



13/17562

25 November 2013

Mr Geordie Guy  
Right to Know

Dear Mr Guy

### Freedom of Information Request no 13/189

The purpose of this letter is to give you a decision about access to documents that you requested under the *Freedom of Information Act 1982* (FOI Act).

#### Summary

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

On 28 October 2013 you requested access to documents concerning online piracy issues relating to an article in *The Australian* dated 28 October 2013. Specifically you sought access to:

- *Copies of the letters sent to the entities set out in the article;*
- *Any document which is correspondence to or within the Attorney General's department either suggesting or requesting that such a series of roundtables – or any other measure with the same intended function – be undertaken;*
- *Any document that is part of the planning function of the stated collaborative events;*
- *A copy of any press release issued to any media organisation regarding the matter, as well as any accompanying letter, instructions or embargo request.*

I have identified that the Attorney-General's Department has no documents that fall within the scope of your request. I did this by arranging for searches of both electronic and hard copy records, as well as making enquiries of those who may have been able to help locate documents within the scope of your request.

I am satisfied that the searches undertaken by the relevant areas of this department constitute a 'reasonable search' for the purposes of Part 3 of the Guidelines issued by the Australian Information Commissioner under section 93A of the FOI Act; that is, 'a reasonable search on a flexible and common sense interpretation of the terms of the request'.

I have accordingly decided to refuse your request for access to the documents. More information, including my reasons for my decision, is set out below.

### **Decision and reasons for decision**

My findings on material questions of fact are that the documents you requested do not exist within this department. Under section 24A(1) of the FOI Act, an agency may refuse a request for access to documents if:

(a) *All reasonable steps have been taken to find the document; and*

(b) *The agency or Ministers is satisfied that the document;*

.....

(ii) *does not exist.*

Following all reasonable steps to find the documents, I am satisfied that the documents you have requested do not exist within this department, so I have decided to refuse your request for access to documents under section 24A(1) of the FOI Act.

### **Your review rights**

If you are dissatisfied with my decision, you may apply for internal review or Information Commissioner review of the decision. We encourage you to seek internal review as a first step as it may provide a more rapid resolution of your concerns.

#### **Internal review**

Under section 54 of the FOI Act, you may apply in writing to the Attorney-General's Department for an internal review of my decision. The internal review application must be made within 30 days of the date of this letter, and be lodged in one of the following ways:

online:      [foi@ag.gov.au](mailto:foi@ag.gov.au)  
post:        FOI and Privacy Section  
              Office of Corporate Counsel,  
              Attorney-General's Department,  
              3-5 National Circuit  
              Barton, ACT 2600

Where possible please attach reasons why you believe review of the decision is necessary. The internal review will be carried out by another officer within 30 days.]

#### **Information Commissioner review**

Under section 54L of the FOI Act, you may apply to the Australian Information Commissioner to review my decision. An application for review by the Information Commissioner must be made in writing within 60 days of the date of this letter, and be lodged in one of the following ways:

online:      <https://forms.business.gov.au/aba/oaic/foi-review-/>  
email:        [enquiries@oaic.gov.au](mailto:enquiries@oaic.gov.au)  
post:        GPO Box 2999, Canberra ACT 2601  
in person:   Level 3, 175 Pitt Street, Sydney NSW

More information about Information Commissioner review is available on the Office of the Australian Information Commissioner website. Go to <http://www.oaic.gov.au/freedom-of-information/foi-reviews>.

**Questions about this decision**

If you wish to discuss this decision, please contact the action officer, Meagan Wilson on (02) 6141 4311 or by email [foi@ag.gov.au](mailto:foi@ag.gov.au).

Yours sincerely

A handwritten signature in black ink, appearing to read 'AWalter', with a horizontal line underneath.

Andrew Walter  
Assistant Secretary  
Commercial and Administrative Law Branch  
Attorney-General's Department

