

**2019**

**Community Services Directorate**

**Notice provided to the Ombudsman under section 39 of the  
Freedom of Information Act 2016**

**Presented by  
Rachel Stephen-Smith MLA  
Minister for Children, Youth and Families**



**ACT**  
Government

Community Services

**FOI reference No: CYF 18/93**

ACT Ombudsman  
GPO Box 442  
Canberra ACT 2601

Dear Ombudsman

**FREEDOM OF INFORMATION REQUEST – DECISION NOT MADE IN TIME**

I refer to an access application received by the Community Services Directorate (the Directorate) on 26 November 2018 made under the *Freedom of Information Act 2016* (the Act), seeking documents relating to his family's involvement with Care and Protection. The access application was invalid at that time due to no evidence of identification.

On 6 December 2018, the applicant provided identification and the application became valid.

The scope of the application relates to personal affairs and has not been provided due to privacy concerns, however can be discussed with the Ombudsman's Office if required.

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.

A decision was required to be made on access to documents within 20 working days, being 8 January 2018.

As you are aware, the size and complexities of FOI access applications received by this Directorate vary. To ensure that no applicant is disadvantaged as result of these factors, each application is processed in order of the date they are received.

On 7 December 2018, the Directorate sought a routine 45 working day extension of time from the applicant under section 41(1) of the FOI Act, noting that there were 41 FOI access applications received prior to the applicant's. The applicant notified the Directorate that he did not agree to an extension of time.

Due to the large number of FOI access applications being processed, the Directorate was unable to make a decision on the access application by the due date of 8 January 2019.

The Directorate did not apply to the Ombudsman for an extension of time pursuant to section 42 (1) of the FOI Act. The Directorate is aware that an extension of time granted by the Ombudsman must not be longer than 15 working days. Due to the volume, size and

complexities of FOI access application currently being processed by the Directorate and the complexities of this request, a decision on this application would not be made by 29 January 2019 if this extension had been granted by the Ombudsman. Had an extension been granted the result would remain a deemed refusal. The Directorate recognises the current limitations of the FOI Act with regard to the Ombudsman's ability to extend the timeframe to decide an access application.

The Directorate has attached a copy of the chronology of work undertaken for this application (Our reference: CSD 18/93) as Attachment A.

Despite the time to decide having expired, the Directorate will continue to deal with the access application and give notice of a decision on the application to the applicant as soon as possible.

The Directorate has also written to the applicant to advise of the deemed refusal process.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Rm Cross'.

Rebecca Cross  
Director-General

14 January 2019