



OFFICE OF THE PRIME MINISTER

Reference: FOI/PMO/2021/003

JS

By email: foi+request-6901-b771c2e2@righttoknow.org.au

Dear JS

I refer to your email, dated 25 January 2021 and made to the Office of the Prime Minister under the *Freedom of Information Act 1982* (Cth) (the **FOI Act**) in the following terms:

Topic: I consider documents concerning or relating to the failure by the Department of Home Affairs to comply with the disclosure log requirements of the FOI legislation relate to a specific topic. All Commonwealth Agencies including your office would be very well acquainted with the disclosure log requirement in the FOI legislation.

I narrow the scope to documents received from or sent to: The Department of Prime Minister and Cabinet; or Office of the Australian Information Commissioner, or Minister for Home Affairs, or Australian Public Service Commissioner.

Timeframe: I narrow the timeframe to the period 1 Jan 2019 to the date of the request.

Authorised decision-maker

I am authorised to make a decision in this matter on the Prime Minister's behalf.

Searches for relevant documents

Searches were made by staff in the Office of the Prime Minister for any documents within the scope of your request. As a result of these searches, no documents relevant to your request were located.

I have decided to refuse your request under section 24A(1) of the FOI Act, on the basis that reasonable searches have been undertaken for the documents you are seeking, and I am satisfied that they do not exist.

In making my decision, I have had regard to the following:

- the terms of your request;
- searches undertaken in relation to your FOI request;
- the provisions of the FOI Act; and
- the Guidelines issued by the Australian Information Commissioner under section 93A of the FOI Act ('the Guidelines').

My reasons are set out below.

Reasons for decision

Section 24A(1) of the FOI 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.

Relevant staff in the Office were asked to search for any documents in the possession of the Office which came within the scope of your request. As a result of these searches, no document within the scope of your request was identified.

I am therefore satisfied that the Office has taken all reasonable steps to identify documents relevant to your request, and that documents within the scope of your request do not exist.

Review rights

Information about your rights of review is available at: <https://www.oaic.gov.au/freedom-of-information/reviews-and-complaints/information-commissioner-review/>

Yours sincerely



John Harris
Senior Adviser

24 February 2021