

14 November 2022

Peking Pamela

By email: foi+request-9481-8a1263b4@righttoknow.org.au

Dear Peking Pamela

DECISION – FOI REQUEST REF. NO. 202223-019 – Media Watch communications

I refer to your 3 emails sent Tuesday 18 October 2022 seeking access under the *Freedom of Information Act* (Cth) 1982 (the **FOI Act**) to:

... all communications occurring this year between Kit Kowalski, Kat Karena, Rachael Wong and Gabrielle Clark (Supervising producer - Media Watch) [between 1 January and 18 October 2022].

A decision on your request is due by Thursday **17 November 2022**.

Authorisation

I am authorised by the Managing Director of the ABC to make decisions about FOI requests under s 23 of the FOI Act.

Decision

No documents were found to exist in relation to your request. Under s 24A of the FOI Act, access is considered to be refused.

Material taken into account

In making my decision I have considered:

- the scope of your request
- the information requested
- the FOI Act
- the guidelines issued by the Office of the Australian Information Commissioner under s 93A of the FOI Act (**the Guidelines**)

Locating and identifying documents

The search for documents included approaching the ABC's Media Watch and News teams.

The ABC considers all reasonable steps were taken to identify and locate relevant documents. Section 24A of the FOI Act states that an agency may refuse a request for access to a document when all reasonable steps have been taken to find a document, and the agency is satisfied that the document either cannot be found or does not exist.

The Executive Producer of Media Watch confirmed that no contact occurred between the Supervising Producer of Media Watch and the 3 external parties listed in the scope of your request.

I am satisfied that the searches conducted by ABC staff were thorough and that no documents exist.

Review rights

Your review rights are set out in **Annexure A**.

Yours sincerely



Ali Edwards
Head of Rights Management & FOI Decision Maker
foi.abc@abc.net.au

Annexure A – Your Review Rights

If you are dissatisfied with this decision you can apply for Internal Review by the ABC, or Information Commissioner (IC) Review. You do not have to apply for Internal Review before seeking IC Review.

APPLICATION FOR INTERNAL REVIEW

You have the right to apply for an internal review of the decision refusing to grant access to documents in accordance with your request. If you apply for an internal review, the Managing Director will appoint an officer of the Corporation (not the person who made the initial decision) to conduct a review and make a fresh decision.

You must apply in writing for an internal review of the decision within 30 days of receipt of this letter. No particular form is required, although it would help if you set out the reasons for review in your application.

Application for a review of the original decision should be emailed to ABC: foi.abc@abc.net.au

or addressed to: The FOI Coordinator
 ABC
 Level 13
 700 Harris Street
 ULTIMO NSW 2007

Application for Information Commissioner (IC) Review

Alternatively, you have the right to apply for a review by the Information Commissioner of the decision refusing to grant access to documents in accordance with your request. Your application must:

- be in writing;
- be made within 60 days of receipt of this letter;
- give details of how notices may be sent to you (for instance, by providing an email address); and
- include a copy of the decision for which a review sought.

The Information Commissioner has a discretion not to undertake a review (see Division 5, FOI Act). Please refer to the OAIC website FOI review process page for further information and/or to access the online form for applying for IC review:

<https://www.oaic.gov.au/freedom-of-information/foi-review-process>

Alternatively, application for IC Review can be emailed to: enquiries@oaic.gov.au or

addressed to: Director of FOI Dispute Resolution
 GPO Box 5218
 Sydney NSW 2001

COMPLAINTS TO THE INFORMATION COMMISSIONER

You may complain to the Information Commissioner about any action taken by the ABC in the performance of functions, or exercise of powers, under the FOI Act. The Information Commissioner may make inquiries for the purpose of determining whether or not to investigate a complaint.

Complaints can be made in writing to: OAIC - GPO Box 5218 Sydney NSW 2001