



**ACT**  
Government

Chief Minister, Treasury and  
Economic Development

## Freedom of Information Publication Coversheet

The following information is provided pursuant to section 28 of the *Freedom of Information Act 2016*.

FOI Reference: CMTEDDFOI 2020-239

Information to be published	Status
1. Access application	Published
2. Decision notice	Published
3. Documents and schedule	N/A
4. Additional information identified	No
5. Fees	N/A
6. Processing time (in working days)	15
7. Decision made by Ombudsman	N/A
8. Additional information identified by Ombudsman	N/A
9. Decision made by ACAT	N/A
10. Additional information identified by ACAT	N/A

**From:** [REDACTED]  
**To:** [CMTEDD FOI](#)  
**Subject:** Freedom of Information request  
**Date:** Wednesday, 16 December 2020 2:33:32 PM

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**CAUTION:** This email originated from outside of the ACT Government. Do not click links or open attachments unless you recognise the sender and know the content is safe.

Please find online enquiry details below. Please ensure this enquiry is responded to within fourteen working days.

### Your details

**All fields are optional, however an email address OR full postal address must be provided for us to process your request. An email address and telephone contact number will assist us to contact you quickly if we need to discuss your request.**

Title: [REDACTED]  
First Name: [REDACTED]  
Last Name: [REDACTED]  
Business/Organisation: NA  
Address: [REDACTED]  
Suburb: [REDACTED]  
Postcode: [REDACTED]  
State/Territory: ACT  
Phone/mobile: [REDACTED]  
Email address: [REDACTED]

### Request for information

**(Please provide as much detail as possible, for example subject matter and relevant dates, and also provide details of documents that you are not interested in.)**

Under the Freedom of Information Act 2016 I want to access the following document/s (\*required field):  
I would like to know who published the following pdf copy of the Procurement Team's Managers Minutes in June 2011, which were removed from the internet in December 2019?  
2011.06.14\_Managers\_Minutes\_removal\_of\_signatures\_for\_Contract\_Register  
Please refer to email sent to [CMTEDDfoi@act.gov.au](mailto:CMTEDDfoi@act.gov.au) for a copy of the pdf file which was downloaded in July 2019.

I do not want to access the following documents in relation to my request::  
I do not require access to any documents.

Thank you.  
Freedom of Information Coordinator



**ACT**  
Government

Chief Minister, Treasury and  
Economic Development

Our ref: CMTEDDFOI 2020-239

[REDACTED]  
via email: [REDACTED]

Dear [REDACTED]

## **FREEDOM OF INFORMATION REQUEST**

I refer to your application under section 30 of the *Freedom of Information Act 2016* (the Act), received by the Chief Minister, Treasury and Economic Development Directorate (CMTEDD) on 16 December 2020, in which you sought access to:

- “I would like to know who published the following pdf copy of the Procurement Team's Managers Minutes in June 2011, which were removed from the internet in December 2019?  
2011.06.14\_Managers\_Minutes\_removal\_of\_signatures\_for\_Contract\_Register  
Please refer to email sent to [CMTEDDfoi@act.gov.au](mailto:CMTEDDfoi@act.gov.au) for a copy of the pdf file which was downloaded in July 2019.”

### **Authority**

As an appointed Information Officer under section 18 of the Act, I am authorised to make a decision on access or amendment to government information in the possession or control of CMTEDD.

### **Timeframes**

In accordance of section 40 of the Act, CMTEDD was required to provide a decision on your access application by 18 January 2021.

### **Decision on access**

I have decided to refuse to deal with your application under section 35 (1) (d) and section 43(1)(a) of the Act because the information you are seeking would require an unreasonable and substantial diversion of the Directorate's resources.

Section 35(1)(d) states:

*(1) The respondent decides an access application for government information by deciding—*

*(d) to refuse to deal with the application (see section 43);*

Section 43(1)(a) states:

*(1) A respondent may refuse to deal with an access application wholly or in part only if—*

*(a) dealing with the application would require an unreasonable and substantial diversion of the respondent's resources (see section 44).*

There have been multiple restructures and divisions of responsibility since 2011 and so there is virtually no corporate memory of the practices that surrounded website

administration in 2011. To identify who was responsible for uploads and website maintenance in 2011 would likely require: checking HR records, determining the process at that time for website maintenance and uploads, determining if the records still exist for website maintenance and uploads as this period of time is longer than the required retention period of seven years, if these records would be held by Shared Services or Procurement ACT or Major Projects Canberra. This work would require considerable resources and direct officers away from other work, with no guarantee that an answer would be found.

Dealing with this request in its current form would require an unreasonable and substantial diversion of resources pursuant to section 44(1) of the Act. I have considered the public interest that would be advanced by processing this request in its current form and have concluded that it does not justify the use of the required resources.

### **Charges**

Processing charges are not applicable for this request because no pages are being released to you.

### **Online publishing – Disclosure Log**

Under section 28 of the Act, CMTEDD maintains an online record of access applications called a disclosure log. A description of the access application and my decision will be published in the CMTEDD disclosure log after three days after date of decision. Your personal contact details will not be published. You may view CMTEDD disclosure log at <https://www.cmtedd.act.gov.au/functions/foi/disclosure-log>.

### **Ombudsman Review**

My decision on your access request is a reviewable decision as identified in Schedule 3 of the Act. You have the right to seek Ombudsman review of this outcome under section 73 of the Act within 20 working days from the day that my decision is published in CMTEDD disclosure log, or a longer period allowed by the Ombudsman.

We recommend using this form [Applying for an Ombudsman Review](#) to ensure you provide all of the required information. Alternatively, you may write to the Ombudsman at:

The ACT Ombudsman  
GPO Box 442  
CANBERRA ACT 2601  
Via email: [actfoi@ombudsman.gov.au](mailto:actfoi@ombudsman.gov.au)

### **ACT Civil and Administrative Tribunal (ACAT) Review**

Under section 84 of the Act, if a decision is made under section 82(1) on an Ombudsman review, you may apply to the ACAT for review of the Ombudsman decision. Further information may be obtained from the ACAT at:

ACT Civil and Administrative Tribunal  
Level 4, 1 Moore St  
GPO Box 370  
Canberra City ACT 2601  
Telephone: (02) 6207 1740  
<http://www.acat.act.gov.au/>

Should you have any queries in relation to your request please contact me by telephone on 6207 7754 or email [CMTEDDFOI@act.gov.au](mailto:CMTEDDFOI@act.gov.au).

Yours sincerely,

A handwritten signature in grey ink, appearing to read 'P. Dachs', is positioned above the typed name.

Philip Dachs  
Information Officer  
Information Access Team  
Chief Minister, Treasury and Economic Development Directorate  
11 January 2021