



Concerned Citizen

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

14 December 2021

Dear Concerned Citizen,

### Freedom of Information Request - FOI 230/2021

I refer to your email of 12 October 2021 seeking access under the Commonwealth *Freedom of Information Act 1982* (the FOI Act) to:

*'any documents (including, but not limited to, emails, briefing notes, minutes, letters) sent to the office of Minister Stuart Robert and/or the Prime Minister which refer to Apple or Google's Exposure Notification APIs'*

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

### Decision

DTA conducted an extensive search across all DTA's system, utilising the terms as defined in the scope of your request. This search was conducted by DTA's records management team.

DTA undertook a search in accordance with your request but did not identify any documents related to the Apple Google Exposure Notification APIs. To confirm this outcome, DTA consulted with other entities and did not identify any documents that matched your request.

I am satisfied that all reasonable steps have occurred to locate the requested documents and that these documents do not exist. Therefore, I refuse your application under s 24A of the FOI Act on the basis that no documents exist.

### Reasons for my decision

#### Freedom of Information Act 1982 section 24A

(1) 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.

Based on these findings, I am satisfied that the searches conducted were thorough and 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.

### **Relevant material**

In reaching my decision I referred to the following:

- the terms of your request;
- the FOI Act;
- Guidelines published by the Office of the Information Commissioner under section 93A of the FOI Act (the FOI Guidelines); and
- advice from departmental officers with responsibility for matters relating to the documents to which you sought access.

### **Review rights**

If you are dissatisfied with this decision, you have certain rights of review available to you. Firstly, under section 54 of the FOI Act, you may apply to DTA for an internal review of the decision. Your application must be made by whichever date is the later between:

- 30 days of you receiving this notice; or
- 15 days of you receiving the documents to which you have been granted access

An internal review will be conducted by a different officer from the original decision-maker.

No particular form is required to apply for review although it will assist your case to set out in the application the grounds on which you believe that the original decision should be overturned. An application for a review of the decision should be addressed to: [foi@dtg.gov.au](mailto:foi@dtg.gov.au)

If you choose to seek an internal review, you will subsequently have a right to apply to the Australian Information Commissioner for a review of the internal review decision.

### ***Review by the Australian Information Commissioner***

Alternatively, under section 54L of the FOI Act, you may seek review of this decision by the Australian Information Commissioner without first going to internal review. Your application must be made within 60 days of you receiving this notice.

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 [www.oaic.gov.au](http://www.oaic.gov.au).

You can contact the Information Commissioner to request a review of a decision online 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***

You may complain to the Australian Information Commissioner about action taken in relation to your request.

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)

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***

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

Regards

Anthony Warnock  
Authorised Decision Maker  
Digital Transformation Agency (DTA)