



Australian Government
Department of Social Services

Jane McDonough

By email: foi+request-7638-be4831d0@righttoknow.org.au

Freedom of Information request FOI 2122-010

I refer to your correspondence received by the Department of Social Services (the department) on 30 July 2021, in which you requested access under the *Freedom of Information Act 1982 (Cth)* (FOI Act) to:

“1. Reasoning why the department is preventing its staff from accessing ongoing 'work from home' arrangements 2. Data and/or statistics that have informed this policy 3. Data and/or statistics and/or briefs relied upon by the former Secretary when she informed staff that up to 250 staff did not work and/or log on in 2020 during COVID-19 lockdowns/stay-at-home requirements”.

As previously advised, the department excludes draft and duplicate documents, as well as the names, contact details and signatures of non-Senior Executive Staff. Accordingly, I have deemed this information irrelevant to your request in accordance with section 22 of the FOI Act.

I am authorised to make decisions under subsection 23(1) of the FOI Act. My decision and the reasons for that decision are set out below.

Decision

Your request had three questions relating to the department's working from home policy and related information. Regarding point three of your request I have attached email correspondence dated 4 May 2020, from Mr Adrian Hudson to various Senior Executives within the department. The attachment on the email shows the number of 'remote logins'. Please note that these figures capture log on information only, it is not a count of staff with a 'working from home' arrangement.

Regarding points one and two of your request I have decided to refuse access to documents of the request. Under section 24A of the FOI Act, requests may be refused if documents cannot be found, do not exist or have not been received.

In reaching my decision, I have taken the following material into account:

- your correspondence dated 30 July 2021 outlining the particulars of your request for documents under the FOI Act;
- consultations with departmental officers within the Corporate Group and the Chief Operating Officer, as to the information held by the department, and searches for documents undertaken by them;
- the Commonwealth FOI Act; and
- the guidelines issued by the Australian Information Commissioner (the Guidelines).

Reasons for decision

An agency or Minister may refuse a request for access to a document under subsection 24A(1) of the FOI Act 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.*

Departmental officers within the Corporate Group undertook thorough searches of the departmental electronic record management system that captures and preserves corporate records, the whole of government Parliamentary Document Management System, and both group and individual mailboxes. The result of these searches failed to discover any records matching the criteria detailed in point one and two of your FOI request.

With reference to point one of your request, the department's Enterprise Agreement (Department of Social Services Enterprise Agreement 2018 to 2021) provides flexible work options that may include work from home. There is no documentation in existence within scope of this part of the request.

With reference to point two, the department does not hold documents that capture data and/or statistics that have informed the Home Based Work Policy, or the revised Flexible Work Arrangements Policy.

I am satisfied that all reasonable steps were taken to determine whether any relevant documents exist and such steps have failed to locate any. Therefore, I have decided to refuse access to the request in accordance with section 24A of the FOI Act on the basis that documents do not exist within the Department of Social Services.

Rights of review

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

Yours sincerely

M. Blair
Assistant Director
Freedom of Information
Government and Executive Services Branch

27 September 2021