



Our reference: FOIREQ13/00048

MJ

By email: foi+request-405-335d2111@righttoknow.org.au

Dear MJ

Outcome of your Freedom of Information request

I refer to your request of 18 September 2013 under the *Freedom of Information Act 1982* (Cth) (the FOI Act) request for a copy of *'the OAIC's incoming government brief'*.

I am an officer authorised under section 23(1) of the FOI Act to make decisions in relation to FOI requests.

I am not able to provide access to a document as the document you have requested does not exist. There was not an incoming brief prepared by the OAIC.

Section 24A(1) of the FOI 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 the document does not exist.

Material taken into account

I have taken the following material into account in making my decision:

- Guidelines issued by the Australian Information Commissioner under section 93A of the FOI Act. Part 8, paragraphs 8.40 to 8.43 discuss s24(1)
- searches I conducted of the OAIC's records management system ('RADAR') to which no search results were returned, and
- confirmation from the Information Commissioner that no such document exists nor was any material prepared by the OAIC (as a portfolio agency) contributing to the Attorney-General's Department's incoming government brief.

Your rights of review or to make a complaint

The OAIC website provides information about your rights to seek internal review or Information Commissioner review or to make a complaint. This information can be found on our 'Access our information page' at www.oaic.gov.au/about-us/access-our-information/freedom-of-information-requests-to-the-oaic .

If you have any questions or concerns about this decision or rights of review, please contact me on 1300 363 992 or via FOI@oaic.gov.au.

Yours sincerely

[Signed]

Caren Whip | Assistant Director | Legal Services |
Office of the Australian Information Commissioner |