

SWSLHD ref: SWD21/100416

Email address: foi+request-7775-7f1864fd@righttoknow.org.au

Dear Sir/Madam

Invalid government information access application

I write in response to your email received on 28 August 2021 requesting access to information under the Freedom of Information Act. In your email you sought access to:

'I am requesting documents under the Freedom of Information Act that are containing: instructions, notices, evidence to support, in regards to the wearing of face masks by your internal staff and public that was sent to you from either the State or Federal Authorities in 2021

**Notes*: to keep the scope of the docs requested reasonable see below.*

- by docs I am referring to communications ie emails, memos, minutes of decision meeting, guides, Q&A. that I expect your offices would be sent due to virus outbreak.

Such Docs would have been used to convey following info and directive or policy

WHAT the State & Federal Authority wants you to do regarding mask wearing WHY include evidence & reason why staff and/or public should obey mask mandate.

WHO these docs should show where they originated and be ideally dated also WHEN I am only after those docs covering this 2021 delta variant covid19 outbreak EXCEPTION - and finally what is permitted as Exceptions for staff and public including any advice on who is bearing responsibility should any legal claim arise from staff or public suffering harm from mask-wearing (risk management)'

Your application is invalid for the following reasons:

- In New South Wales access to information is required to be requested under the *Government Information (Public Access) Act 2009 (GIPA Act)*. The Freedom of Information Act does not apply.
- You have not provided a \$30 application fee made out to South Western Sydney Local Health District.
- You have not clearly identified yourself such as providing your name. This is a requirement under the *Government Information (Public Access) Act 2009 (GIPA Act)*.
- The scope of your request is far too broad for SWSLHD to process in its current form. It is recommended that you refine the scope of your request to a more reasonable search and refine the date range.

Under section 60(1) (a) of the *GIPA Act*, an agency may refuse to deal with an application if:

...dealing with the application would require an unreasonable and substantial diversion of the agency's resources

South Western Sydney Local Health District
ABN 46 738 965 845

I note that under s52 of the *GIPA Act*

“(2) The application becomes a valid access application if the applicant pays the required fee or provides the required information (as appropriate), and is then deemed to have been made when the fee or information was received by the agency”.

Rights of review

If you do not agree that your application is invalid, you may seek a review of this decision. Your review rights are summarized in the enclosed leaflet. You have four weeks from the date of this letter to apply for an internal review, or eight weeks to apply for an external review.

If you have any questions regarding this matter, please contact me on [SWSLHD-PrivacyGIPA@health.nsw.gov.au](mailto:PrivacyGIPA@health.nsw.gov.au)

Yours sincerely

A handwritten signature in black ink, appearing to read 'E Scott'.

Emma Scott
District Right to Information & Records Manager

Date: 06/09/2021

Enc. Your review rights