



Australian Government
Classification Board

Our reference: CB 25-059

Email: foi+request-11789-cb2722a4@righttoknow.org.au

To whom it may concern

Decision on your Freedom of Information Request

On 8 August, you submitted a request to the Classification Board (the Board), seeking access to documents under the *Freedom of Information Act 1982* (FOI Act).

1 Your request

You requested access to:

Any emails sent or received from the Classification Board regarding the classification of Battlefield 2042 between June 1 2021, to January 1, 2022. Excluding any information about FOI requests, and emails sent or received from the public.

2 Authority to make decision

I am authorised to make decisions in relation to Freedom of Information requests under section 23(1) of the FOI Act.

3 Decision

The right of access under the FOI Act is limited to a 'document of an agency', being a document in the possession of the Board, whether created in the Board or received in the Board (section 4 of the FOI Act refers).

Section 24A of the FOI Act provides that an agency 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 business area responsible for the subject matter of your request has conducted searches of the Board's information holdings, including the Board's record keeping system (RWS), Outlook, and network drives. No documents matching the description in your request were identified as being in the possession of the Board.

I am satisfied that all reasonable steps have been taken to find documents which would be relevant to your request and that the documents do not exist in the possession of the Board.

I have decided, in accordance with section 24A of the FOI Act, that the Board does not hold any documents in its possession that meet the terms of your request.

4 Material taken into consideration

In making my decision, I had regard to the following:

- the terms of your request
- the provisions of the FOI Act
- the guidelines issued by the Australian Information Commissioner under section 93A of the FOI Act (the FOI Guidelines)
- advice from Board officers with responsibility for the subject matter contained in the documents captured by your request

5 Legislative provisions

The FOI Act, including the provisions referred to in my decision, are available on the Federal Register of Legislation website: www.legislation.gov.au/Series/C2004A02562.

6 Your review rights

If you are dissatisfied with my decision, you may apply for a review of it.

6.1 Information Commissioner review or complaint

An application for IC review must be made in writing to the Office of the Australian Information Commissioner (OAIC) within 60 days of the decision.

If you are not satisfied with the way we have handled your FOI request, you can lodge a complaint with the OAIC. However, the OAIC suggests that complaints are made to the agency in the first instance.

More information about the Information Commissioner reviews and complaints is available on the OAIC website here: www.oaic.gov.au/freedom-of-information/foi-review-process.

Further information

The Department of Infrastructure, Transport, Regional Development, Communications and the Arts provides administrative assistance to the Classification Board in relation to FOI matters. If you require further information regarding this decision, please contact the Department's FOI Section at FOI@infrastructure.gov.au.

Yours sincerely

A handwritten signature in black ink, appearing to be 'Tristan Sharp', written over a circular stamp or seal.

Tristan Sharp
Acting Director
Classification Board

4 September 2024