



Australian Government
Department of Social Services

Our reference: FOI 2021-013

John Smith

By email: foi+request-6570-c0a3c634@righttoknow.org.au

Dear Mr Smith

I refer to your correspondence received by the Department of Social Services (the department) on 21 August 2020 in which you requested an internal review of the department's primary decision under the *Freedom of Information Act 1982* (FOI) Act.

You have sought internal review on the basis that the department should produce a written document containing the information requested under section 17 of the FOI Act.

Background

On 3 August 2020, you made a request to the department under the FOI Act for access to the following documents:

A document that contains a list of all the position/job titles of every non-APS contractor working within your department.

e.g. a position title may be: 'security guard', or 'consultant', or 'APS3 FOI officer', etc.

You may omit repeating a position title when there exist multiple contractors who have that position title. Additionally, if it would not be too onerous, please indicate the number of contractors that hold each position title.

If no such document exists please produce a document containing the information under s17.

On 21 August 2020, the department provided you with a decision to deny access to documents of the request as they do not exist. Further, the documents could not be created because the requested information is not held by the department.

Your request for internal review

In your correspondence dated 21 August 2020 seeking internal review of this decision, you stated the following:

I request an internal review of this decision, regarding the s17 ground.

Decision on internal review

I am authorised to make decisions under section 54C of the FOI Act.

In accordance with section 54C of the FOI Act, I am required to review the primary decision and make a new decision. As the decision maker on the internal review I am not bound by the primary decision.

Having carefully examined the request, I have decided to affirm the original FOI decision of the department to deny access to the documents of the request under section 24A of the FOI Act as they do not exist.

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

- your initial request dated 21 August 2020 for an internal review of the decision;
- consultations with departmental officers as to the nature of your request, searches undertaken by them, and the department's operating environment and functions;
- the department's primary decision dated 21 August 2020;
- the Commonwealth FOI Act; and
- the guidelines issued by the Australian Information Commissioner (the Guidelines).

Reasons for decision

In making this decision, I have taken into account the original decision made on 21 August 2020 and section 24A of the FOI Act, which states:

(1) 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.*

I have consulted the relevant business area regarding the particulars of your request and I am satisfied the department's HR system does not hold any documents listing position/job titles of every non-APS contractor. However, the system does hold information broadly describing the job area staff are attached to, including non-APS contractors. This information is provided below.

Non-APS Contractors by Job Description	Number of Non-APS Contractors
Accounting and Finance	13
Compliance, Regulation and Audit	1
Data Analysis and Policy Research	1
Data Service Delivery and Management	27
Governance and Risk	1
Government Liaison Services	2
Human Resource Officer	2
Information & Records Management	1
IT Relationship Management	2
Legal Services	9
Policy Development, Advice, and Review	58
Property Services	1
Public Relations and Stakeholder Management	12
Service Delivery and Program Management	398
Total Non-APS Contractors	528

Rights of review

Information about your rights to seek review of this decision are attached.

Yours sincerely



Tiina Holding
Acting Director
Parliamentary, Committees and FOI
Government and Executive Services

21 September 2020