



Our reference: RQ21/02368
Agency reference: 202021-055

Ms Vanessa Teague

By email: foi+request-7511-4e78c120@righttoknow.org.au

Extension of time under s 54D

Dear Ms Teague

As you are aware, on 23 August 2021, the Australian Broadcasting Corporation (the ABC) advised this office that it had not made a decision on your internal review request of 16 July 2021 within the statutory period provided by the *Freedom of Information Act 1982* (Cth) (the FOI Act). Consequently, the FOI Act deems that the Department has refused your internal review request and affirmed its original decision.

However section 54D of the FOI Act allows the Information Commissioner to extend the processing time for an internal review where the initial decision period has ended and the agency or Minister has not provided the applicant with notice of a decision. The Department has applied for further time to make a decision on your internal review request.

Contact with you

On 24 August 2021, I wrote to you to seek your view on the ABC’s application. You responded to my inquiries and provided comment that I have taken into consideration.

Decision

As a delegate of the Information Commissioner, I am authorised to make decisions on applications for extensions of time under s 54D of the FOI Act.

I have decided to grant the ABC further time to **9 September 2021** to process your request for an internal review. My reasons and considerations follow:

- The ABC has advised the OAIC that:
 - a number of documents have been identified within the scope of the request and there has been delay in receiving information from relevant business areas
 - the FOI team now holds the relevant information and requires further time to process it, and



- the FOI team advised you of the delay by email dated 23 August 2021.
- when consulted by the OAIC, you agreed to the extension of time.

This extension of time under s 54D of the FOI Act means that the deemed affirmation of the original decision is taken never to have applied if the ABC makes a decision on your request by 9 September 2021.

Such an extension can only be granted once and cannot be extended by a variation.

If you do not receive a decision by 9 September 2021, you may wish to seek Information Commissioner review of the ABC's deemed refusal of your request [here](#). Further information on [applying for IC review](#) is available on the OAIC [website](#).

Contact

If you have any questions about this letter, please contact me on (02) 9284 9783 or via email at rochelle.dunlop@oaic.gov.au. In all correspondence, please include the OAIC reference number at the top of this letter.

Yours sincerely



Rochelle Dunlop
Review and Investigation Advisor
FOI Regulatory Group

25 August 2021