



14/10787

26 August 2014

Mr Ben Fairless

Sent by email: foi+request-732-21b67491@righttoknow.org.au

Dear Mr Fairless

Freedom of Information Request no. FOI14/160

The purpose of this letter is to give you a decision about access to documents that you requested under the *Freedom of Information Act 1982* (FOI Act).

Summary

I, Frances Brown, am an officer authorised under subsection 23(1) of the FOI Act to make decisions in relation to FOI requests.

You requested access to documents relating to your previous FOI request (FOI14/139) on 7 August 2014. Specifically you sought access to:

'A copy of the Decision Letter sent to me on the 6 August 2014 in relation to FOI request FOI14139.'

In your request, you advised that you did not require the decision letter to be signed and requested that access be provided in a format readable by Microsoft Word. You also referred to section 20(2) of the FOI Act (Forms of access) to support your request for access to a copy of the document that was readable by Microsoft Word.

I note that when the Department advised you of its decision in relation to FOI14/139, you were provided with a signed copy of the decision letter in PDF format.

Decision and reasons for decision

With regard to the documents you requested, I have decided to refuse access to the document sought. More information, including my reasons for my decision, is set out below.

Material taken into account

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

- the document that falls within the scope of your request
- that a copy of the document you have requested has been provided to you in a different format
- the FOI Act (specifically section 20)
- the guidelines issued by the Australian Information Commissioner under section 93A of the FOI Act

My reasons for refusing access are given below.

Forms of access (s 20)

Section 20 of the FOI Act relevantly provides:

Forms of access

(1) *Access to a document may be given to a person in one or more of the following forms:*

...

(a) *provision by the agency or Minister of a copy of the document ;*

...

(2) *Subject to subsection (3) and to section 22, where the applicant has requested access in a particular form, access shall be given in that form.*

As the Department has already provided you with a copy of the decision letter in PDF format on 6 August 2014, I am satisfied that the requirements of subsection 20(1)(a) have been met. I do not consider there to be any obligation on the Department to provide you with further copies of that same document in alternative format where the requirements of subsection 20(1)(a) have already been met.

Accordingly, I am refusing your request for access to the document sought on the basis that a copy of that document has already been provided to you consistent with the requirements of subsection 20(1)(a) of the FOI Act.

Your review rights

If you are dissatisfied with my decision, you may apply for internal review or Information Commissioner review of the decision. We encourage you to seek internal review as a first step as it may provide a more rapid resolution of your concerns.

Internal review

Under section 54 of the FOI Act, you may apply in writing to the Attorney-General's Department for an internal review of my decision. The internal review application must be made within 30 days of the date of this letter, and be lodged in one of the following ways:

email: foi@ag.gov.au
post: Freedom of Information and Privacy Section
 Office of Corporate Counsel
 Attorney-General's Department
 3-5 National Circuit
 Barton ACT 2600

Where possible please attach reasons why you believe review of the decision is necessary. The internal review will be carried out by another officer within 30 days.]

Information Commissioner review

Under section 54L of the FOI Act, you may apply to the Australian Information Commissioner to review my decision. An application for review by the Information Commissioner must be made in writing within 60 days of the date of this letter, and be lodged in one of the following ways:

online: <https://forms.business.gov.au/aba/oaic/foi-review-/>
email: enquiries@oaic.gov.au
post: GPO Box 2999, Canberra ACT 2601

in person: Level 3, 175 Pitt Street, Sydney NSW

More information about Information Commissioner review is available on the Office of the Australian Information Commissioner website. Go to <http://www.oaic.gov.au/freedom-of-information/foi-reviews>.

Questions about this decision

If you wish to discuss this decision, please contact Joannah Burley on 02 6141 6666 or by email foi@ag.gov.au.

Yours sincerely



Frances Brown

Director, Freedom of Information and Policy Section