

**Decision D0232001 – Published in note form only**

***Re Laverty and Laverty and City of Kalgoorlie-Boulder [2001] WAICmr 23***

**Date of Decision: 29 June 2001**

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

The complainants sought access under the *Freedom of Information Act 1992* ('the FOI Act') to documents relating to the proposed realignment of the Kalgoorlie-Boulder Bypass Road. The agency granted the complainants access to 85 documents. The complainants requested an internal review of the agency's decision, claiming that the agency had not identified all the requested documents. The agency subsequently advised the complainants that it did not hold any additional documents. Thereafter, the complainants applied to the Information Commissioner for external review of the decision of the agency.

The Information Commissioner made inquiries with the agency. The agency advised the Information Commissioner that some of the requested documents were not in its possession and that others were in the public domain or had already been provided to the complainants. The agency also provided a description of its record-keeping practices and the searches undertaken by it in relation to the complainants' access application.

The complainants provided extra information to support their contention that further documents within the scope of their access application should exist. Based on that information, the agency made further searches and identified an additional 11 documents, which were released to the complainants. Thereafter, the complainants again contended that there were still more documents which should be held by the agency.

However, based on the information before her, the Information Commissioner was not satisfied that there were reasonable grounds to believe that the additional documents described by the complainants exist or should exist at the agency. The Information Commissioner was satisfied that the agency had taken all reasonable steps to locate the requested documents and did not require the agency to undertake further searches. The Information Commissioner confirmed the decision of the agency to refuse access under section 26 of the FOI Act, on the ground that the requested documents do not exist or cannot be found.