



ACT
Government

Community Services

Mr Michael Manthorpe PSM
ACT Ombudsman
actfoi@ombudsman.gov.au

Dear Mr Manthorpe PSM

FREEDOM OF INFORMATION REQUEST – DECISION NOT MADE IN TIME

I refer to an access application received by the Community Services Directorate (the Directorate) on 13 March 2018 made under the *Freedom of Information Act 2016* (the Act), seeking:

“All mentions of myself in agency records (including but not limited to Housing ACT citizen and property files and Spotless files) including, but not limited to, in documents, images and recordings. I am only seeking other than what was previously supplied under FOI...” This included a recent 2018 application where the applicant had been provided with government information covering in excess of 500 folios (our reference is HACT 18/54).

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

At the time of receiving the access application, the Directorate sought an extension of time from the applicant under section 41(1) of the Act of 40 days, noting that 30 FOI access applications were in the system at the time of receipt. On 29 March 2018, the applicant agreed to an extension of five working days to 19 April 2018.

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. The majority of CSD 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 backlog of FOI access applications, the Directorate was unable to make a decision on the access application by the due date. A further request to the applicant for an extension of time was denied.

On 16 April 2018, and in accordance with Section 42 of the Act, the Directorate applied to the Ombudsman for an additional 15 working days to complete this application based on the 'complex' nature of the applicant's situation including involvement by the Human Rights Commission.

On 19 April 2018, the Ombudsman advised the Directorate that the extension of time was denied, resulting in the FOI access application technically becoming overdue. The Ombudsman's reasons were that extensions can only be granted for applications involving a large volume of information; or complex and potentially conflicting public interest factors.

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

A handwritten signature in black ink, appearing to read 'B Mitcherson', with a long horizontal flourish extending to the right.

Bernadette Mitcherson
Director General

3 May 2018