



Australian Government

Department of Health and Aged Care

Reference: FOI 4242

Mr Rex Banner

By email: foi+request-9960-9f852b31@righttoknow.org.au

Dear Mr Banner

I refer to your Freedom of Information request of 19 February 2023 to the Department of Health and Aged Care (the department), seeking access under the *Freedom of Information Act 1982* (Cth) (FOI Act) to:

I request emails between the Department of Health and:
Meta (including Instagram, Facebook, Whatsapp) on the topics of phone addiction or social media addiction.

Additional information relating to your request was provided, being:

Below are some constraints that hopefully narrow the scope.

Time frame 2022-01-01 till 2023-02-19

Please exclude drafts (and duplicates)

I'm happy to have all email addresses redacted except for the domain name. eg.

@facebook.com I'm happy to have names of anyone from the public service who's pay grade is lower than SES1 redacted and for the 3rd parties anyone, unless they are a director, vice president, some sort of executive officer eg. CFO.

I'm not against any other reasonable redactions just wanted to be upfront.

Please *exclude* emails that are to/from anyone who has the pay grade of:

APS1 through APS6, unless someone outside of that pay grade band is included.

For example emails:

To: APS1, APS2 would be excluded

However To: APS1, EL1 would be included.

I am not looking for emails that have been sent solely within the Australia government, only emails that include one of the above companies.

FOI decision

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

My decision is to refuse this request in accordance with subsection 24A(1) of the FOI Act, on the basis that the department does not hold the documents requested.

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

- the terms of your FOI request
- the FOI Act
- the Guidelines issued by the Australian Information Commissioner under section 93A of the FOI Act (FOI Guidelines)

Reasons for decision

The right to request access to a document in accordance with the FOI Act relates to documents in the possession of the department (section 4 (definition of 'document of an agency') refers).

Section 24A of the FOI Act provides that:

- (1) 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.

The People, Communication and Change Branch within the department conducted searches of the department's information holdings: particularly emails between the Department of Health and Meta (including Instagram, Facebook, Whatsapp) on phone or social media addiction for the period of 1 January 2022, to 19 February 2023. No documents were identified as being in the possession of the department.

Based on the searches undertaken, I am satisfied that all reasonable steps were taken to find documents relevant to the scope of this request and the documents do not exist.

Therefore, I am refusing this request in accordance with section 24A of the FOI Act.

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.

Your review rights

I have set out your review rights at **ATTACHMENT**

Contacts

If you require clarification of any matters discussed in this letter you can contact the FOI Section on (02) 6289 1666 or at FOI@health.gov.au.

Yours sincerely

A handwritten signature in cursive script, appearing to read "L. Wallensky".

Louise Wallensky
A/g Assistant Secretary
People, Communication and Change Branch

7 March 2023

ATTACHMENT A.

YOUR REVIEW RIGHTS

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

Internal review

You can request internal review within 30 days of you receiving this decision. An internal review will be conducted by a different officer from the original decision-maker.

No particular form is required to apply for review although it will assist your case to set out the grounds on which you believe that the original decision should be changed.

Applications for internal review can be made by:

Email: FOI@health.gov.au

Mail: FOI Unit (MDP 516)
Department of Health
GPO Box 9848
CANBERRA ACT 2601

If you choose to seek an internal review, you will also have a right to apply for Information Commissioner review (IC review) of the internal review decision once it has been provided to you.

Information Commissioner review or complaint

You also have the right to seek Information Commissioner (IC) review of this decision. For FOI applicants, an application for IC review must be made in writing within 60 days of the decision. For third parties who object to disclosure of their information, an application for IC review must be made in writing within 30 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.

While there is no particular form required to make a complaint to the OAIC, the complaint should be in writing and set out the reasons for why you are dissatisfied with the way your request was processed. It should also identify the Department of Health and Aged Care as the agency about which you are complaining.

You can make an IC review application or make an FOI complaint in one of the following ways:

- online at www.oaic.gov.au/freedom-of-information/reviews-and-complaints/
- via email to foidr@oaic.gov.au
- by mail to GPO Box 5218 Sydney NSW 2001, or
- by fax to 02 9284 9666.

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.

Complaint

If you are dissatisfied with action taken by the department, you may also make a complaint directly to the department.

Complaints to the department are covered by the department's privacy policy. A form for lodging a complaint directly to the department is available on the department's website here: www.health.gov.au/about-us/contact-us/complaints