Commissioner you must apply for the review, in writing or by using the online merits review form available on the Information Commissioner's website at www.oaic.gov.au, within 60 days of receipt of this letter. To assist the Information Commissioner your application should include a copy of this decision and your contact details. You should also clearly set out why you are objecting to the decision.

You can also complain to the Information Commissioner about how an agency handled an FOI request, or other actions the agency took under the FOI Act.

Applications for review or complaint can be lodged in one of the following ways:

Online: www.oaic.gov.au
Post: GPO Box 5218, Sydney, NSW 2001
Fax: +61 2 9284 9666
Email: enquiries@oaic.gov.au
In person: Level 3, 175 Pitt Street, Sydney, NSW 2000

The Commonwealth Ombudsman

You can complain to the Commonwealth Ombudsman concerning action taken by an agency in the exercise of powers or the performance of functions under the FOI Act. A complaint to the Commonwealth Ombudsman may be made orally or in writing. The Ombudsman may be contacted for the cost of a local call.