



Our reference: RQ20/01254
Agency reference: 2020/0016

Mr John Smith

Sent by email: foi+request-6163-98f1799f@righttoknow.org.au

Extension of time under s 15AB

Dear Mr Smith

On 18 March 2020, the Administrative Appeals Tribunal (the AAT) applied for further time to make a decision on your FOI request of 17 February 2020 under the *Freedom of Information Act 1982* (Cth) (the FOI Act).

This application was made on the basis that the processing period is insufficient to deal adequately with your request, because it is complex and voluminous.

The statutory timeframe had been suspended under s 24AB of the FOI Act.

Contact with you

On 23 March 2020, my colleague Ms Tahnee De Souza wrote to you to seek your view on the AAT's application. Ms De Souza invited you to provide any comments by 25 March 2020. The responses you provided to those inquiries did not relate to this extension of time application.

Decision

As a delegate of the Information Commissioner, I am authorised to make decisions on applications for extensions of time under s 15AB of the FOI Act.

I have decided to grant the AAT an extension of time under s 15AB(2) of the FOI Act **to 20 April 2020**. I am satisfied that the AAT's application for an extension of time is justified, because the request is complex and voluminous. My reasons follow:

- the AAT has consulted with you under s 24AB of the FOI Act and has given you two opportunities to narrow your request
- whilst the request has been narrowed, there are still aspects of this request which are complex and voluminous

- further consultation is required, particularly as the request is likely to capture personal information and business information
- part 3 of this request involves retrieving information from the AAT's finance database which is not designed to extract the particular information which has been requested in isolation
- parts 5, 6 and 8 of this request involve searches of the inboxes of individual AAT staff and will also involve retrieving archived emails which the AAT's IT section has advised will require restoration of backup tapes.

Contact

If you have any questions, please contact me via shelley.napper@oaic.gov.au. In all correspondence please include the OAIC reference RQ20/01254.

Yours sincerely



Shelley Napper

Assistant Director (A/g)
Freedom of Information

2 April 2020

Review rights

If you disagree with the Office of the Australian Information Commissioner's (OAIC) decision you can apply to the Federal Court of Australia or the Federal Circuit Court for a review of a decision of the Information Commissioner if you think that a decision by the Information Commissioner to grant an extension of time is not legally correct. You can make this application under the *Administrative Decisions (Judicial Review) Act 1977*.

The Court will not review the merits of your case but it may refer the matter back to the Information Commissioner for further consideration if it finds the decision was wrong in law or the Information Commissioner's powers were not exercised properly.

An application for review must be made to the Court within 28 days of the OAIC sending the decision to you. You may wish to seek legal advice as the process can involve fees and costs. Please contact the Federal Court registry in your state or territory for more information, or visit the Federal Court website at <http://www.fedcourt.gov.au/>.

Further information

Further information about how applications to extend the timeframe to process an FOI request are handled by the OAIC can be found published on our website:

For FOI applicants: [How to make an FOI request: Extensions of time](#)

For agencies and ministers: [Guidance and advice: Extension of time for processing requests](#)

The OAIC has the power to investigate complaints about an agency's actions under the Freedom of Information Act 1982 (FOI Act). This is a separate process from asking for an Information Commissioner review following a decision made under the FOI Act. Complaints usually focus on how an agency has handled your FOI request or complied with other obligations under the FOI Act, rather than the decision itself.

In some cases, the Information Commissioner's investigation of a complaint may lead to the agency addressing the issues that you have complained about. In other cases, the Information Commissioner may make suggestions or recommendations that the agency should implement. The Information Commissioner can only make non-binding recommendations as a result of a complaint. You and the agency will be notified of the outcome of the investigation.

FOI complaints to the OAIC must be made in writing. Our preference is for you to use the [online FOI complaint form](#) if at all possible.

Further information about how to make a complaint can be found published on our website: <https://www.oaic.gov.au/freedom-of-information/reviews-and-complaints/make-an-foi-complaint/>.