

ACTFOI

From: ACTFOI
Sent: Monday, 12 December 2022 12:40 PM
To: [REDACTED]@act.gov.au
Subject: Notice of investigation of a complaint about the handling of an FOI access application - 2022-715237 [SEC=OFFICIAL]

OFFICIAL

Our ref: 2022-715237

Your ref: 200929085

Dear Mr Drumgold SC

On 9 December 2022, the ACT Ombudsman (**Office**) received a complaint from Mr Troy [REDACTED] of the Australian Federal Police Association about the ACT Office of the Director of Public Prosecutions' (**the DPP**) handling of a Freedom of Information access application. We are investigating this complaint under s 9 of the *Ombudsman Act 1989* (ACT) (**Ombudsman Act**).

In addition to our complaint-handling powers under the Ombudsman Act, the Ombudsman is required to investigate complaints made to the Ombudsman about an agency's actions or failure to act under s 69 of the *Freedom of Information Act 2016* (ACT) (**FOI Act**).

Complaint details

Mr [REDACTED] has told our Office that:

- the DPP recently released information to *The Guardian* in response to an access application under the FOI Act
- the information contained the names and personal details of ACT Policing members, which were not redacted when released
- ACT Policing was not consulted by the DPP before the DPP decided to release the information
- he is dissatisfied with the DPP's processing of the FOI access application and has asked that the DPP receive training on the processing of FOI access applications, and make a public acknowledgment that they breached FOI guidelines

Information you need to provide to us

To assist our Office with this complaint, please provide the following information:

1. please confirm the details of the relevant access application including the reference number, date of receipt and date of decision

2. the full FOI processing file, including:
 - a. the original access application and any correspondence with the applicant
 - b. copies of internal correspondence regarding the access application
 - c. copies of correspondence, including file notes of relevant telephone or in person conversations, between the DPP and anyone consulted, and
 - d. a marked up and unredacted copy of the information at issue
3. any other information which may assist our Office's understanding of the complaint.

Please provide this information by **5pm 13 January 2023**.

Please do not hesitate to contact me if you have any questions or would like to discuss this matter further.

Yours sincerely

Jennifer [REDACTED] (she/her)
Assistant Director, ACT FOI
ACT OMBUDSMAN

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