



AFP

AUSTRALIAN FEDERAL POLICE

INFORMATION ACCESS (FREEDOM OF INFORMATION)

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ABN 17 864 931 143

Our Ref: CRM 2015/128

13 October 2014

Mr Vito Guzzardi

By Email: foi+request-766-53831989@righttoknow.org.au

Dear Mr Guzzardi :

Freedom of Information Request

I refer to your request dated 18 September 2014, for documents held by the Australian Federal Police pursuant to the *Freedom of Information Act 1982* (the Act), in particular, in relation to the ASADA investigation and Mr Shane Charter.

The Commissioner of the Australian Federal Police, being the principal officer of that Agency, has authorised me to make decisions on behalf of that agency in respect of the Act.

SEARCHES

In relation to your request for documents, a search was undertaken by AFP Special References, Crime Operations for documents relative to the request.

Apart from file 2015/00010737 made up for your Freedom of Information request, the Australian Federal Police holds no documents in relation to your request. On this basis, your request for access is refused under section 24A(b)(ii) of the Act.

Section 24A states:

"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."*

Your attention is directed to your review rights under Part VI of the Act

REVIEW RIGHTS

If you are dissatisfied with this decision you can apply for internal or Information Commissioner (IC) Review. You do not have to apply for Internal Review before seeking IC review.

Internal Review by the AFP

Section 53A of the Act gives you the right to apply for an internal review in writing to this Department within 30 days of being notified of this decision.

No particular form is required but it would assist the decision-maker were you to set out in the application, the grounds on which you consider that the decision should be reviewed.

Applications for a review of the decision should be addressed to:

Information Access Team
Policy and Governance
Australian Federal Police
GPO Box 401
Canberra ACT 2601

Internal Review by the Information Commissioner (IC)

Alternatively, Section 54L of the Act gives you the right to apply directly to the IC or following an internal review with this Agency. In making your application you need to provide:

- an address for notices to be sent (this can be an email address).
- A copy of this decision.

It would also help if you set out the reasons for review in your application.

Applications for a review of the decision should be addressed to:

Office of the Australian Information Commissioner
GPO Box 2999
Canberra ACT 2601

On 13 May 2014, as part of the 2014-15 Federal Budget, the Government announced that the OAIC would be abolished effective from 31 December 2014. For details on how this will affect the processing of IC review applications, visit www.oaic.gov.au/info-on-oaic-shut-down-and-foi-reviews-and-complaints.

The OAIC encourages parties to an IC review to resolve their dispute informally, and encourages agencies to consider possible compromises or alternative solutions to the dispute in this matter. The AFP would be pleased to assist you in this regard.

Further information about the process for IC review can be found in Part 10 of the Guidelines which are available on our website at <http://www.oaic.gov.au/publications/guidelines.html>.

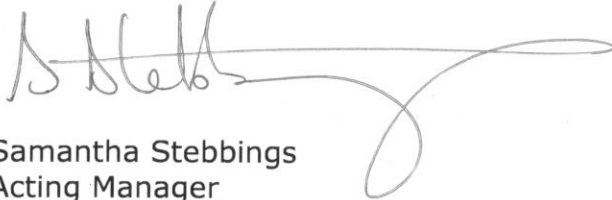
Right to Complain

Section 70 of the Act provides that a person may complain to the IC about action taken by this Department in relation to your application.

A complaint to the IC may be made in writing and identify the agency against which the complaint is made.

The IC may be contacted on 1300 363 992. There is no particular form required to make a complaint, but the complaint should set out the grounds on which you consider the action should be investigated.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'S Stebbings', followed by a long horizontal flourish that loops back under the signature.

Samantha Stebbings
Acting Manager
Internal Audit and Business Analysis
Policy and Governance