

**Decision D0222008 - Published in note form only**

***Re Sideris and Minister for Planning and Infrastructure* [2008] WAICmr 22**

**Date of Decision: 18 June 2008**

***Freedom of Information Act 1992: section 26; Schedule 1 Clause 6(1)***

The complainant applied to the Minister for Planning and Infrastructure ('the agency') for access under the *Freedom of Information Act 1992* ('the FOI Act') to documents relating to the Mullaloo Progress Association and a meeting held on 25 May 2007 at the office of the Minister for Planning and Infrastructure.

The agency gave the complainant access to some documents; refused access to two documents under clause 6(1); and refused access to other documents under s.26 of the FOI Act because they could not be found or did not exist.

The complainant sought internal review of that decision even though he was advised that internal review was not available. The agency confirmed its advice that internal review was not available as the decision was made by the Minister. The complainant then applied to the Information Commissioner for external review.

The A/Commissioner caused inquiries into the searches conducted by the agency for the requested documents to be made. The A/Commissioner provided the parties with his preliminary view of this complaint, including his reasons. It was the A/Commissioner's preliminary view that the decision to refuse access under s.26 was justified; and the decision to refuse access under clause 6(1) was justified in relation to one document. The A/Commissioner considered the other document for which clause 6(1) had been claimed was not exempt, except for a small amount of personal information about third parties other than the complainant. The agency accepted the A/Commissioner's preliminary view. One document was then disclosed to the complainant. The complainant made further submissions in response to the A/Commissioner's preliminary view. The complainant's submissions contained no new material for the A/Commissioner to consider and while voluminous, were largely irrelevant to his determination of this matter.

On the information before him, the A/Commissioner confirmed the agency's decision to refuse access to the requested documents under section 26 of the FOI Act on the basis that the agency had taken all reasonable steps to find the requested documents but that they do not exist. In addition, the A/Commissioner confirmed the agency's decision to refuse access to one document under clause 6(1) of Schedule 1 to the FOI Act.