



12 October 2022

Our reference: LEX 69187

OpenWelfare

Only by email: [foi+request-9267-37ebb80d@righttoknow.org.au](mailto:foi+request-9267-37ebb80d@righttoknow.org.au)

Dear OpenWelfare

### **Decision on your Freedom of Information Request**

I refer to your request, received by Services Australia (the Agency) on 13 August 2022, for access under the *Freedom of Information Act 1982* (FOI Act) to the following documents:

Internal communications/documentation on reasons why it is not technically possible to upload documents to the Services Australia FOI Disclosure log and/or link to elsewhere where they are/could be available (such as operational blueprints).

If no such documents exist, I would accept an administratively generated explanation.

#### **My decision**

I have decided to refuse your request for access under s 24A of the FOI Act on the basis all reasonable steps have been taken to locate the documents requested and I am satisfied they do not exist. Please see **Attachment A** for the reasons for my decision.

The Agency's approach to publication on its disclosure log is informed by many factors, including reliability and accessibility of the Agency's website, the Agency's commitment to providing simple, helpful, respectful and transparent services for customers, and compliance with disclosure log obligations under the FOI Act.

#### **You can ask for a review of our decision**

If you disagree with any part of the decision you can ask for a review. There are two ways you can do this. You can ask for an internal review from within the Agency, or an external review by the Office of the Australian Information Commissioner. You do not have to pay for a review of the decision. See **Attachment B** for more information about how to request a review.

#### **Further assistance**

If you have any questions, please email: [FOI.Legal.Team@servicesaustralia.gov.au](mailto:FOI.Legal.Team@servicesaustralia.gov.au)

Yours sincerely

Spencer  
Authorised FOI Decision Maker  
Freedom of Information Team  
Information Access Branch | Legal Services Division  
Services Australia



**Attachment A**

## **REASONS FOR DECISION**

### **What you requested**

Internal communications/documentation on reasons why it is not technically possible to upload documents to the Services Australia FOI Disclosure log and/or link to elsewhere where they are/could be available (such as operational blueprints).

If no such documents exist, I would accept an administratively generated explanation.

### **What I took into account**

In reaching my decision I took into account:

- your request dated 13 August 2022
- searches undertaken by Agency staff
- guidelines issued by the Australian Information Commissioner under s 93A of the FOI Act (Guidelines), and
- the FOI Act.

### **Reasons for my decisions**

I am authorised to make decisions under s 23(1) of the FOI Act.

#### Section 24A of the FOI Act

Section 24A of the FOI Act provides that:

- (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.

The Agency's Information Access and Marketing Communications Branches conducted comprehensive searches of electronic files for documents falling within the scope of your request. The focus of these searches included internal hard drive file systems, personal and positional email inboxes, internal systems and executive briefing records. If relevant documents were held by the Agency, I am satisfied they would have been located by the searches conducted within these electronic filing systems.

On the basis of the searches conducted, I am satisfied in accordance with s 24A of the FOI Act that all reasonable steps have been taken to find the documents requested and they do not exist.



**Attachment B**

**INFORMATION ON RIGHTS OF REVIEW**

***FREEDOM OF INFORMATION ACT 1982***

**Asking for a full explanation of a freedom of information (FOI) decision**

Before you ask for a formal review of a FOI decision, you can contact us to discuss your request. We will explain the decision to you. This gives you a chance to correct misunderstandings.

**Asking for a formal review of a FOI decision**

If you still believe a decision is incorrect, the FOI Act gives you the right to apply for a review of the decision. Under ss 54 and 54L of the FOI Act, you can apply for a review of an FOI decision by:

1. an Internal Review Officer in the Agency; and/or
2. the Australian Information Commissioner.

**Note:** There are no fees for these reviews.

**Applying for an internal review by an Internal Review Officer**

If you apply for internal review, a different decision maker to the Agency delegate who made the original decision will carry out the review. The Internal Review Officer will consider all aspects of the original decision and decide whether it should change. An application for internal review must be:

- made in writing
- made within 30 days of receiving this letter
- sent to the address at the top of the first page of this letter, or via email to:  
[FOI.Legal.Team@servicesaustralia.gov.au](mailto:FOI.Legal.Team@servicesaustralia.gov.au)

**Note:** You do not need to fill in a form. However, it is a good idea to set out any relevant submissions you would like the Internal Review Officer to further consider, and your reasons for disagreeing with the decision.

**Applying for external review by the Australian Information Commissioner**

If you do not agree with the original decision or the internal review decision, you can ask the Australian Information Commissioner to review the decision.

If you do not receive a decision from an Internal Review Officer in the Agency within 30 days of applying, you can ask the Australian Information Commissioner for a review of the original FOI decision.

You will have 60 days to apply in writing for a review by the Australian Information Commissioner.

You can **lodge your application**:

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

Post: Australian Information Commissioner  
GPO Box 5218  
SYDNEY NSW 2001

Email: [enquiries@oaic.gov.au](mailto:enquiries@oaic.gov.au)

**Note:** The Office of the Australian Information Commissioner generally prefers FOI applicants to seek internal review before applying for external review by the Australian Information Commissioner.

**Important:**

- If you are applying online, the application form the 'Merits Review Form' is available at [www.oaic.gov.au](http://www.oaic.gov.au)
- If you have one, you should include with your application a copy of the Agency's decision on your FOI request
- Include your contact details
- Set out your reasons for objecting to the Agency's decision.

**Complaints to the Australian Information Commissioner and Commonwealth Ombudsman**

***Australian Information Commissioner***

You may complain to the Australian Information Commissioner concerning action taken by an agency in the exercise of powers or the performance of functions under the FOI Act, There is no fee for making a complaint. A complaint to the Australian Information Commissioner must be made in writing. The Australian Information Commissioner's contact details are:

Telephone: 1300 363 992  
Website: [www.oaic.gov.au](http://www.oaic.gov.au)

***Commonwealth Ombudsman***

You may also complain to the Commonwealth Ombudsman concerning action taken by an agency in the exercise of powers or the performance of functions under the FOI Act. There is no fee for making a complaint. A complaint to the Commonwealth Ombudsman may be made in person, by telephone or in writing. The Commonwealth Ombudsman's contact details are:

Phone: 1300 362 072  
Website: [www.ombudsman.gov.au](http://www.ombudsman.gov.au)

The Commonwealth Ombudsman generally prefers applicants to seek review before complaining about a decision.