27 July 2015



Australian Broadcasting Corporation

## Corporate Affairs

ABC Ultimo Centre 700 Harris Street Ultimo NSW 2007

GPO Box 9994 Sydney NSW 2001

Tel. +61 2 8333 5261 abc.net.au

By email:

Dear

## FOI REQUEST – REFERENCE NUMBER 2015-015

I refer to your request for access to documents under the *Freedom of Information Act 1982* (the FOI Act) in your email dated 12 February 2015. In our subsequent correspondence, the scope of your request was clarified as follows:

- 1) "All documents relating to allegations of misconduct by [you, whether substantiated or not].
- 2) Documents maintained by ABC People, or held by the ABC People representative who attended the meetings leading to the misconduct finding [against you].
- All documents relating to any other [findings] of misconduct [in the ABC Technology department], relating to employees who failed to respond in a timely manner to an on call incident.
- 4) All documents referring to the incident on 21 August 2009 [relating to removal of a computer virus]."

I am authorised by the Managing Director under section 23 of the FOI Act to make decisions in respect of requests made under that Act. Following is my decision in relation to your request.

I have taken reasonable steps to identify and locate all relevant documents. My search for these documents involved contacting the following relevant people, who in turn consulted with relevant managers and staff within their respective teams:

- Ken Gallagher, Director Technology
- Alan Sunderland, Director ABC People.

I requested that searches be conducted of all hard and soft copy records for documents which fall within the scope of your request.

## Notice of existence of Practical Refusal Reason - Point 3

In relation to the documents requested in point 3 above, I have been informed that the ABC does not maintain a central database of documents relating to allegations or findings of misconduct by employees. In order to identify whether the documents you have described exist, it would be necessary to search through the personnel files of each employee in the Technology division.

This letter is notice in accordance with s24AB of the FOI Act of my intention to refuse access to documents on the basis of a practical refusal reason, and to initiate a consultation period to enable you to revise your request so that the practical refusal reason no longer exists. The practical refusal reason is that conducting a search for documents would involve an unreasonable diversion of the ABC's resources.

The FOI Act allows a 14 day consultation period from the day after the date of this letter. If you wish to revise your request so that the practical refusal reasons no longer exist, you may contact me either by phone on 02 8333 5316 or by email at <u>foi.abc@abc.net.au</u>. Within that 14 day period you are required to do one of the following in writing:

- a. Withdraw the request;
- b. Revise the request; or
- c. Indicate that you do not wish to revise the request.

Please note that if I do not hear from you, your request will be deemed to be withdrawn

## Access to Documents – Points 1, 2 and 4

As a result of the searches conducted for documents requested in points 1, 2 and 4 above, the following six documents were identified:

#	Document	Date	Pages
1	Letter from ABC Head IT to	18 September 2006	2
2	Email from to ABC Head IT	18 September 2006	1
3	Memo from ABC Head IT to	28 November 2006	1
6	File note – History	1996 – 29 November 2006	4
5	Letter from ABC Head IT to	22 February 2007	2
6	Letter from ABC Head T to	9 March 2007	2

As noted in our previous correspondence, you were recently given access to your personnel file and you have been given an opportunity to inspect it. Accordingly, documents contained in your personnel file were not included in the search for documents relevant to your request. Please note that in identifying relevant documents, I have excluded duplicates of the same document. Accordingly, email messages which appear as part of a string, and documents which have been sent to more than one person, have only been included once.

Access is granted in full to the above documents, and copies are attached.

If you are dissatisfied with this decision you can apply for Internal or Information Commissioner (IC) Review. You do not have to apply for Internal Review before seeking IC Review. Information about your review rights is attached.

I look forward to hearing from you in response to the practical refusal reason outlined above.

Yours sincerely



Judith Maude Head, Corporate Governance