

Decision D0182005 - Published in note form only

Re Campbell and Police Force of Western Australia [2005] WAICmr 18

Date of Decision: 31 October 2005

Freedom of Information Act 1992: Section 26

The complainant applied to the Police Force of Western Australia ('the agency') for access under the *Freedom of Information Act 1992* ('the FOI Act') to documents recording his attendance at the Cannington Police Station on 4 January 2005 and a letter he says he sent to the Cannington Police Station following his attendance.

The agency could not find any documents of the kind requested and, therefore, refused the complainant access to the requested documents under s.26 of the FOI Act on the ground that the documents did not exist or could not be found. The agency's decision was confirmed on internal review and the complainant lodged a complaint with the A/Information Commissioner ('the A/Commissioner') seeking external review of the decision of the agency.

The A/Commissioner required the agency to make further searches and inquiries for the requested documents. The agency made those additional searches and inquiries and gave a description of those searches and inquiries to the A/Commissioner.

Inquiries with the agency confirmed that, other than a contact card given to the complainant, no documents relating to the complainant's attendance at the Cannington Police Station were created because the complainant's attendance at the did not require a written record to be made or kept. In addition, the Officer In Charge of the Cannington Police Station confirmed that a search of the files on which such correspondence is kept had been conducted and no letter as described by the complainant could be found. A search of the agency's Global File Tracking System was also conducted and no record could be found that the agency received the complainant's letter of 4 January 2005.

Having considered the additional searches and inquiries made by the agency, and additional information provided by the Officer In Charge, the A/Commissioner was satisfied that the agency had taken all reasonable steps to locate the requested documents, but that the requested documents either do not exist or could not be found.

The A/Commissioner therefore confirmed the agency's decision to refuse access to the requested documents in accordance with s.26 of the FOI Act.