



**Australian Government**

**Department of Infrastructure and Regional Development**

## **Statement of reasons made under the *Freedom of Information Act 1982***

Decision and reason for decision of Carl Murphy, Chief Operating Office, Corporate Division

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**FOI reference number:** FOI 18-016  
**Documents:** Advice on social media policy  
**Applicant:** James Smith  
**Decision date:** August 2017

### **Summary**

1. I have made a decision that documents in scope of your request do not exist.
2. I am an officer authorised by the Secretary of the Department of Infrastructure and Regional Development (the Department) to make decisions about access to documents in the possession of the Department in accordance with section 23(1) of the Freedom of Information Act 1982 (the FOI Act).

### **Background**

3. On 8 August 2017 you made a request for access to documents in the possession of the Department. Your request sought access 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*

### **Decision**

4. My decision under subsection 24A(1) of the FOI Act is made on the basis that all reasonable steps have been taken to find the information requested, and the information sought does not exist.

5. The Employee Relations section of the Department, which would provide advice on such requests, has searched their records and been unable to identify any instances of employees seeking advice consistent with your request.
6. The Employee Relations section has also consulted with other areas of the Department which may have received such requests for advice, such as the Graduate Development Program Coordinator, but has not identified any further instances consistent with your request.
7. I am satisfied that all reasonable steps have been taken to find information relevant to your request, having regard to:
  - the subject matter of the documents;
  - the current and past file management systems and the practice of orderly destruction or removal of documents;
  - the Department's record management systems and practices; and
  - the individuals and areas within the Department who may be able to assist with the location of the information.
8. Despite an extensive search, the Department has been unable to identify any documents relevant to your request. On that basis, I am refusing your request for access to the information under section 24A of the FOI Act.
9. The FOI Act provisions used to make my decision are available here:  
[http://www.austlii.edu.au/au/legis/cth/consol\\_act/foia1982222/](http://www.austlii.edu.au/au/legis/cth/consol_act/foia1982222/)
10. If you cannot access this website, but would like a copy of the appropriate provisions, please contact the FOI Coordinator (contact details at the end of this notice).

## **Your rights of review**

11. If you disagree with your FOI decision, you can ask for the decision to be reviewed. There are two ways you can ask for review of a decision: internal review by the Department, and external review by the Office of the Australian Information Commissioner (OAIC).

### ***Internal Review***

12. You can ask the Department to review its decision in relation to access to documents. There is no charge for internal review. You must apply within 30 days of being notified of the decision, unless the Department extends the application time. You should contact the Department if you wish to seek an extension. The Department must make a review decision within 30 days. If it does not do so, its original decision is considered to be affirmed. The review will be carried out by a different departmental officer, usually someone at a more senior level. You must apply in writing and you can lodge your application in one of the following ways:

**Post:** FOI Coordinator  
Department of Infrastructure and Regional Development  
GPO Box 594, Canberra ACT 2601

**Fax:** (02) 6275 1347

**Email:** [FOI@infrastructure.gov.au](mailto:FOI@infrastructure.gov.au)

## **Information Commissioner Review**

13. The OAIC is an independent office that can review the decisions of agencies and ministers under the FOI Act and investigates complaints about agency actions.
14. You can ask the OAIC to review the Department's decision. You do not need to seek an internal review from the Department before seeking a review from the OAIC. However, going through the Department's internal review process gives us the opportunity to reconsider the initial decision and your needs may be met more quickly without undergoing an external review process.
15. The OAIC's review is free. You must apply to the OAIC within 60 days of being given notice of the decision. You can ask the OAIC for an extension of time to apply, and this may be granted if it considers it is reasonable in the circumstances.
16. You must apply in writing and you can lodge your application in one of the following ways:

**Online:** [www.oaic.gov.au](http://www.oaic.gov.au)

**Post:** Office of the Australian Information Commissioner  
GPO Box 5218, Sydney NSW 2001

**Fax:** (02) 9284 9666

**Email:** [enquiries@oaic.gov.au](mailto:enquiries@oaic.gov.au)

**In person:** Level 3, 175 Pitt Street, Sydney, NSW 2000

More information about your review rights under the FOI Act is available in Fact Sheet 12 published by the OAIC: [www.oaic.gov.au/freedom-of-information/foi-resources/freedom-of-information-fact-sheets/foi-factsheet-12-your-review-rights](http://www.oaic.gov.au/freedom-of-information/foi-resources/freedom-of-information-fact-sheets/foi-factsheet-12-your-review-rights).

## **Contacts**

17. If you wish to discuss this decision, please contact the Department's FOI coordinator on (02) 6274 7507 or via email at [FOI@infrastructure.gov.au](mailto:FOI@infrastructure.gov.au).



Carl Murphy  
Chief Operating Officer  
Corporate Division

// August 2017