



Our ref: 2024-102699

9 April 2024

Mr 

By email: 

Dear Mr 

[Access Application under *Freedom of Information Act 2016 \(ACT\)*– Access Decision](#)

1. I refer to your email of 11 March 2024 in which you requested access to documents under the *Freedom of Information Act 2016 (ACT)* (FOI Act). Your request for documents was framed in the following way:

" 1. How many FOI requests were made to ACT ombudsman from 1/7/2020 till 29/2/24 inclusive?

2. Of the requests in 1 above, how many were granted in full?

3. Of the requests in 1 above, how many were refused or granted in part?

4. Of the matters in 3 above, how many sought reviews by the ACT ombudsman under Division 8.2 of the Act?

5. Provide copy of the FOI guidelines produced by the ACT ombudsman under s66 of the Act. If this is available online, provide the full link for its access.

6. Of the matters in 4 above, how many of the ACT ombudsman review decisions were appealed to ACTA by the applicants?

7. How many FOI decisions of ACT agencies were reviewed by the ACT ombudsman from 1/7/2020 till 29/2/24 inclusive? under Division 8.2 of the Act?

8. Of the reviews in 7 above, how many were appealed to the ACTA by either party?"

Decision

2. This letter constitutes notice of my decision on your access application under section 51 of the FOI Act. The Ombudsman has appointed me as an information officer for the purposes of section 18 of the FOI Act. This appointment authorises me to make this decision.
3. Under section 43(1)(d) of the FOI Act, I may refuse to deal with an access application wholly or in part if the government information is already available to the applicant. Further, section 45(a) specifies that information is taken to be already available if it is publicly available. The majority of the information you seek in your access application is publicly available.
4. Items 1 (in part), 2, 3, 5 and 7 of your request are publicly available. I will provide links to where you can find the publicly available information. As such, I will exercise the discretion afforded to me in section 45(a) and will not be dealing with your access application in part.
5. The remaining information relating to items 1 and 4 of your request are contained in electronic documents and systems alongside information which is not relevant to your request. Considering the provisions at section 30 and section 47 of the FOI Act, I am providing access to 2 documents which contain the information sought. The information you have requested has been extracted from the electronic documents and systems to exclude out of scope information. Out of scope material that could not be separated from the information has been redacted.
6. There are no documents regarding items 6 and 8 of your request.
7. A schedule setting out the relevant documents containing the information sought is at **Attachment A**. Our Office identified this information by searching our electronic records management system, our case management system and electronic documents saved in a shared platform.
8. Please note that access applications made to our Office that are not for personal information are publicly available on our disclosure log available at: [Disclosure log | ACT Ombudsman](#).

9. A summary of my decision in relation to the points of the access application is as follows:

Point	Request	Decision summary
1.	How many FOI requests were made to ACT ombudsman from 1/7/2020 till 29/2/24 inclusive?	<p>Information is provided in our ACT Ombudsman Annual Reports:</p> <ul style="list-style-type: none"> • 2022-23 ACT Ombudsman Annual Report (see page 39) • 2021-22 ACT Ombudsman Annual Report (see page 43) • ACT Ombudsman Annual Report 2020-21 (see page 40) <p>See Document 1 for 2023-24 statistics</p>
2.	Of the requests in 1 above, how many were granted in full?	See point 1
3.	Of the requests in 1 above, how many were refused or granted in part?	See point 1
4.	Of the matters in 3 above, how many sought reviews by the ACT ombudsman under Division 8.2 of the Act?	See Document 2
5.	Provide copy of the FOI guidelines produced by the ACT ombudsman under s66 of the	Available on the ACT Legislation Register (notifiable instruments):

