

Our ref: FOI-2022-10096

8 September 2022

Emailed to: foi+request-9350-806789dc@righttoknow.org.au

Dear Louise

Freedom of Information request – decision

I refer to your email dated 6 September 2022 in which you requested access to information under the *Freedom of Information Act 1982* (FOI Act). Your request was framed in the following way:

Under the FOI Act, I would like access to documents setting out the number of:

- a) active (i.e. unresolved) category 4 approaches for complaints about inadequately investigated public interest disclosures at the date of this request; and*
- b) active (i.e. unresolved) category 5 approaches for complaints about inadequately investigated public interest disclosures at the date of this request.*

If it makes things easier for the Office of the Commonwealth Ombudsman, you are:

- a) invited to, pursuant to s 17 of the FOI Act, compile a document setting out each of the numbers of category 4 and category 5 approaches; or*
- b) provide a document, pursuant to the administrative release options available, with each of the numbers of category 4 and category 5 approaches.*

To be clear, I do not want a total number of active category 4 and 5 requests. I want the number of active category 4 requests for complaints about inadequately investigated public interest disclosures at the date of this request and, separately, I want the number of active category 5 requests for complaints about inadequately investigated public interest disclosures at the date of this request.

This letter constitutes notice of my decision on your request for access. I am authorised to make decisions on behalf of our Office under s 23 of the FOI Act.

Decision

As this information is not available in discrete written form, but is located in our database, pursuant to s 17 of the FOI Act I have produced a document setting out the information you have requested. The document is provided to you with this letter.

Review rights

Internal review

If you are dissatisfied with this decision, you are entitled to seek review of this decision.

Under s 54 of the FOI Act, you may apply for an internal review of the decision within 30 days of you receiving this notice. 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 changed. An application for a review of the decision should be made:

- via email to 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 to the Office of the Australian Information Commissioner (OAIC) for a review of the internal review decision.

Review by the Office of the Australian Information Commissioner

Under s 54M of the FOI Act, you may apply to the OAIC to review my decision. An application for review by the OAIC must be made in writing within 60 days of the decision date, either from the date of this letter or the date of our internal review decision letter. Your request can be lodged in one of the following ways:

- online at www.oaic.gov.au/about-us/contact-us
- via email to enquiries@oaic.gov.au
- by overland mail to GPO Box 5218 Sydney NSW 2001
- in person to Level 3, 175 Pitt Street Sydney NSW 2000

More information about the OAIC review process is available at its website:
www.oaic.gov.au/freedom-of-information/foi-review-process

Complaints to the Office of the Australian Information Commissioner

You may complain to the OAIC about action taken by the Ombudsman in relation to your FOI request.

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 may lodge your complaint either:

- online at www.oaic.gov.au
- by mail to GPO Box 5218 Sydney NSW 2001
- by email to enquiries@oaic.gov.au.

Contacts

You may contact me via email at information.access@ombudsman.gov.au or via telephone on 1300 362 072.

Yours sincerely



Polly Porteous
Director, Legal
Commonwealth Ombudsman

Influencing systemic improvement in public administration