



DEFENCE FOI 493/24/25

STATEMENT OF REASONS UNDER THE FREEDOM OF INFORMATION ACT 1982

1. I refer to the request by John Davis (the applicant), dated and received on 18 December 2024 by the Department of Defence (Defence), for access to the following documents under the *Freedom of Information Act 1982* (Cth) (FOI Act):

...the Decision Brief which relates to ADF social media and the decision to remove the IJPAU social media and associated presence (YouTube and Instagram).

FOI decision maker

2. I am the authorised officer pursuant to section 23 of the FOI Act to make a decision on this FOI request.

Documents identified

3. I identified no documents as falling within the scope of the request.

Decision

4. I have decided to refuse the request under section 24A [requests may be refused if documents cannot be found, do not exist or have not been received] of the FOI Act.

Material taken into account

5. In making my decision, I have had regard to:
 - a. the terms of the request;
 - b. relevant provisions of the FOI Act;
 - c. the Guidelines published by the Office of the Australian Information Commissioner under section 93A of the FOI Act (the Guidelines); and
 - d. advice received from personnel within the Ministerial and Executive Coordination and Communication Division (MECC) in Governance Group, the Australian Army (Army) and Joint Capabilities Group (JCG).

REASONS FOR DECISION

Section 24A – Requests may be refused if documents cannot be found, do not exist or have not been received

6. Section 24A(1) of the FOI Act states:
 - (I) *An agency or Minister 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.*

7. Paragraph 3.94 of the Guidelines advises the detail this statement of reasons should include to refuse a request under section 24A(1):

...the statement of reasons given to the applicant should sufficiently identify the document, explain why it cannot be found or is known not to exist or to be in the agency's possession, describe the steps the agency took to search for the document, and note the limitations of any search...

8. Personnel within the MECC Social Media Hub, Army Social Media and JCG Headquarters and Cyber Command conducted searches of their records held within the Parliamentary Document Management System (PDMS) and the Defence Records Management System, Objective. In attempt to locate a 'brief' matching the applicant's scope, search terms included but were not limited to '1JPAU' and/or '1JPAU social media'. No records were identified that satisfied the parameters of the request.
9. I am satisfied that all reasonable steps have been taken to locate the documents sought by the applicant. I am satisfied that the documents cannot be found or do not exist, and refuse the request under section 24A(1) of the FOI Act.

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Date: 2025.01.14
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Natalie Sawczak
Accredited Decision Maker
Governance Group
Department of Defence