



Our ref. 227/2020

Concerned Citizen

Concerned Citizen [foi+request-7911-72cd3fb3@righttoknow.org.au](mailto:foi+request-7911-72cd3fb3@righttoknow.org.au)

9/11/2020

Dear Concerned Citizen,

1. I refer to your request for an internal review of the decision made 14 October 2021 to refuse your application requesting access to:

*'any emails sent or received by the Digital Transformation Agency (DTA) between the 1st of March 2021 and the 10th of March 2021 that contain the terms "COVIDSafe" and ("review" or "reviews" or "rating" or "5 star").'*

2. In accordance with s 54C of the Freedom of Information Act 1982 (FOI Act), I am authorised to conduct an internal review of a decision regarding access under the FOI Act. As the decision-maker for this internal review, I am in no way bound by the primary decision.

#### **Decision**

3. I affirm the primary decision made by Anthony Warnock on 14 October 2021 on the basis that all reasonable steps have occurred to locate the document and affirm the documents do not exist.

#### **Reasons for my decision**

4. On 1 October 2021 DTA's Records Management team conducted an extensive search across the whole of DTA's systems using the search terms as articulated in the scope of the request. The results were inconclusive because the search term captured every document. For example:

The term "review" appears in some standard email footers - see below

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5. On 6 October 2021 you were informed of our findings and instructed DTA to find a manageable outcome for your request.
6. On the same day, the FOI Officer made enquiries into locating the requested documents and found that no review of COVID Safe occurred during 1 March 2021 and 10 March 2021. Additionally, the terms '5 star/ ratings' is not used by DTA to assess performance, which is why we could not find documents with the scope of your request.
7. Based on this evidence, I am satisfied that all reasonable steps have been taken to locate documents relevant to your request. I am satisfied that the documents referred to in your request do not exist and refuse your request in accordance with section 24A of the FOI Act.
8. In making this decision I also considered your objections of, and I quote:  
*'In the week from:*  
*- the 8th to the 15th of February, 2021 there were 18 ratings submitted (including 4 5 star ratings),*  
*- the 15th to the 22nd of February, 2021 there were 22 ratings submitted (including 5 5 star ratings),*  
*- the 22nd of February to the 1st of March, 2021 there were 19 ratings submitted (including 6 5 star ratings)*  
  
*But on the week from the 1st to the 8th of March, 2021 there were 120 ratings submitted with 62 5 star ratings. This seems unusual.*  
  
*I would like to understand why there was an unusual number of ratings submitted to the App Store during this period at the start of March 2021.'*
9. The App Store ratings is a function of the App Store. DTA has no control over these ratings and nor do we hold information in relation to App Store ratings. This only re affirms the reasons why DTA is unable to locate documents relating to your request.
10. To satisfy your request we would recommend that you direct your request directly to the App Store.

**Material taken into account**

- The primary decision
- Searches conducted
- Your contentions dated 19 October
- Advice provided by the subject matter experts
- The Commonwealth *Freedom of Information Act 1982*
- Guidelines issued by the Office of the Australian Information Commissioner

**Review by the Australian Information Commissioner**

11. Under section 54L of the FOI Act, you may seek review of this decision by the Australian Information Commissioner. Your application must be made within 30 days of you receiving this notice.

12. The Australian Information Commissioner is an independent office holder who may review decisions of agencies and Ministers under the FOI Act. More information is available on the Australian Information Commissioner's website at [www.oaic.gov.au](http://www.oaic.gov.au).
13. You can contact the Information Commissioner to request a review of a decision online ([www.oaic.gov.au](http://www.oaic.gov.au)), by email to [enquiries@oaic.gov.au](mailto:enquiries@oaic.gov.au) or by writing to the Information Commission at:

Director of FOI Dispute Resolution  
GPO Box 5218  
SYDNEY NSW 2001

***Complaints to the Australian Information Commissioner***

14. You may complain to the Australian Information Commissioner about action taken in relation to your request.
15. Your enquiries to the Australian Information Commissioner can be directed to:
  - Phone 1300 363 992 (local call charge)  
Email [enquiries@oaic.gov.au](mailto:enquiries@oaic.gov.au)
16. There is no particular form required to make a complaint to the Australian Information Commissioner. The request should be in writing and should set out the grounds on which it is considered that the action taken in relation to the request should be investigated and identify the DTA as the relevant agency.

***Contacts***

17. If you have any queries regarding this notice, please contact the FOI team by email to [foi@dta.gov.au](mailto:foi@dta.gov.au).

Yours sincerely,

Jonathon Thorpe  
General Manager