



Australian Government

Department of the Prime Minister and Cabinet

ONE NATIONAL CIRCUIT
BARTON

FOI

FOI/2019/007

FREEDOM OF INFORMATION ACT 1982

REQUEST BY: A Citizen

DECISION BY: Trish Johnston
Assistant Secretary
Communications Branch

Dear A Citizen,

I refer to your request, dated 8 January 2019, made to the Department of the Prime Minister and Cabinet (the Department) in which you made a request under the *Freedom of Information Act 1982* (the Act), in the following terms:

*The original image that the *white* shoe(s) were taken from. I am not seeking the original image of the Prime Minister, I am seeking the image from which the white shoes were taken.*

Authorised decision-maker

I am authorised to make this decision in accordance with arrangements approved by the Department's Secretary under section 23 of the Act.

Matters Taken Into Account

In making my decision, I have considered the following:

- the terms of your FOI request;
- the provisions of the Act;
- consultations with the Department's FOI advisers; and
- Guidelines made by the Australian Information Commissioner issued under section 93A of the Act (FOI Guidelines)

Decision

Subsection 24A(1) of the Act provides that:

An agency or Minister may refuse a request for access to a document 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.*

The image that you have requested was taken from a publicly available source. The shoes were copied directly from the image on this external website, and the image itself was not saved to the Department's systems.

For completeness, relevant staff in the Department were also asked to conduct thorough searches for documents falling within the scope of your FOI request. No such documents were found.

I am therefore satisfied that all reasonable steps have been taken to find documents and that the Department holds no documents relevant to your request. Consequently, I have decided to refuse your request under section 24A(1) of the Act.

Review rights

Information about your rights of review is attached to this decision.

Complaint rights

You may make a complaint to the Information Commissioner about the Department's actions in relation to this decision. Making a complaint about the way the Department has handled an FOI request is a separate process to seeking a review of the Department's decision.

A complaint to the Information Commissioner must be in writing and identify the agency in respect of which the complaint is made. The Office of the Australian Information Commissioner (OAIC) may be contacted by phone (1300 363 992), email (enquiries@oaic.gov.au) or by letter (GPO Box 2999, Canberra ACT 2601). Further information about the OAIC can be found on its website: <https://www.oaic.gov.au/>.



Trish Johnston
Assistant Secretary
Communications Branch

7 February 2019