	Act. If this is available online, provide the full link for its access.	<ul style="list-style-type: none"> • Freedom of Information (Volume 1 - Open Access Information) Guidelines 2020 • Freedom of Information (Volume 2 - Informal Requests for Government Information) Guidelines 2020 • Freedom of Information (Volume 3 - Dealing with Access Applications) Guidelines 2020 • Freedom of Information (Volume 4 - Considering the Public Interest) Guidelines 2023 • Freedom of Information (Volume 5 - Amending Personal Information) Guidelines 2020 • Freedom of Information (Volume 6 - Ombudsman Reviews) Guidelines 2020
6.	Of the matters in 4 above, how many of the ACT ombudsman review decisions were appealed to ACTA by the applicants?	No documents.
7.	How many FOI decisions of ACT agencies were reviewed by the ACT ombudsman from 1/7/2020	Information is provided in our ACT FOI Annual Reports and on our website:

	till 29/2/24 inclusive? under Division 8.2 of the Act?	<ul style="list-style-type: none"> • A report on the operation of the Freedom of Information Act 2016 for 2020-21 (page 15-16) • A report on the operation of the Freedom of Information Act 2016 for 2021-22 (page 16-17) • A report on the operation of the Freedom of Information Act 2016 for 2022-23 (page 17-18) • ACT Ombudsman Six Month Report Q1 & Q2 of 2023-24 (page 27) • FOI Review decisions ACT Ombudsman
8.	Of the reviews in 7 above, how many were appealed to the ACTA by either party?"	No documents.

10. I attach the documents containing the relevant information with this email.

Reasons for decision

Material taken into account

11. In making my decision I had regard to the following:

- the terms of your access application
- the information to which you sought access
- consultations with officers of the ACT Ombudsman
- the relevant provisions of the FOI Act

- the *Freedom of Information (Volume 3 – Dealing with access applications) Guidelines 2020* (ACT)
- the *Freedom of Information (Volume 4 – Considering the public interest) Guidelines 2023* (ACT)

12. I have interpreted your references to the "ACTA" to mean the ACT Civil and Administrative Tribunal (ACAT).

13. In considering whether all reasonable steps have been taken to locate documents within scope, I have considered:

- the subject matter of the documents requested
- the file management systems in place
- information publicly available in Ombudsman publications
- advice from individuals and line areas within the office who may be able to assist.

Review rights

Ombudsman review

14. Under section 73 of the FOI Act, you may apply in writing to this Office (ACT Ombudsman) for a review of this decision. To do so, you should write to the Ombudsman requesting a review at actfoi@ombudsman.gov.au or by using the contact information set out below.

15. The review application must be made within 20 working days after the day this decision is provided to you. While no particular form is required to apply for review of this decision, we recommend that applicants use the form available at: <https://www.ombudsman.act.gov.au/accountability-and-oversight/freedom-of-information/foi-complaints-and-reviews>

Review by the ACT Civil and Administrative Tribunal (ACAT)

16. Under section 84 of the FOI Act, should you be dissatisfied with this Office's review decision, you may apply to the ACAT for review of the Ombudsman decision. Further

information, including about how to make an application to the ACAT may be obtained:

- online at [ACAT \(act.gov.au\)](https://act.gov.au)
- via telephone at (02) 6207 1740
- by mail to GPO Box 370 Canberra City ACT 2601

Judicial Review

17. A further option for review of this decision may be available under the *Administrative Decisions (Judicial Review) Act 1989*. Advice about pursuing this option may be obtained from an Australian legal practitioner.

Contact details

18. If you require clarification of any of the matters discussed in this letter you may contact me via email at information.access@ombudsman.gov.au or via telephone on 1300 362 072.

Yours sincerely



Laura Mackenzie
Legal Officer
Legal Team

Attachment A

Doc No.	Description of Document	Decision of Access	Information redacted
1.	2023-24 Quarter 3 ACT FOI statistics	<i>Release</i>	Information not covered by the access request has been deleted from the electronic document.
2.	ACT Ombudsman Division 8.2 review statistics	<i>Release</i>	Information not covered by the access request redacted from the electronic record containing the information produced from a records management system.