



Australian Government

Department of the Prime Minister and Cabinet

ONE NATIONAL CIRCUIT
BARTON

FOI

FOI/2021/158

FREEDOM OF INFORMATION ACT 1982

REQUEST BY: T Nutt

**DECISION BY: Ms Petra Gartmann
Assistant Secretary
Legal Policy Branch**

By email: foi+request-7667-8f644020@righttoknow.org.au

Dear T Nutt

I refer to your email of 7 August 2021 in which you made a request (the **FOI request**) under the *Freedom of Information Act 1982* (the **FOI Act**) to the Department of the Prime Minister and Cabinet (the **Department**) in the following terms:

Under the FOI Act, I seek a copy of any document contained in Phil Gaetjens' email account, WhatsApp and Signal account that contains the word 'Lehrmann'.

Authorised decision-maker

I am authorised to make this decision in accordance with arrangements approved by the Department's Secretary under section 23 of the FOI Act.

Decision

I have decided to refuse your FOI request under section 24A(1)(b)(ii) of the FOI Act.

In making my decision, I have had regard to the following:

- the terms of the FOI request;
- the FOI Act; and
- the 'Guidelines issued by the Australian Information Commissioner issued under section 93A of the *Freedom of Information Act 1982*' (the **FOI Guidelines**).

Reasons

Section 24A(1) of the FOI Act provides that:

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.

Searches were undertaken of Mr Gaetjen's email, WhatsApp and Signal accounts. As a result of these searches, no document relevant to the FOI request was found.

I am satisfied that all reasonable steps have been taken to find any document relevant to the FOI request, and that no document relevant to the request exists.

I have therefore decided to refuse your request under section 24A(1)(b)(ii) of the FOI Act.

Processing and access charges

I have decided not to impose charges in respect of the FOI request.

Review rights

Information about your rights of review under the FOI Act is available at <https://www.oaic.gov.au/freedom-of-information/reviews-and-complaints/>.

Complaint rights

You may make a complaint to the Information Commissioner about the Department's actions in relation to a request. Making a complaint about the way the Department has handled an FOI request is a separate process to seeking review of the Department's decision. Further information about how to make a complaint is available at <https://www.oaic.gov.au/freedom-of-information/reviews-and-complaints/make-an-foi-complaint/>.

Yours sincerely



Petra Gartmann
Assistant Secretary
Legal Policy Branch

3 September 2021