



Mr Bill Tarte

By email: foi+request-3013-d61a0bd8@righttoknow.org.au

Dear Mr Tarte

1. I refer to your correspondence dated 2 February 2017 to the Department of Employment (the Department) in which you sought access under the *Freedom of Information Act 1982* (Cth) (FOI Act) to:

...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.*

Decision on access to the documents

2. I am authorised to make decisions under section 23 of the FOI Act. My decision regarding your request and the reasons for my decision are set out below.
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 a document 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 the Minister's possession but cannot be found; or*
 - (ii) *does not exist.*
5. I have liaised with the Program Communication Team and I am advised that the Department does not hold any documents within the scope of your request. Appropriate searches for documents within the scope of your request have been undertaken and these searches have not identified any relevant material in the possession of the Department.
6. Accordingly, I have decided to refuse your request pursuant to subparagraph 24A(1)(b)(ii) 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 those documents do not exist.
7. The evidence upon which I have based my decision is:

- correspondence received from you on 2 February 2017, outlining the particulars of your request;
 - consultations with relevant officers regarding the information held by the Department and the searches undertaken by them;
 - the FOI Act; and
 - the guidelines issued by the Australian Information Commissioner under section 93A of the FOI Act.
8. The Department collects and handles personal information, including personal information that comes into its possession via social media, in accordance with the *Privacy Act 1988* (Cth)(Privacy Act). The Department's obligations under the Privacy Act are reflected its Complete Privacy Policy, which describes, among other things:
- the types of personal information collected, held, used and disclosed by the Department;
 - the Department's information handling systems and practices;
 - how personal information is used; and
 - how personal information is protected.
9. The Department's Complete Privacy Policy is available on the Department's website: <https://www.employment.gov.au/privacy>
10. I have enclosed information about your rights of review under the FOI Act at **Attachment A**.
11. Should you have any questions, please contact me via email at foi@employment.gov.au.

Yours sincerely



James Ramsay
Government Lawyer
Information Law Team
Information Law, Practice Management and Corporate Advising Branch
28 February 2017

Your rights of review

Internal Review

Section 54 of the 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: The FOI Coordinator
 Department of Employment
 Location Code: C12MT1-LEGAL
 GPO BOX 9880
 CANBERRA ACT 2601

Email: foi@employment.gov.au

External Review by the Australian Information Commissioner

Section 54L of the FOI Act gives you the right to apply directly to the Australian Information Commissioner (AIC) to seek a review of this decision.

If you wish to have the decision reviewed by the AIC you must apply for the review, in writing or by using the online merits review form available on the AIC's website at www.oaic.gov.au, within 60 days of receipt of this letter. To assist the AIC 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 AIC or Commonwealth Ombudsman about how an agency handled an FOI request, or other actions the agency took under the FOI Act.

We are advised by the AIC that applications for review or complaint must be lodged with the AIC 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

For general enquiries, please call 1300 363 992 or +61 2 9284 9749 for international.