



AUSTRALIAN
**CRIMINAL
INTELLIGENCE
COMMISSION**

GPO Box 1936
Canberra City ACT 2601
Phone: +61 2 6243 6666
www.acic.gov.au

Our reference: [trim:\[17/66236\]](#)

21 April 2017

Mr Paul Whiley

By email: foi+request-3109-38e36de7@righttoknow.org.au

Dear Mr Whiley

Freedom of Information Request ACIC 17-05

I refer to your request for access to documents relating to stolen firearms under the *Freedom of Information Act 1982* (FOI Act).

I am an officer authorised under section 23(1) of the FOI Act to make a decision concerning the information to which you have sought access.

Previous correspondence

Practical refusal consultation letter – 23 March 2017

On 23 March 2017 I wrote to advise you that I intended to refuse access to the documents you requested because the work involved in processing your request would substantially and unreasonably divert the resources of this agency from its other operations. This is called a 'practical refusal reason' (section 24AA).

Revised request – 1 April 2017

On 1 April you responded via email, from which I understood that you wished to revise the scope of your original request for access to "the records of all stolen firearms nationally for the last 5 years. And how and where they were stolen from" to a request for access to "all of the information at your disposal of stolen firearms in Australia".

Further practical refusal consultation correspondence - 5 April 2017

On 5 April I wrote to advise that I consider the scope of your revised request to be broader than that of your original request, and am therefore of the view that processing your revised request would substantially and unreasonably divert the resources of the ACIC from its other operations.

I suggested that you consider reducing the scope of your request to be for "the number of firearms recorded in the Australian Firearms Information Network (AFIN), the number of firearms recorded in AFIN as stolen, and the number of firearms recorded in AFIN as lost or missing".

I also indicated that it was open to you to withdraw your request, make a revised request, or tell us that you did not wish to revise your request, and noted that should you refuse to make a revised

request, or revise your request to a scope which was still too broad to action, we would proceed to a practical refusal of your access.

I have taken your silence in response to that email as an indication that you do not wish to revise the scope of your request.

Decision

Having undertaken a request consultation process, as required by s 24 of the FOI Act, I now write to advise you that, as foreshadowed in my correspondence of 23 March and 5 April, I am refusing your request under s 24 of the FOI Act on the basis that a practical refusal reason exists in relation to the request.

Your review rights

If you are dissatisfied with this decision you can apply for internal review or review by the Information Commissioner. You do not have to apply for internal review before seeking the Information Commissioner's review.

Internal review

You may seek internal review by making an application in writing to the ACIC within 30 days of being notified of this decision. A written application for a review should be sent to the FOI Coordinator at foi@acic.gov.au, or by post to:

FOI Coordinator
Australian Criminal Intelligence Commission
GPO Box 1936
Canberra ACT 2601

Information Commissioner review

Alternatively, you may apply in writing for review by the Information Commissioner. In making your application you need to provide:

- an address for notices to be sent (this can be an email address)
- a copy of this decision.

It would also help if you set out the reasons for review in your application. Requests for review must be in writing and can be made via the website (www.oaic.gov.au), by email at enquiries@oaic.gov.au, or by post at:

Office of the Australian Information Commissioner
GPO Box 2999
Canberra ACT 2601

If you are objecting to a decision to refuse access to documents you must apply to the Information Commissioner within 60 days of being given notice of the decision. You can contact the Information Commissioner by phone on 1300 363 992.

Right to complain

You may make a complaint to the Information Commissioner about action taken by the ACIC in relation to your application. The complaint needs to be in writing and identify the agency against which the complaint is made.

The Information Commissioner may be contacted on 1300 363 992. There is no particular form required to make a complaint, but the complaint should set out the grounds on which you consider the action should be investigated.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Suzannah Ward', written in a cursive style.

Suzannah Ward

FOI Delegate