[Insert agency letterhead]

[Date]

Ref: [agency reference]

[Applicant name]

**By email: [insert email]**

Dear [Name]

**Notice of decision – request for documents under the *Freedom of Information Act 1982* (Vic)**

1. This letter contains my decision on behalf of [insert agency name] regarding your request for documents under the *Freedom of Information Act 1982* (Vic) (**FOI Act**).
2. [Select one and delete the other] [The documents you seek do not exist] OR [After conducting a thorough and diligent search, no documents relevant to the terms of your request could be located].
3. This letter explains why the document[s] [do not exist] OR [could not be located] and outlines your right to make a complaint to the Information Commissioner.

**Background**

[Use the below paragraph if request is clear and valid, otherwise delete:]

1. On [insert date] you requested:

 [*Insert the terms of the request*]

[Use the below paragraph if clarification was required, otherwise delete:]

1. On [insert date] you made a request. On [insert date] we advised your request was not valid under section 17(2) of the FOI Act because the terms of your request were not clear enough to enable us to reasonably identify documents relevant to your request.
2. After you clarified your request, we considered it to be valid under section 17 of the FOI Act. Your request sought access to:

 [*Insert the terms of the clarified request*]

[Use the two paragraphs below if the application fee was not paid or evidence of hardship not provided, otherwise delete]

1. On [insert date] you made a request. On [insert date] we advised your request was not valid under section 17(2A) of the FOI Act, because you did not pay the application fee. We requested you to pay the application fee of $XX.XX or provide evidence that paying the application fee would cause you hardship.
2. On [insert date] you [paid the application fee **OR** provided evidence of hardship] and we considered your request valid.

Add contextual or other relevant information regarding the request where necessary. It may be useful to describe the context in which the document was created or what the request relates to generally. For example, ‘your request seeks access to various documents relating to your hospital admission on 3 May 2018’.

[Use the below section if the requested documents do not exist, otherwise delete]

**The document[s] you requested do not exist**

Under *Professional Standard 8.4*, if an agency cannot locate a document or a document does not exist in relation to a request or part of a request, it must:

1. where a search was conducted, provide a summary of the searches undertaken for the document, which may include:
2. the locations searched by the agency;
3. the method or type of searches undertaken; and
4. where applicable, the key words used in the searches; and
5. where practicable, explain why the relevant document does not exist or could not be located.
6. [Explain why you believe the requested document does not exist].

For example:

* As far as it is practicable for you to determine, the document may never have existed or been held by your agency. If so, explain this and provide reasons for why you believe this.
* The document may have previously been in your agency’s possession, but it was destroyed in accordance with a Public Record Office Victoria Retention and Disposal Authority (**RDA**) and your agency’s internal processes. If so, outline which RDA authorised the destruction of the document and when the document was destroyed. Where possible, provide a copy of the document destruction record as evidence.

[Use the below section if the requested documents could not be located after a thorough and diligent search, otherwise delete]

**We did not locate any documents relevant to your request**

Under *Professional Standard 8.4*, if an agency cannot locate a document or a document does not exist in relation to a request or part of a request, it must:

1. where a search was conducted, provide a summary of the searches undertaken for the document, which may include:
2. the locations searched by the agency;
3. the method or type of searches undertaken; and
4. where applicable, the key words used in the searches; and
5. where practicable, explain why the relevant document does not exist or could not be located.
6. We undertook the following searches to try and locate documents relevant to your request:

[Describe the searches undertaken]

For example:

* outline the business areas searched (e.g. if the request relates to a particular project, state the business area managing that project and the steps they took to search for the documents)
* keyword search of John Smith’s email account
* manual search of files held in offsite storage
* keyword search of the agency’s TRIM database
* manual search of files held by the Human Resources Unit
* digital search of the agencies archive system
* electronic search of our case management software
1. Despite conducting the searches outlined above, we could not locate any documents that fall within the terms of your request.
2. [Explain why the document could not be located]

Despite conducting a thorough and diligent search, your agency simply may not be able to locate the document nor confirm whether it ever existed. If so, refer the applicant to the summary of searches outlined in the previous section to demonstrate the steps taken to locate them and explain why you believe they could not be located.

**Your complaint rights**

1. Under section 61A of the FOI Act, you have the right to make a complaint to the Information Commissioner if a document you requested under the FOI Act does not exist or could not be located.
2. A complaint must be in writing, set out the nature of the complaint, and identify the agency, principal officer or Minister concerned.
3. A complaint must be made to the Information Commissioner within 60 days of receiving this letter.
4. The Office of the Victorian Information Commissioner’s (**OVIC**) website has a complaint form you may download, which contains more information about the complaint process and what you can expect from it. OVIC’s contact details are:

Office of the Victorian Information Commissioner

PO Box 24274

Melbourne VIC 3001

Email: enquiries@ovic.vic.gov.au

Phone: 1300 00 6842 (1300 00 OVIC)

www.ovic.vic.gov.au

1. If you have any questions about this decision, please contact us on [insert phone] or by email at [insert email] and quote [agency reference].

Yours sincerely

[Name of officer]

[Position title]

Under section 27(1)(b) of the FOI Act, where a decision relates to an agency, it must state the name and designation of the person giving the decision. Further, section 26(1) of the FOI Act outlines a decision on a request can only be made on behalf of an agency by the responsible Minister or the principal officer of the agency or by an authorised agency officer.