



Bob Buckley
foi+request-12783-4042c0eb@righttoknow.org.au

Dear Mr Buckley

Freedom of Information Request LEX 52785 – Decision on access

I refer to the *Freedom of Information Act 1982 (FOI Act)* request made to the Department of Social Services (**the Department**) on 30 January 2025. The request seeks access to:

A file (a .csv or .xlsx (not PDF)) with columns/fields of from, to, cc, subject, date, and a column with the text of the paragraph from the body of the email that mentions “mild autism” and where the date field is in July to December 2023 (inclusive).

I am authorised to make decisions in respect of FOI requests under subsection 23(1) of the FOI Act.

Decision – No documents exist

Section 24A of the FOI Act provides in part that an agency may refuse a request for access to a document if all responsible steps have been taken to find it and the agency is satisfied that it does not exist.

In accordance with s 17 of the FOI Act, the Department is not required to create a document to respond to a request if it is unable to be generated by a computer system alone.

The FOI request seeks the creation of a document that sets out details of every email in the Department’s possession that contains the phrase ‘mild autism’ and an extract of that email where that phrase is mentioned. The Department does not maintain a list of this nature, nor does it have the capacity to develop it using a computer, or other equipment, that is ordinarily available to the Department. In practice, the creation of this document would require the Department to manually retrieve each email that contains the relevant phrase and extract the relevant sections.

For reasons above, the Department is not required to create the requested document under s 17 of the FOI Act. I have therefore decided that we do not have possession of the documents sought by this request and have decided to refuse it under section 24A of the FOI Act.

Review rights and complaints

Information concerning how you may seek a review of this decision or make a complaint about the handling of this request is at **Attachment A**.

Contact

If you would like to discuss any aspect of my decision, please contact me at foi@dss.gov.au.

Yours sincerely

Heather D
Authorised FOI Decision Maker

7 February 2025

Attachments

A – Review Rights

INFORMATION ON REVIEW RIGHTS

You may seek review of this decision via:

- (a) an internal review; or
- (b) the Australian Information Commissioner (**Information Commissioner**).

Internal review

If you apply for internal review, a fresh decision will be made by a different decision-maker within the Department. An application for internal review must be:

- (a) made in writing;
- (b) made within 30 days of receiving this letter; and
- (c) sent to foi@dss.gov.au.

The application should also include the reasons why you think this decision should be reviewed.

If the internal review decision results in you not being provided access to all of the documents to which you have requested access, you have the right to seek a further review by the Information Commissioner.

Information Commissioner review

You can apply for the Information Commissioner to review this decision either immediately or following an internal review decision. You must apply to the Information Commissioner within 60 days of the receipt of this decision letter.

Further details on this process can be found on the Information Commissioner's website at <https://www.oaic.gov.au/>.

COMPLAINTS TO THE INFORMATION COMMISSIONER

You may also make a complaint to the Information Commissioner concerning actions taken by the Department while exercising its powers or performing its functions under the FOI Act.

Further details on this process can be found on the Information Commissioner's website at <https://www.oaic.gov.au/>.