



**Australian Government**  
**Department of Industry, Science,  
Energy and Resources**

Our ref: 67605

Warrick Alexander  
via Right to Know

By email: [foi+request-6934-685889c4@righttoknow.org.au](mailto:foi+request-6934-685889c4@righttoknow.org.au)

Dear Warrick

**Freedom of Information Act 1982 – Notice of Decision**

I refer to your correspondence, received by the Department of Industry, Science, Energy and Resources (**the department**) on 29 November 2020, for access under the *Freedom of Information Act 1982 (FOI Act)* as follows:

*I would like to see available access logs (date and time of access) for*

- *incubator support initiative application forms and attachments*
- *of applications ISI81321 and ISI81322*
- *as accessed by Zoe Naden and Andrew Dean.*

**Decision**

I am an authorised decision maker under section 23 of the FOI Act.

Your request appears to seek a singular document containing certain information. As you would be aware, requests under the FOI Act can only be made for documents that are either in existence at the time the request is received or those that the Department is obligated to create under section 17. Section 17 only applies where there is an existing computer or software system which independently collates or retrieves stored information to produce the requested document and can create it with no further changes to that system.

We have conducted searches of the areas of the Department most likely to hold the document you are seeking and were not able to find it.

Further, the department does not have a computer system or software which can independently search for system access logs of certain documents and collate that information into a document for your benefit, and the Department is accordingly under no obligation to create one under section 17.

Therefore, I have decided to refuse your request in accordance with section 24A of the FOI Act on the grounds that the documents you have requested do not exist.

You may wish to refer to section 17 of the Act and also paragraphs 3.204-3.210 of the FOI Guidelines for further information about the application of section 17 explanation of this.



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If you are dissatisfied with any part of my decision, your review rights are set out in **Attachment A**.

Please do not hesitate to contact the FOI team at [FOI@industry.gov.au](mailto:FOI@industry.gov.au) if you require any further clarification.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Sasha Pesic', written over a vertical line.

Sasha Pesic  
Senior FOI Officer  
Legal, Audit and Assurance Branch  
24 December 2020