



JMPU OUT BN3880700

FOI 316/18/19 - STATEMENT OF REASONS UNDER THE FREEDOM OF INFORMATION ACT

1. I refer to the application by [REDACTED] from [REDACTED] under the *Freedom of Information Act 1982* (FOI Act), for access to documents. [REDACTED] request reads as follows:

"A summary of incidents logged onto the Defence Policing & Security Management System (DPSMS) for the period 1 January 2017 to the date of this application [27 February 2019]. I am only interested in those incidents that are categorised as Major, Serious & Complex or Reportable Major." [Item 1]

"Please include related CCTV recordings in relation to the above. I'm happy to limit to the first five (5) in 2017 and the first five (5) in 2018 (chronologically) where CCTV is captured. For those, please also include the related report (for context) and photos/video if they also exist in relation to them. [Item 2]

FOI decision maker

2. I am the authorised officer pursuant to section 23 of the FOI Act to make a decision on this FOI request.

Documents identified

3. I identified one (1) document as matching the description of the request.

Decision

4. I have decided to:

- a. release document in full [Item 1]
- b. refuse access to documents of the request under subparagraph 24A(1)(b)(ii)[Requests may be refused if documents cannot be found, do not exist or have not been received] of the FOI Act; [Item 2]

Material taken into account

5. In making my decision, I had regard to:
 - a. the terms of the request;
 - b. the content of the identified documents in issue;
 - c. relevant provisions in the FOI Act;
 - d. the Guidelines published by the Office of the Australian Information Commissioner under section 93A of the FOI Act (the Guidelines);

Reasons for decision

Section 24A(l) of the FOI Act - Requests May Be Refused

6. Section 24A(l) of the FOI Act states:

24A Requests may be refused if documents cannot be found, do not exist or have not been received

Document lost or non-existent

(1) *An agency or Minister may refuse a request for access to a document if:*

(a) *all reasonable steps have been taken to find the document; and*

(b) *the agency or Minister is satisfied that the document:*

(i) *is in the agency's or Minister's possession but cannot be found; or*

(ii) *does not exist.*

7. Paragraph 3.84 of the Information Commissioner Guidelines advises what detail this statement of reasons needs to include to refuse a request under section 24A(l):

The statement of reasons given to the applicant should sufficiently identify the document, explain why it cannot be found or is known not to exist or to be in the agency's possession, describe the steps the agency took to search for the document, and note the limitations of any search.

8. To ensure that "all reasonable steps" have been taken in this request, every reasonable avenue of locating the documents has been exhausted. The details of these searches are outlined below.

9. Thorough examination of the following database Defence Policing Security Management System [DPSMS] pertaining to 'related CCTV recordings relating to the summary of incidents' did not reveal any recordings of CCTV for any of the listed incidents located relating to **[Item 2]**

10. I am satisfied that "all reasonable steps" have been taken to locate the documents sought by the applicant.

11. I am satisfied that the documents cannot be found or do not exist, and refuse access to this request under section 24A(l) of the FOI Act.

kevin.kovic

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Date: 2019.03.19 09:27:20

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K M Kovic

Wing Commander

Accredited Decision Maker

Joint Capabilities Group