

2018

Community Services Directorate

**Notice to the Ombudsman – FOI not completed on time taken to be refusal
to give access under the FOI Act 2016 – September 2018**

**Presented by
Yvette Berry MLA
Minister for Housing and Suburban Development**



ACT
Government

Community Services

ACT Ombudsman
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Dear Ombudsman

FREEDOM OF INFORMATION REQUEST HACT 18/84 - DECISION NOT MADE IN TIME

I refer to an access application received by the Community Services Directorate (the Directorate) on 19 July 2018 made under the *Freedom of Information Act 2016* (the Act), seeking.

The scope of the access application has been provided. Please see below:

...copies of the following documents:

- *All work orders (and any corresponding reports) for this property from the beginning of my tenancy (September 2004)*
- *Folios 115 onwards from my Property File*
- *Folios 323 onwards from my Stock Administration file*
- *Folios 68 onwards from my Tenancy file (HN-20693205-5)*
- *Folios 152 onwards from my Legal Services file (205739).*

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.

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

On 19 July 2018, the Directorate received an access application from a Housing ACT tenant. On 26 July 2018, under section 41(1) of the Act, the Directorate wrote to the applicant seeking an extension of time of 45 working days to decide the application. At that time, the Directorate had in excess of 35 FOI access applications in the system, which were received prior to the Housing tenant's application. The applicant did not agree to an extension of time.

The Directorate did not apply to the Ombudsman for an extension of time pursuant to section 42 (1) of the FOI Act, as the access application 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 the application and give notice of a decision on the application.

Yours sincerely

Bernadette Mitcherson
Director-General
September 2018