



Australian Government

Director of National Parks

Mr James Smith

By email: jfoi+request-3820-7cbc05cc@righttoknow.org.au

Dear Mr Smith

**Freedom of Information - Access Decision Letter
Request No. 170804**

I refer to your request of 8 August 2017 to Parks Australia, in which you have sought access under the *Freedom of Information Act 1982* (Cth) (the **FOI Act**) to:

[Item 1] The ten most recent instances where an employee has sought information, advice, guidance, or opinion on their social media use in a private capacity.

Limiting the scope of documents to:

- *the original request from the employee*
- *the agency/department's response*
- *any follow-up questions and response*
- *only those sent to a relevant HR / conduct / social media (or similar) team (rather than managers across all areas of the organisation)*
- *where the original request was created in the last 2 years*

Please note that Parks Australia is not in itself an agency for the purposes of the FOI Act. For this reason we have taken your request to be made on the Director of National Parks, the agency under the FOI Act that has functional responsibility for Parks Australia.

Authority

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

Decision

After considering your FOI request and conducting thorough searches of the Parks Australia's records, I am satisfied that no relevant documents exist. Your request is therefore refused pursuant to section 24A(1)(b)(ii) of the FOI Act.

ATTACHMENT A contains information regarding your review rights, should you wish to seek review of my decision.

Material considered in making decision

In making my decision I have considered:

- the scope of the FOI request;
- the relevant provisions of the FOI Act;
- advice from subject matter experts; and
- the *Guidelines issued by the Australian Information Commissioner under section 93A of the Freedom of Information Act 1982 (the FOI Guidelines)*.

Reasons for Decision

Section 24A(1)(b)(ii)

Documents do not exist

Subparagraph 24A(1)(b)(ii) 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 does not exist.

Parks Australia's staff are employees of the Department of the Environment and Energy (the **Department**), and are advised to approach the HR area of the Department for any issues that they may have. As a result, the Director of National Parks does not hold requests made by employees about their social media use – if they were made, they would have been made to the Department.

I am satisfied that all reasonable steps have been taken to locate the requested documents and that no relevant documents exist.

Accordingly, I have decided to refuse your request for access pursuant to subsection 24A(1)(b)(ii) of the FOI Act.

Further assistance

The FOI Contact Officer in the Department, whom has assisted with the processing of this request, can be contacted by telephone on 02 6274 2098 or by email at foi@environment.gov.au.

Yours sincerely



Sally Barnes
Director of National Parks

26 August 2017

ATTACHMENTS:

A: Your review rights

YOUR REVIEW RIGHTS

You may seek review of this primary decision either internally by the Authority (Internal review), or externally by the Information Commissioner (Information Commissioner review).

Internal review

An Internal review is a review of the decision conducted by a senior officer within the Authority. The reviewing officer will not be the same person whom made the primary decision.

If you wish to seek an internal review, you must submit a written application to the Authority within 30 days after the day you are notified of this decision. Whilst there is no required form for the written Internal Review application, it is recommended that you include your reasons as to why the primary decision should be reviewed.

The decision on the Internal review will be provided to you within 30 days of the Authority receiving your application.

You can submit your written Internal review application to the below addresses:

Email: foi@environment.gov.au

Post: FOI Contact Officer
General Counsel Branch
Department of the Environment and Energy
GPO Box 787
Canberra ACT 2601

Information Commissioner review

An Information Commissioner review is a review undertaken by the Information Commissioner (IC). The IC will make a decision on the disclosure of the documents, giving regard to any submissions from the Authority, yourself as the applicant, and any third parties consulted as part of this decision.

There is no statutory timeframe for a decision on an IC request.

If you wish to request a review by the IC, you must apply to the IC within 60 days after the day you received it. Further details on how to request an Information Commissioner review can be obtained from the Office of the Australian Information Commissioner:

Online: <https://www.oaic.gov.au/freedom-of-information/foi-review-process>

Post: GPO Box 5218, Sydney NSW 2001

Fax: 02 9284 9666

Phone: 1300 363 992

Email: enquiries@oaic.gov.au

