



Australian Government

Office of the Australian Information Commissioner

Our reference: RQ18/03544

Agency reference: CRM 2019/229

Sam

Sent by email: foi+request-4920-9cf1f312@righttoknow.org.au

Extension of time under s 15AC

Dear Sam

On 29 November 2018, the Australian Federal Police (the AFP) advised this office that it had not made a decision on your FOI request of 28 November 2018 within the statutory period provided by the *Freedom of Information Act 1982* (Cth) (the FOI Act). Consequently, the FOI Act deems that the AFP has refused your request.

However, s 15AC of the FOI Act allows the Information Commissioner to extend the processing time for an FOI request where the initial decision period has ended and the agency or Minister has not provided the applicant with notice of a decision. The AFP has applied for further time to finalise your request.

Contact with you

On 6 December 2018, the OAIC wrote to you to seek your view on the AFP's application. You have not responded to our inquiries.

Decision

As a delegate of the Information Commissioner, I am authorised to make decisions on applications for extensions of time under s 15AC(5) of the FOI Act. I have decided to grant the AFP an extension of time to **11 January 2019** to process your request.

This extension of time under s 15AC of the FOI Act means that the deemed refusal is taken never to have applied if the AFP makes a decision on your request by **11 January 2019**. Such an extension can only be granted once and cannot be extended by a variation.

I note that the *Freedom of Information (Charges) Regulations 1982* provides if an applicant is not notified of a decision on a request within the statutory time limit (including any extension of time), the agency or minister cannot impose a charge for providing access, even if the applicant was earlier notified that a charge was payable (regs 5(2), (3)). This extension under s 15AC of the FOI Act does not mean that charges can be reimposed and any deposit you have paid should be refunded.

Contact

If you have any questions about this email, please contact me on 02 9284 9745 or via email foidr@oaic.gov.au. In all correspondence please include OAIC reference number RQ18/03544.

Yours sincerely

A handwritten signature in blue ink, appearing to be 'CE', with a small mark below it.

Carl English
Assistant Review and Investigation Officer
Freedom of Information
13 December 2018