



## DEFENCE FOI 467/22/23 STATEMENT OF REASONS UNDER THE FREEDOM OF INFORMATION ACT

1. I refer to the application by [REDACTED] (the applicant) under the *Freedom of Information Act 1982* (FOI Act) for access to:

*“...a copy of a digital document that shows the total number of COVID-19 cases and total deaths within the Department of Defence (including the Defence Force) (1 January, 2020 to 9 February, 2023).”*

### 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.

### Decision

3. I have decided to:
- a. release one document created under section 17 of the FOI Act in full in relation to total number of COVID-19 cases in relation to the Australian Defence Force (ADF); and
  - b. refuse access to total deaths under section 24A(1) of the FOI Act on the basis the documents cannot be found, do not exist or have not been received.

### Material taken into account

4. In making my decision, I had regard to:
- a. the terms of the request;
  - b. relevant provisions in the FOI Act;
  - c. the Guidelines published by the Office of the Australian Information Commissioner under section 93A of the FOI Act (the Guidelines); and
  - d. advice provided by subject matter experts within the received from Defence People Group and Garrison Health Joint Health Command (JHC).

### Reasons for decision

#### Section 17 – Requests involving use of computers etc.

5. One document was generated in accordance with subsection 17(1)(c)(i) of the FOI Act to satisfy the description of ‘*total number of COVID-19 cases... within the Australian Defence Force*’. This was done on the basis that a written document could be produced containing the information in discrete form by the use of a computer ordinarily available to Defence for retrieving or collating stored information.

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

6. Section 24A(1) of the FOI Act states:

*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 3.90 of the Guidelines advise the kind of detail this statement of reasons could include to refuse a request under section 24A (1):

*...the steps that were taken to search for the document, including the dates as to when the searches were conducted, the search parameters used...*

8. To ensure that "all reasonable steps" have been taken in this request, every reasonable avenue of locating potential documents within the scope of this request have been exhausted.

9. Defence People Group and JHC conducted searches using search terms in relation to total number of COVID-19 deaths and advised that no documents relating to this search term were found. Searches were conducted from 13 February 2023 to 15 February 2023.

10. I am satisfied that "all reasonable steps" have been taken to locate the documents sought by the applicant in relation to total number of COVID-19 deaths within Defence. I am satisfied that the documents do not exist, and refuse access under section 24A(1) of the FOI Act.

#### **Further Information**

11. JHC collated statistics on COVID-19 positive statistics for Australian Defence Force members.

12. Defence does not hold or record any COVID-19 positive statistics relating to the Australian Public Service or contracted staff.

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Dr Darrell [REDACTED]  
Accredited Decision Maker  
Joint Capabilities Group