



23 August 2024

Our reference: LEX 80746  
LEX 80283

Ben Fairless (Right to Know)

Only by email: [foi+request-11565-exxxxxxx@xxxxxxxxxxx.xxx.xx](mailto:foi+request-11565-exxxxxxx@xxxxxxxxxxx.xxx.xx)

Dear Mr Fairless,

**Freedom of Information Request – Internal Review Decision**

I refer to your correspondence to Services Australia (the Agency) on 24 July 2024, seeking an internal review of the original decision (LEX 80283) made by the Agency on 22 July 2024 in relation to your request for access to documents under the *Freedom of Information Act 1982* (FOI Act).

**Background**

On 25 June 2024, you requested access under the FOI Act to the following documents:

Websites have something called a "robots.txt" file that helps search engines work out what they should be indexing and what they shouldn't be.

The Operational information portal's robots.txt file (located at <https://aus01.safelinks.protection.outlook.com/?url=https%3A%2F%2Foperational.servicesaustralia.gov.au%2Frobots.txt&data=05%7C02%7Cfreedomofinformation%40servicesaustralia.gov.au%7Cc590cf1bf6b14280caef08dc94e4cb28%7C627250e63e294861a084aad68ccfccc%7C0%7C0%7C638548957779470560%7CUnknown%7CTWFpbGZsb3d8eyJWljoImFCNDQwLjAwMDAiLCJQIjoiV2luMzliLjBjIiI6IjEhaWwiLCJXVCi6Mn0%3D%7C40000%7C%7C&sdata=HICdFo7QkKUtaYRTOXMlbf6EmdxmRgooE7c7hmCfiT0%3D&reserved=0>) has the below information at the top:

```
+++++++
# robots.txt for
https://aus01.safelinks.protection.outlook.com/?url=http%3A%2F%2Foperational.humanservices.gov.au%2F&data=05%7C02%7Cfreedomofinformation%40servicesaustralia.gov.au%7Cc590cf1bf6b14280caef08dc94e4cb28%7C627250e63e294861a084aad68ccfccc%7C0%7C0%7C638548957779488844%7CUnknown%7CTWFpbGZsb3d8eyJWljoImFCNDQwLjAwMDAiLCJQIjoiV2luMzliLjBjIiI6IjEhaWwiLCJXVCi6Mn0%3D%7C40000%7C%7C&sdata=PLVCCsI7C%2BK5KWNKLuMGI%2BtPGOILFEkvqVL5pCCJ20Q%3D&reserved=0
```

```
# only allow Funnelback for on-site search # all other external search engines are blocked
```

```
+++++++
I seek the documents that informed the decision to "block all external search engines" on the Operational information portal. Please treat this request administratively if possible. Otherwise consider it a formal FOI request.
```

On 22 July 2024, the Agency notified you of the original decision to **refuse access** under section 24A of the FOI Act to documents within the scope of your request on the basis all reasonable steps had been taken to locate these documents and they could not be located.

On 24 July 2024 you requested an internal review of the original decision.

### **Summary of my internal review decision**

I am authorised to make decisions under section 23(1) of the FOI Act, including internal review decisions under section 54C of the FOI Act.

Consistent with the requirements of section 54C(2) of the FOI Act, I have made a fresh decision.

Having considered the material before me, I have decided to refuse your request under section 24A of the FOI Act. This refusal is made on the basis that all reasonable steps have been taken to locate the relevant documents and they cannot be located.

This has the effect of affirming the original decision made on 22 July 2024.

Please see [Attachment A](#) for further information regarding the reasons for my decision.

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

If you disagree with any part of the decision, you can ask for an external review by the Australian Information Commissioner. See [Attachment B](#) for more information about how to request an external 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

Tara  
Authorised FOI Decision Maker  
Freedom of Information Team  
FOI and Reviews Branch | Legal Services Division  
Services Australia



**Attachment A**

**REASONS FOR DECISION**

**What you requested**

On 25 June 2024, you requested access under the FOI Act to the following documents:

Websites have something called a "robots.txt" file that helps search engines work out what they should be indexing and what they shouldn't be.

The Operational information portal's robots.txt file (located at <https://aus01.safelinks.protection.outlook.com/?url=https%3A%2F%2Foperational.servicesaustralia.gov.au%2Frobots.txt&data=05%7C02%7Cfreedomofinformation%40servicesaustralia.gov.au%7Cc590cf1bf6b14280caef08dc94e4cb28%7C627250e63e294861a084aad68ccfcccc%7C0%7C0%7C638548957779470560%7CUnknown%7CTWFpbGZsb3d8eyJWljiMC4wLjAwMDAiLCJQIjoiV2luMzliLCJBTiI6IjEhaWwiLCJXVCi6Mn0%3D%7C40000%7C%7C%7C&sdata=HICdFo7QkKUtaYRTOXMIbF6EmdxmRg ooE7c7hmCfiT0%3D&reserved=0>) has the below information at the top:

```
+++++++
# robots.txt for
https://aus01.safelinks.protection.outlook.com/?url=http%3A%2F%2Foperational.humanservices.gov.au%2F&data=05%7C02%7Cfreedomofinformation%40servicesaustralia.gov.au%7Cc590cf1bf6b14280caef08dc94e4cb28%7C627250e63e294861a084aad68ccfcccc%7C0%7C0%7C638548957779488844%7CUnknown%7CTWFpbGZsb3d8eyJWljiMC4wLjAwMDAiLCJQIjoiV2luMzliLCJBTiI6IjEhaWwiLCJXVCi6Mn0%3D%7C40000%7C%7C%7C&sdata=PLVCCsI7C%2BK5KWNKLuMGI%2BtPGOILFEkvqVL5pCCJ20Q%3D&reserved=0
# only allow Funnelback for on-site search # all other external search engines are blocked
+++++++
I seek the documents that informed the decision to "block all external search engines" on the Operational information portal. Please treat this request administratively if possible. Otherwise consider it a formal FOI request.
```

