



## Decision and Reasons for Decision

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<b>Citation:</b>	<b><i>V2G7KC and Queensland University of Technology [2015] QICmr 23 (9 September 2015)</i></b>
<b>Application Number:</b>	<b>312176</b>
<b>Applicant:</b>	<b>V2G7KC</b>
<b>Respondent:</b>	<b>Queensland University of Technology</b>
<b>Decision Date:</b>	<b>9 September 2015</b>
<b>Catchwords:</b>	<b>ADMINISTRATIVE LAW - INFORMATION PRIVACY ACT - REFUSAL OF ACCESS - NONEXISTENT DOCUMENTS - applicant seeking information relating to university studies - teaching practicum - correspondence between university and high school - applicant contends further documents exist - whether the agency has taken all reasonable steps to locate documents - whether access may be refused on the basis that the documents do not exist - sections 47(3)(e) and 52(1)(a) of the <i>Right to Information Act 2009</i> (Qld) and section 67(1) of the <i>Information Privacy Act 2009</i> (Qld)</b>

## REASONS FOR DECISION

### Summary

1. The applicant made an access application to Queensland University of Technology (**QUT**), seeking:<sup>1</sup>  
*... access to all documents QUT holds that contain information about [the applicant] created from the beginning of [the applicant's] interactions with QUT until 29 July 2014.*
2. QUT located 479 electronic files and released 475 files in full and four files in part.<sup>2</sup>
3. The applicant applied to the Office of the Information Commissioner (**OIC**) for an external review regarding the sufficiency of QUT's searches for documents responsive to his application.

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<sup>1</sup> As noted in QUT's decision dated 2 September 2014.

<sup>2</sup> Each file contained document/s of varying lengths. 313 Faculty of Education files, 23 IT Helpdesk files, 33 SBS student record files, 25 TRIM (QUT's e-records system) files and 81 Student Ombudsman files were released in full. Four Faculty of Education files were released in part (subject to the removal of other individual's personal information).

4. On external review, the applicant contended that QUT should have located communications between staff at the host school where he undertook a teaching practicum, and staff at QUT. In his external review application, the applicant stated:

*I need access to communication records between the host school ... (in particular the supervising teacher ... and site coordinator ...), and staff at QUT (in particular, Dr Margaret Kettle and Mr Rick Maher).*<sup>3</sup>

5. At the request of OIC, QUT conducted additional searches specifically for the documents identified by the applicant. QUT located 35 additional files and released 18 files in full and, following consultation with third parties, parts of the remaining 17 files were released, subject to the removal of other individuals' personal information.<sup>4</sup>
6. The applicant maintained his contention that further documents should have been located.<sup>5</sup>
7. For the reasons set out below, I vary the decision under review and find that access to further documents is refused under sections 47(3)(e) and 52 of the *Right to Information Act 2009* (Qld) (**RTI Act**) on the basis that they are non-existent.<sup>6</sup>

## Background

8. Significant procedural steps relating to the application and external review are set out in the Appendix.

## Reviewable decision

9. The decision under review is QUT's decision dated 2 September 2014.

## Evidence considered

10. The evidence, submissions, legislation and other material considered in reaching this decision are disclosed in these reasons (including footnotes and Appendix).

## Issue for determination

11. The issue for determination is whether access to further documents that the applicant contends should have been located can be refused on the basis that they are nonexistent under sections 47(3)(e) and 52(1)(a) of the RTI Act.

## Relevant law

12. The *Information Privacy Act 2009* (Qld) (**IP Act**) requires consideration of the grounds for refusal set out in the RTI Act.<sup>7</sup> In circumstances in which the sufficiency of an agency's searches for documents responsive to an access application is in issue, the

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<sup>3</sup> The applicant confirmed this scope in an email to OIC on 25 September 2014.

<sup>4</sup> By letter dated 2 July 2015 in response to OIC's preliminary view dated 22 May 2015, the applicant accepted that it would be contrary to the public interest to disclose other individuals' personal information.

<sup>5</sup> By letter dated 2 July 2015 in response to OIC's preliminary view dated 22 May 2015.

<sup>6</sup> Section 67 of the IP Act provides that an agency may refuse access to a document of an agency in the same way and to the same extent the agency could refuse access to the document under the RTI Act, section 47 were the document to be the subject of an access application under that Act.

<sup>7</sup> Section 67 of the IP Act.

