

FREEDOM OF INFORMATION CASE NOTES

Failure to respond correctly to FOI application *Information Act* s.17, s.19, s.38, s.27, s.56

The complaint was on the following grounds:

- a) the Complainant's application for access to information was not dealt with as required under section 17(1) of the Act;
- b) the public sector agency did not comply with the timeframes prescribed by the Act for dealing with the application and conducting the internal review;
- c) insufficiency of search by the public sector agency;
- d) incorrect application of third party privacy exemption (section 56(1)(a) of the Act).

The Office found that, based on the information and facts provided by the Complainant and public sector agency:

- the Complainant's application was not dealt with as efficiently as possible;
- the public sector agency did not deal with the Complainant's applications in accordance with the requirements of the Act, for example the public sector agency failed to notify the Complainant in accordance with section 20 of the Act that an extension of time was required in dealing with the first application;
- it appeared that there was a lack of clear procedures and systems in place for handling and processing applications for access to information, and conducting reviews, under the Act;
- the decision-making processes of the public sector agency demonstrated a failure to action the application within statutory timeframes;
- the public sector agency failed to conduct adequate searches for the information the subject of the initial application and applications for review;
- the application of the exemption under section 56(1)(a) was incorrect and the public sector agency failed to provide the Complainant with any explanation in the original decision or review decision to uphold the application of the exemption on public interest grounds.

The Office concluded that there is sufficient *prima facie* evidence to substantiate the complaint in relation to the public sector agency's refusal to release information.