On 22 July 2024, the Agency notified you of the original decision.

**Your internal review request**

On 24 July 2024, you requested an internal review of the original decision, providing written submissions in which you argued:

I am writing to request an internal review of Services Australia's handling of my FOI request 'Operational information portal - robots.txt file'.

The robots.txt file was last modified on Wed, 22 Dec 2021 09:39:02 GMT. Given the modification date, the fact there are no documents related to this file seems unlikely.

I note the original decision refers to documents related to "the decision to block all external search engines from \*searching\* the Operational Information Portal"

I hope that the agency is not being pedantic, but just in case my request was related to any document that informed the decision to "block all search engines" - not "block all

external engines from searching” (there is a very slight, but important distinction between the two).

A full history of my FOI request and all correspondence is available on the Internet at this address:

[https://aus01.safelinks.protection.outlook.com/?url=https%3A%2F%2Fwww.righttoknow.org.au%2Frequest%2Foperational\\_information\\_portal\\_r&data=05%7C02%7Cfreedomofinformation%40servicesaustralia.gov.au%7C1bff6e7e33064dc2dc9308dcabc1a06a%7C627250e63e294861a084aad68ccfccc%7C0%7C0%7C638574095324632998%7CUnknown%7CTWFpbGZsb3d8eyJWljiMC4wLjAwMDAiLCJQIjoiV2luMzliLCJBTil6lk1haWwiLCJXVCi6Mn0%3D%7C0%7C%7C%7C&sdata=rpQWX71bviFD3MHKUhXMqysGil9%2BU7%2FcrNxtwPdkW8Y%3D&reserved=0](https://aus01.safelinks.protection.outlook.com/?url=https%3A%2F%2Fwww.righttoknow.org.au%2Frequest%2Foperational_information_portal_r&data=05%7C02%7Cfreedomofinformation%40servicesaustralia.gov.au%7C1bff6e7e33064dc2dc9308dcabc1a06a%7C627250e63e294861a084aad68ccfccc%7C0%7C0%7C638574095324632998%7CUnknown%7CTWFpbGZsb3d8eyJWljiMC4wLjAwMDAiLCJQIjoiV2luMzliLCJBTil6lk1haWwiLCJXVCi6Mn0%3D%7C0%7C%7C%7C&sdata=rpQWX71bviFD3MHKUhXMqysGil9%2BU7%2FcrNxtwPdkW8Y%3D&reserved=0)

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

In reaching my decision I took into account:

- your original request dated 25 June 2024
- your internal review request dated 24 July 2024
- consultations with Agency officers about:
  - searches conducted for the documents requested, and
  - the Agency's operating environment and functions
- guidelines issued by the Australian Information Commissioner under section 93A of the FOI Act (the Guidelines), and
- the FOI Act.

### **Reasons for my decision**

I am authorised to make decisions under section 23(1) of the FOI Act, including internal review decisions under section 54C of the FOI Act.

#### Section 24A – Documents cannot be located or do not exist

Section 24A of the FOI Act permits an agency to refuse a request for access to a document if all reasonable steps have been taken to find the document, and the agency is satisfied the document cannot be found or does not exist.

The Staff Processing and Enterprise Systems Division and Service Delivery Optimisation Division conducted fresh searches for documents within the scope of your request. These searches included documents relating to changes to the robots.txt file on or around 22 December 2021.

The Staff Processing and Enterprise Systems Division conducted searches for hard copy versions of the documents and scanned all electronic versions of documents searching for references to ‘robots.txt’ files and related use with respect to the Agency’s public Operational Blueprint. No documents were found within the scope of your request.

The Service Delivery Optimisation Division searched all records and emails within the Operational Blueprint team. No documents were found within the scope of your request.

On the basis of thorough searches undertaken in the original decision and the fresh searches undertaken as part of the internal review, I am satisfied in accordance with section 24A of the FOI Act:

1. all reasonable steps have been taken to find the relevant documents, and
2. documents informing the decision to block all external search engines on the operational information portal cannot be located.

**Summary of my internal review decision**

In conclusion, I have decided to refuse your request under section 24A of the FOI Act as all reasonable steps have been taken to locate the relevant documents and they cannot be located.



**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 an FOI internal review decision**

If you still believe a decision is incorrect, the FOI Act gives you the right to apply for an external review of the internal review decision. Under section 54M of the FOI Act, you can apply for a review of an FOI decision by the Australian Information Commissioner. There are no fees for this review.

You have 60 days to apply in writing for 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)

**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.