

Decision D0182000 – Published in note form only

***Re Bailey and Education Department of Western Australia* [2000] WAICmr 18**

Date of Decision: 22 March 2000

Freedom of Information Act 1992; section 26

The complainant is the former principal of an Agricultural College in Western Australia. Sometime during 1996, concerns surfaced in the agency about his management style. After making some inquiries and dealing with those concerns, the agency removed the complainant from his position as principal and he was given duties elsewhere in the agency.

On 7 September 1999, the complainant made application to the agency under the FOI Act for access to documents associated with its treatment of him. He was given access to some, but not all of the documents. He alleged that additional documents should exist and identified the specific documents to which he referred.

The Information Commissioner made inquiries and required the agency to inform her of the extent of the searches it had undertaken to find the requested documents. The agency conducted searches of its record-keeping system in the relevant District Office and within its central office. Inquiries were also made with the officers concerned but the documents could not be found. The complainant was informed of the extent of the searches undertaken by the agency.

The Information Commissioner was satisfied that the agency searched for the documents in the appropriate places in its record-keeping system and that it had taken all reasonable steps to locate the documents but they cannot be found. The Information Commissioner was satisfied that the agency had acted in accordance with its obligations under the FOI Act. The Information Commissioner confirmed the decision of the agency to refuse access under s.26 of the FOI Act on the ground that the documents either do not exist or cannot be found.