



31 August 2017

FOI ref: 2178

Mr James Smith

By email: foi+request-3835-2e5162b7@righttoknow.org.au

Dear Mr Smith

FREEDOM OF INFORMATION (FOI) REQUEST

I refer to your FOI request to this department dated 8 August 2017. Your request reads as follows:

"I request documents related to the ten most recent instances where an employee has sought information, advice, guidance, or opinion on their social media use in a private capacity.

I limit 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"

I am an authorised decision maker under section 23 of the *Freedom of Information Act 1982* (the Act).

Decision

I am unable to grant you access to the documents requested as the department is not in possession of any such documents. I must therefore refuse your request pursuant to section 24A(1) of the Act.

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

On this occasion I am satisfied that all reasonable steps to locate the documents you have requested have been taken by the department and no such documents exist.

Rights of Review

A statement setting out your rights of review in this matter is attached.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Shannon Kenna', with a stylized, cursive script.

Shannon Kenna
Acting Division Head
Communications Division

INFORMATION ON RIGHTS OF REVIEW

1. APPLICATION FOR INTERNAL REVIEW OF DECISION

Section 54 of the Freedom of Information Act gives you the right to apply for an internal review of the decision refusing to grant access to documents in accordance with your request.

Application for a review of the decision must be made in writing within 30 days of receipt of this letter.

No particular form is required but it would assist the decision-maker if you could set out in the application the grounds on which you consider that the decision should be reviewed.

Application for a review of the decision should be addressed to:

The Secretary
The Treasury
Langton Crescent
PARKES ACT 2600

Attention: Parliamentary and Legal Services Unit

OR

2. APPLICATION TO AUSTRALIAN INFORMATION COMMISSIONER (INFORMATION COMMISSIONER) FOR REVIEW OF DECISION

Section 54L of the Act gives you the right to seek a review of the decision from the Information Commissioner. An application for review must be made within 60 days of receiving the decision.

Applications for review must be in writing and must:

- give details of how notices must be sent to you; and
- include a copy of the notice of decision.

You should send your application for review to:

The Information Commissioner
Office of the Australian Information Commissioner
GPO Box 5218
SYDNEY NSW 2001

AND/OR

3. COMPLAINTS TO THE INFORMATION COMMISSIONER

Section 70 of the Act provides that a person may complain to the Information Commissioner about action taken by an agency in the exercise of powers or the performance of functions under the Act.

A complaint to the Information Commissioner must be in writing and identify the agency the complaint is about. It should be directed to the following address:

The Information Commissioner
Office of the Australian Information Commissioner
GPO Box 5218
SYDNEY NSW 2001

The Information Commissioner may decline to investigate the complaint in a number of circumstances, including that you did not exercise your right to ask the agency, the Information Commissioner, a court or tribunal to review the decision.