

**2021**

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

**Community Services Directorate Notice provided to the Ombudsman under section 39 of  
the Freedom of Information Act 2016 –**

**FOI Ref: FOI-CYF-20/9, FOI-CYF-20/11, FOI-CYF-20/12 and FOI-CYF-20/13**

**Presented by  
Rachel Stephen-Smith MLA  
Minister for Families and Community Services  
April 2021**





**ACT**

Government

Community Services

Mr Michael Manthorpe  
ACT Ombudsman  
GPO Box 442  
CANBERRA ACT 2601

Dear Mr Manthorpe

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

**Ref: FOI-CYF-20/9, FOI-CYF-20/11, FOI-CYF-20/12 and FOI-CYF-20/13**

I refer to four (4) access applications received by the Community Services Directorate (the Directorate) made under the *Freedom of Information Act 2016* (the FOI Act), in which the applicant sought the following information:

1. Application received on 25 August 2020 (FOI-CYF-20/9), seeking:

*“All emails from CSD employees to Jaclyn Kook and Jodie Robinson regarding \*Applicant and Facebook and Instagram for the period between January 2018 - 25 August 2020.”*

2. 9 September 2020 (FOI-CYF-20/11) seeking access to:

*“All records of communications between November 2018 and September 2020 referencing \*Applicant and Tim Gogh.”*

3. 9 September 2020 (FOI-CYF-20/12) seeking access to:

*“All records of communications between November 2018 and September 2020 referencing \*Applicant and Mari Ruuskanen.”*

4. 9 September 2020 (FOI-CYF-20/13) seeking access to:

*“All records of communications between November 2018 and September 2020 referencing \*Applicant and Jami McAlister.”*

\*De-identified

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

I am writing in accordance with section 39 (1) (c) of the FOI Act, to inform you that a decision regarding the release of requested information for the abovementioned applications, were not made in the time allowed under section 40.

The time to decide the applications under section 40 of the Act were **22 September 2020** (FOI-CYF-20/9) and **8 October 2020** (FOI-CYF-20/11, FOI-CYF-20/12 and FOI-CYF-20/13).

The Directorate contacted the applicant via email on 2 September 2020 and 17 September 2020, seeking an extension of time under section 41(1) of the FOI Act. The applicant responded via email and did not agree to the requests.

Due to the volume, size and complexity of FOI access applications received by the Directorate, a 45 working day extension is routinely negotiated with each applicant on receipt of their application. The majority of the Directorate's applicants agree to extensions of time or a staged release of information and appreciate that the Directorate treats all applicants equally in order of receipt of submission, ensuring a fair process.

Due to the large number of FOI access applications being processed, the Directorate was unable to make a decision on the four (4) applications by their respective due dates of 22 September 2020 and 8 October 2020. At the time of writing this letter, there are 34 applications which have been received ahead of this applicant's applications. However, prior to the applications being allocated to an FOI Officer, administration processing has commenced to seek and scan documentation within the scope in preparation for allocation.

Please note this particular applicant has submitted eight (8) FOI applications this year and has not agreed to an extension of time for any applications. This applicant recently had three applications for review which was undertaken by your Office in relation to three other deemed applications. You set aside the deemed applications and provided the Directorate with an extension of time for each application.

The Directorate did not apply to the Ombudsman for an extension of time pursuant to section 42 (1) of the FOI Act for any of the four (4) applications, as

the access applications did not meet the requirements under section 42 (2) of the FOI Act.

Despite the time to decide having expired, the Directorate will continue to deal with all applications received by this applicant and give notice of a decision on each application once completed.

The Directorate has written to the applicant to advise of the deemed refusal for these applications.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Jo Wood', with a stylized flourish at the end.

Jo Wood  
Director General  
Community Services Directorate  
30 October 2020