

Our ref: FOI-2022-10072

27 July 2022

Tong Maguire

Emailed to: [foi+request-9052-3e17bf7b@righttoknow.org.au](mailto:foi+request-9052-3e17bf7b@righttoknow.org.au)

Dear Mr Maguire,

**Freedom of Information request – Documents do not exist**

I refer to your request of 27 June 2022 to this Office under the *Freedom of Information Act 1982* (the **FOI Act**) for access to documents in the following terms:

‘ Under the FOI Act, I seek a copy of any internal review decision made by anyone at the Office of the Commonwealth Ombudsman in response to the application for internal review set out here:

<https://aus01.safelinks.protection.outlook.com/?url=https%3A%2F%2Fwww.righttoknow.org.au%2Frequest%2Fcorruption%20in%20the%20aps%20john%20lloyd%23outgoing-17279&data=05%7C01%7CCombudsman%40ombudsman.gov.au%7C1931c45f52544b9c3c8008da57623db8%7C443ee9e811ff4c829e4139331045260a%7C0%7C1%7C637918376710297681%7CUnknown%7CTWFpbGZsb3d8eyJWljoImMC4wLjAwMDAiLCJQIjoiV2luMzliLCJBTiI6Ikk1haWwiLCJXVCi6Mn0%3D%7C3000%7C%7C%7C&sdata=qERdXEKcC8CFi03iVUM6YCBTq2peXwvHqa4nkgWocWc%3D&reserved=0>

I note the link is to the webpage on the ‘Right to Know’ website for username ‘J Roskim’s’ FOI request to our Office of 14 February 2022 (our reference FOI-2022-40001).

I apologise that, due to an administrative oversight, our Office did not acknowledge your FOI request within 14 days of receipt, as required by s 15(5)(a) of the FOI Act.

**Decision**

I am an officer authorised under s 23 of the FOI Act to make decisions in relation to FOI requests.

We have searched our electronic case management system records for any documents this Office may hold that would fall within the scope of your request. However, we have not identified any documents that meet the description of the documents you have requested. Having not located any relevant documents, *I am satisfied that no documents within the scope of your request exist.*

The applicant in FOI-2022-40001 has made public on the ‘Right to Know’ website certain documents relating to that request. As you are not the applicant in FOI-2022-40001, I will not provide you with particulars of the application or any correspondence exchanged between the applicant and our Office, beyond that which the applicant has made public on the ‘Right to Know’ website.

In response to your FOI request, I have personally inspected our electronic case management system records and there is no internal review decision or internal review document in existence (nor has one ever existed) for FOI-2022-40001.

Subsection 24A(1) of the FOI Act permits refusal of a request for access to a document where all reasonable steps have been taken to find the document and the agency or Minister is satisfied that the document does not exist. Having regard to the outcome of our searches for relevant documents, I have decided to refuse your request under subsection 24A(1) of the FOI Act.

In reaching my decision, I have taken the following things into account:

- your correspondence outlining the particulars of your FOI request
- the FOI Act
- the OAIC Guidelines.

### **Review rights**

Information about your review rights is at **Attachment A**.

### **Contacts**

You may contact me via email at [information.access@ombudsman.gov.au](mailto:information.access@ombudsman.gov.au).

Yours sincerely



Sine Dellit  
Senior Legal Officer  
Legal Team  
Commonwealth Ombudsman  
Phone: 1300 362 072  
Email: [information.access@ombudsman.gov.au](mailto:information.access@ombudsman.gov.au)  
Website: [ombudsman.gov.au](http://ombudsman.gov.au)

*Influencing systemic improvement in public administration*

## ATTACHMENT A

### REVIEW RIGHTS

#### *Internal review*

You can request internal review within 30 days of you receiving this decision. 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 the grounds on which you believe that the original decision should be changed. Applications for internal review can be made:

- via email to [information.access@ombudsman.gov.au](mailto:information.access@ombudsman.gov.au)
- by mail to Commonwealth Ombudsman GPO Box 442 Canberra ACT 2601

If you choose to seek an internal review, you will afterward have a right to apply for Information Commissioner review (IC review) of the internal review decision.

#### *Information Commissioner review or complaint*

You also have the right to seek IC review of this decision. An application for IC review must be made in writing within 60 days of the decision.

If you are not satisfied with the way we have handled your FOI request, you can lodge a complaint with the OAIC. However, the OAIC suggests that complaints are made to the agency in the first instance.

While there is no particular form required to make a complaint to the OAIC, the complaint should be in writing and set out the reasons for why you are dissatisfied with the way your request was processed. It should also identify the Ombudsman's Office as the agency about which you are complaining.

You can make an IC review application or make an FOI complaint in one of the following ways:

- online at <https://www.oaic.gov.au/freedom-of-information/reviews-and-complaints/>
- via email to [foidr@oaic.gov.au](mailto:foidr@oaic.gov.au)
- by mail to GPO Box 5218 Sydney NSW 2001, or
- by fax to 02 9284 9666.

More information about the Information Commissioner reviews and complaints is available at its website: [www.oaic.gov.au/freedom-of-information/foi-review-process](http://www.oaic.gov.au/freedom-of-information/foi-review-process).

