



Australian Government

Department of Communications and the Arts

Bill Tarte
Right to Know

Via email (foi+request-2982-6d3a2c11@righttoknow.org.au)

Dear Mr Tarte

Freedom of Information - Access Decision Letter
Request No. 19-1617

I refer to your request of 24 January 2017 to the Department of Communications and Arts (the **Department**), in which you have sought access under the *Freedom of Information Act 1982* (Cth) (the **FOI Act**) as follows:

"... I request copies of the following:

- 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."*

Authority

I am authorised under section 23 of the FOI Act to make a decision in relation to this request.

Decision

I have decided to refuse you access to the requested documents pursuant to subsection 24A(1) of the FOI Act, as I am satisfied documents falling within the scope of your request do not exist.

Material considered in making decision

In making my decision I have considered:

- the FOI request;
- advice provided by the Department's Digital Communications Branch;
- the FOI Act; and
- the Office of the Australian Information Commissioner (the **OAIC**), *Guidelines under s 93A of the FOI Act (FOI Guidelines)*.

I am required under section 26 of the FOI Act to provide a statement of reasons for my decision and make the following statement setting out my findings on the material.

My decision and the reasons for my decision to refuse to grant access to the requested documents, or to information contained in particular documents, is set out below.

Section 24A – Requests may be refused if documents cannot be found

Subsection 24A(1) of the FOI Act provides that a request for access may be refused if all reasonable steps have been taken to find the document, and the agency is satisfied that the document is in the agency's possession but cannot be found or does not exist.

On 25 January 2017, I was advised by the Department's Digital Communications Branch that the Department does not use or collect any social media data that contains personal information and therefore the documents you have requested, do not exist.

As I am satisfied that all reasonable steps have been taken to find documents within the scope of your request and that no documents within the scope of your request have been found because the documents do not exist, I have therefore decided to refuse your request for access pursuant to subsection 24A(1) of the FOI Act.

Review rights

The FOI Act provides for rights of review of decisions. A copy of the *Australian Information Commissioner's FOI fact sheet 12 – Your review rights* is attached.

Yours sincerely



Shireen Sekhon
Legal Director
Office of the General Counsel
1 February 2017