



Australian Government
Department of Social Services

Mr James Smith

By email: foi+request-3965-82d3fdb2@righttoknow.org.au

Dear Mr Smith

Freedom of Information (FOI) Request No. 17/18-015 – James Smith (via Right to Know)

1. I refer to your correspondence to the Department of Social Services (the Department) dated 8 August 2017, requesting access under the *Freedom of Information Act 1982* (the FOI Act) to:

“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.”*

2. I am authorised to make decisions under subsection 23(1) of the FOI Act and the following is my decision in relation to your request.

Decision on access to documents

3. Pursuant to subparagraph 24A(1)(b)(ii) of the FOI Act, I have decided to refuse your request for access to the 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(s) 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 Minister's possession but cannot be found; or*
- (ii) does not exist.*

5. I have decided to refuse your request pursuant to section 24A of the FOI Act on the basis that the Department has taken all reasonable steps to find the documents falling within the scope of your request, and I am satisfied that the documents does not exist.

6. The evidence on which I have based my decision is:
- your correspondence dated 8 August 2017 outlining the particulars of your request for documents under the FOI Act;
 - consultations with departmental officers as to the information held by the Department and searches for documents undertaken by them;
 - the FOI Act; and
 - the guidelines issued by the Australian Information Commissioner under section 93A of the FOI Act.
7. I am advised by departmental officers in the Communication Services and Corporate Communications sections that thorough searches have not located any document which falls within the scope of your request as set out at paragraph one of this decision.
8. The following searches were conducted:
- *Online Services* inbox searched over a two year period and no applicable records were found to be relevant;
 - *Corporate Communications* inbox searched over a two year period and no applicable records were found to be relevant;
 - People Branch, Workplace Relations and Conduct and Performance Sections conducted a search through their records over a two year period and no applicable records were found to be relevant; and
 - Enterprise Compliance and Feedback sections searched their inbox and phone records over a two year period and no applicable records were found to be relevant
9. Accordingly, I am satisfied that all reasonable steps have been taken to determine whether the relevant documents exist and such steps have failed to locate any document falling within the scope of your request. I have therefore decided to refuse your request pursuant to subparagraph 24A(1)(b)(ii) of the FOI Act on the basis that the document you are seeking does not exist.

Rights of review

10. I have enclosed information about your rights of review at **Attachment A**.
11. Should you have any enquiries concerning this matter, please do not hesitate to contact me via email at foi@dss.gov.au.

Yours sincerely



Katie Hill
FOI Officer
Government and Executive Services Branch
Corporate Services Group

30 August 2017

Your rights of review

Internal Review

Section 54 of the *Freedom of Information Act 1982* (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: Freedom of Information (FOI) Coordinator (TOP CE4)
Government and Executive Services Branch
Department of Social Services
GPO Box 9820
CANBERRA ACT 2601

Email: foi@dss.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 about how an agency handled an FOI request, or other actions the agency took under the FOI Act. Applications for review or complaint can be lodged in one of the following ways:

Online: www.oaic.gov.au

Post: GPO Box 5218
SYDNEY NSW 2001

Phone: 1300 363 992 or +61 2 9284 9749 for international

Email: enquiries@oaic.gov.au

In person: Level 3
175 Pitt Street
SYDNEY NSW 2000