

**Decision D0432008 - Published in note form only**

***Re Glasson and Legal Practitioners Complaints Committee* [2008] WAICmr 43**

**Date of Decision: 14 October 2008**

***Freedom of Information Act 1992: section 26***

The complainant applied to the Legal Practitioners Complaints Committee ('the agency') for access under the *Freedom of Information Act 1992* ('the FOI Act') to documents relating to communications between the agency and the Victorian Legal Services Commission – the Victorian equivalent of the agency – in relation to a number of named individuals.

The agency initially gave the complainant access to one document 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. In the course of dealing with that review, the agency located a second document within the scope of the complainant's access application and to which access was given but otherwise confirmed its initial decision regarding the existence of any other documents within the scope of the access application. The complainant then applied to the Information Commissioner for external review of the agency's decision, asserting that additional documents should exist making submissions in support of that assertion.

The A/Information Commissioner caused inquiries into the searches conducted by the agency for the requested documents to be made.

On the information before him, and on the basis of the investigations undertaken by his officer, the A/Information 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 cannot be found or do not exist.