

Decision D0072005 - Published in note form only

Re Mallet and Edith Cowan University [2005] WAICmr 7

Date of Decision: 11 May 2005

Freedom of Information Act 1992: sections 13(2) and 26

The complainant applied to Edith Cowan University ('the agency') for access under the *Freedom of Information Act 1992* ('the FOI Act') to documents relating to a meeting of the Academic Appeals Committee of the agency held on 29 June 2001 ('the Committee').

The agency gave the complainant access to a set of notes and advised that he already had copies of the two other relevant documents and that it had no other documents within the scope of his access application.

The complainant sought internal review of that decision but received no notice of decision from the agency by the prescribed time. The complainant then applied to the Information Commissioner for external review, which was accepted as the agency was deemed to have refused access to documents, pursuant to section 13(2) of the FOI Act.

The A/Commissioner required the agency to make additional searches and inquiries for the requested documents. The agency investigated further and gave a description of its searches and inquiries for the requested documents, together with a description of the Committee's procedures to the A/Commissioner. The results of those inquiries were conveyed to the complainant who, in light of that information, made further submissions to the A/Commissioner.

On the information before her, 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.