



28 September 2022

Mr Mathieu Briand

foi+request-9397-aa40ea11@righttoknow.org.au

Dear Mr Briand,

Freedom of Information Request no. NGA FOI 22/04

We refer to your request for access to the budget for the Lindy Lee commission under the *Freedom of Information Act 1982* (Cth) (**FOI Act**).

You originally requested this document and other information from the Department of Finance but they have transferred your request to the National Gallery of Australia (the National Gallery) in accordance with section 16(1) of the FOI Act as the subject matter is more closely connected with the functions of the National Gallery and we are therefore better placed to process your request.

We note that section 11 of FOI Act creates a right to documents, not information. The FOI Act does not require the National Gallery to research information. Instead the obligation is only to provide access to existing documents. We consider that some of the questions posed to the Department of Finance in your email are not valid for the purposes of section 15 of the FOI Act as you have not provided information which would be reasonably necessary to enable the National Gallery to identify the documents that are requested. If you would like to proceed with your request for documents relating to these questions, please clarify which documents you are seeking to access under the FOI Act.

Until this time, we have taken your request to be for the breakdown of the budget for Lindy Lee project as referenced in the article titled '*Thank you, White Australia Policy: Artist Lindy Lee on her Brisbane childhood*'¹.

The Department of Finance received your request on **25 September 2022** and the 30-day statutory period for processing your request commenced from the day after that date. However, as your request covers documents which contain information concerning the business, commercial, financial or professional affairs of one or more third parties (additional to the Artist), the National Gallery is required to consult with those affected parties under section 27 of the FOI Act before making a decision on the release of the requested documents.

¹ Benjamin Law, *Thank you, White Australia Policy: Artist Lindy Lee on her Brisbane childhood*, Sydney Morning Herald, [Dacey Topics: Artist Lindy Lee \(smh.com.au\)](https://www.smh.com.au/daily-topics/artist-lindy-lee), September 23 2022

National Gallery of Australia

Ngunnawal and Ngambri Country

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The National Gallery acknowledges the
Ngunnawal and Ngambri peoples, the Traditional
Custodians of the Kamberri/Canberra region,
and recognises their continuous connection
to culture, community and Country

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We will take into consideration any comments we received from these third parties regarding why they believe the documents should be exempt, but the final decision about whether to grant you access to the document you requested rests with the National Gallery.

The period for processing your request has therefore been extended by 30 days in accordance with section 15(6) of the FOI Act to allow the National Gallery time to consult and you should expect a decision from us by **24 November 2022**.

Alison Halpin, Chief Operating Officer, who is authorised to make decisions under section 23(1) of the FOI Act, has confirmed that no processing charges will apply to your request in this instance.

The National Gallery does not ordinarily release the personal details of its staff unless these details are otherwise publicly available. The National Gallery has taken the view that this information is irrelevant, and therefore out of scope for your request in accordance with section 22 of the FOI Act. If you would like this information to be included as part of the scope of your request, please let us know.

Please note that information released under the FOI Act may later be published online on our disclosure log (<https://nga.gov.au/aboutus/foi.cfm>), subject to certain exceptions (For example, we will not publish personal information where this would be unreasonable).

We will contact you using the email address you provided. Please advise us if you would prefer us to use an alternate means of contact. If you have any questions, please contact the FOI Officer via email at FOI@nga.gov.au

Yours sincerely

FOI Officer