

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: HOU-21/13**

**Presented by
Rebecca Vassarotti MLA
Minister for Homelessness and Housing Services
October 2021**



ACT

Government

Community Services

Mr Michael Manthorpe
ACT Ombudsman
GPO Box 442
CANBERRA ACT 2601

Dear Mr Manthorpe

FREEDOM OF INFORMATION REQUEST FOI-HOU-21/13 – DECISION NOT MADE IN TIME

I refer to an access application received by the Community Services Directorate (the Directorate) on 11 March 2021, made under the *Freedom of Information Act 2016* (the FOI Act), in which the solicitor of the Applicant sought the following information:

*“We are instructed to request a copy of **The APPLICANT’S** citizen and property files under the Freedom of Information Act 2016 for **ADDRESS***

The aim of this request is to recover documents relating to:

- *reports of criminal activity at this property to or by Housing ACT and ACT Policing*
- *reports of police attendances at this property to or by Housing ACT and ACT Policing; and*
- *correspondence and documents relating to the Notice to Remedy issued by Housing ACT to **The APPLICANT** on 10 June 2020*

The documents we request include but are not limited to electronic files, reports, records of decisions, completed application forms, emails, notes, correspondence, CDs, DVDs and all other documents and related documentation held by Housing ACT.”

This access application relates to the personal affairs of the Applicant. The Applicant’s name has been withheld and a de-identified scope provided to you to maintain the privacy of the individual concerned. This information 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 application was not made in the time allowed under section 40.

The time to decide the application under section 40 of the Act was **12 April 2021**.

On 24 March 2021, the Directorate wrote to the Applicant’s solicitor to acknowledge receipt of the application and request an extension of 45 working days.

On 30 March 2021, the Applicant's solicitor responded to the Directorate and advised their client had refused the 45 working day extension.

An initial search of the Directorate records identified six (6) files and two (2) videos relating to the Applicant's request for information.

The application was not decided by **12 April 2021** and has therefore become a deemed refusal.

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 and appreciate that the Directorate treats all applicants equally in order of receipt of submission, ensuring a fair process.

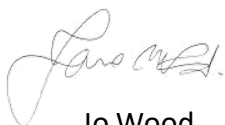
At the time of receipt of this access application, there were over forty (40) access applications being managed by the Directorate ahead of this applicant, however the Directorate has commenced processing.

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 does not meet the requirements under section 42 (2) of the FOI Act.

Despite the time to decide having expired, the Directorate continues to deal with the application.

The Directorate will advise the Applicant of the deemed refusal.

Yours sincerely



Jo Wood
Director General
Community Services Directorate
27 April 2021