

**2018**

**THE LEGISLATIVE ASSEMBLY FOR THE  
AUSTRALIAN CAPITAL TERRITORY**

**LETTER TO OMBUDSMAN**

**SECTION 39 OF THE *FREEDOM OF INFORMATION ACT 2016* – FOI 18-14**

**Presented by  
Minister Fitzharris MLA  
Minister for Health and Wellbeing  
25 October 2018**





Mr Ken Richards  
Acting Director  
ACT Freedom of Information  
[actfoi@ombudsman.gov.au](mailto:actfoi@ombudsman.gov.au)

Dear Mr Richards

**Freedom of Information Request FOI18-14 – Decision not made in time**

I refer to an access application received by ACT Health on 1 June 2018 made under the *Freedom of Information Act 2016* (the Act) requesting:

*a copy of all "sent" and "deleted" emails, which mention the applicant, in the subject or body of the email from the act government email accounts of Mr Mark Duggan, Mr Chris Bone, Ms Nicole Feely and Dr Jeffery Fletcher between the dates of 8-16 December 2017 and 6-14 February 2018 Please note that I wish Shared Services/ICT to perform this search electronically without involvement of the individuals named above.*

I am writing to inform you that a decision in regards to release of the requested information was not made in the time allowed under section 40 or extended under section 41 of the Act.

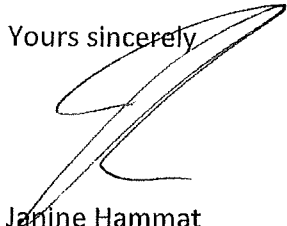
ACT Health had ongoing consultation with the applicant regarding the scope of the access application and the requirement for the scope to meet Section 30 of the Act. You wrote to ACT Health on 5 July 2018 advising that the applicant submitted a complaint to you on 21 June 2018 regarding ACT Health's processing of the access application.

ACT Health did not apply to the Ombudsman for an extension of time pursuant to section 42 (1) of the FOI Act, as the access application does not meet the requirements under section 42 (2) of the FOI Act.

Following the conclusion and notified outcome of your investigation of the complaint by the applicant, ACT Health will now take reasonable steps to process the access application.

Despite the time to decide having expired, ACT Health will continue to deal with the access application and give notice of a decision on the application.

Yours sincerely

A handwritten signature in black ink, appearing to be 'Janine Hammat', written over the words 'Yours sincerely'.

Janine Hammat  
**A/g Executive Director**  
People and Culture

21 September 2018