

Decision D0192008 - Published in note form only

Re Campbell and Police Force of Western Australia [2008] WAICmr 19

Date of Decision: 30 May 2008

Freedom of Information Act 1992: section 26; Schedule 1

In late 2007, the complainant applied under the *Freedom of Information Act 1992* ('the FOI Act') to the Police Force of Western Australia ('the agency') for access to certain documents. The application was closely related to numerous past applications made by the complainant over a number of years concerning various issues the complainant has taken up with the agency dating back to 2004. The agency refused the complainant access to the requested documents under s.26 of the FOI Act on the basis that the documents cannot be found or do not exist.

The complainant requested an internal review disputing the agency's decision. On 13 December 2007, the agency confirmed its original decision. On 20 December 2007, the complainant applied to the A/Information Commissioner ('the A/Commissioner') for external review of that decision.

On receipt of this complaint, my office made further inquiries with the agency in relation to the searches it conducted to locate the requested documents. On 8 May 2008, the complainant was advised in writing that, on the basis of the information before the A/Commissioner, it appeared that the agency had taken all reasonable steps to find the requested documents. The complainant was invited to suggest further reasonable searches or inquiries that could be made. No response was received from the complainant.

In the circumstances, the A/Commissioner was not dissuaded from the view expressed in the letter of 8 May 2008 to the complainant. The A/Commissioner considered that the agency had taken all reasonable steps to find the requested document or documents and was satisfied that the document or documents could not be found or did not exist.