RTI Act provides that an agency may refuse access to documents which do not exist (i.e. they were never created).<sup>8</sup>

13. A document is non-existent if there are reasonable grounds to be satisfied the document does not exist.<sup>9</sup> To be satisfied that a document does not exist, an agency must rely on its particular knowledge and experience, having regard to various key factors including:
  - the administrative arrangements of government
  - the agency structure
  - the agency's functions and responsibilities (particularly with respect to the legislation for which it has administrative responsibility and the other legal obligations that fall to it)
  - the agency's practices and procedures (including but not limited to information management); and
  - other factors reasonably inferred from information supplied by the applicant including the nature and age of the requested documents; and the nature of the government activity to which the request relates.<sup>10</sup>
14. By considering the factors above, an agency may ascertain that a particular document does not exist because, for example, its processes do not involve creating the specific document.<sup>11</sup> In such instances, it is not necessary for the agency to search for the document.<sup>12</sup> It is sufficient that the relevant circumstances accounting for the nonexistent document are explained.
15. However, an agency may use searches as a means to satisfy itself that documents do not exist.<sup>13</sup> Where searches are conducted, an agency must demonstrate that it has taken *all reasonable steps* to locate responsive documents, prior to deciding that the documents are non-existent.<sup>14</sup> Given that the searches will be directed by the key factors listed above, what constitutes all reasonable steps will vary from case to case, depending on which of the factors are most relevant in the particular circumstances.<sup>15</sup>

## Analysis

### Initial searches

16. QUT provided the following submission regarding its initial searches that located 479 files responsive to the applicant's access application:
  - staff involved in search — Faculty Manager who referred the request to:
    - Assistant Dean, Teaching and Learning, who then liaised with Unit Coordinator; University Liaison Officer; University Liaison Academic and Placement Officer, Field Experience Office
    - Head of School

<sup>8</sup> Section 52(1)(a) of the RTI Act.

<sup>9</sup> Section 52(1)(a) of the RTI Act.

<sup>10</sup> *PDE and The University of Queensland* (Unreported, Queensland Information Commissioner, 9 February 2009) (*PDE*) at [37]-[38]. Although *PDE* concerned the application of section 28A of now repealed *Freedom of Information Act 1992* (Qld), the requirements of that section are replicated in section 52 of the RTI Act.

<sup>11</sup> *PDE* at [38].

<sup>12</sup> *PDE* at [34].

<sup>13</sup> *PDE* at [35].

<sup>14</sup> As set out in *PDE* at [47], [49] and [53]. In this regard, see also section 130(2) of the RTI Act.

<sup>15</sup> *PDE* at [37].

- Student Affairs Coordinator, who then liaised with several staff in the Student Affairs Office
  - AskQUT staff member – who was requested to conduct searches using three email addresses used by the applicant
  - locations searched – Outlook emails, TRIM (QUT's e-records system), AskQUT (QUT's online enquiry system), Inplace - placement system, and hard copies of student field experience practicum reports.
  - search terms – applicant's name; applicant's student number and the three email addresses used by the applicant.
17. As stated in paragraph 4, on external review the applicant submitted that QUT should have located communication records between staff at the host school where he undertook a teaching practicum, and staff at QUT.

### **Additional searches**

18. Following OIC's request that QUT conduct additional searches (with reference to the types of documents raised by the applicant in his external review application), QUT located 35 additional files and released 18 files in full and, following consultation with third parties, parts of the remaining 17 files were released, subject to the removal of other individuals' personal information.
19. In regard to its further searches, QUT submitted:
- the Placement Officer, Field Experience Office searched Outlook emails and hard copies of student field experience practicum reports from February 2014 to August 2014 for mention of the applicant
  - the Student Affairs Coordinator searched Outlook emails (using the name of the high school where the applicant undertook his teaching practicum; the names of the teachers at the high school that the applicant identified as being relevant; the applicant's name and student number; QUT staff members identified as relevant by the applicant); AskQUT (using the search terms of the applicant's name; applicant's student number and the three email addresses used by the applicant), filing cabinet; and written notes
  - the University Liaison Officer searched Outlook emails for mention of the applicant; and
  - the Senior Lecturer, Faculty of Education searched handwritten notes and Outlook emails for mention of the applicant.
20. Following receipt of the additional information, the applicant submitted that QUT's searches should have located a *'letter from my Supervising Teacher that explained that I was given verbal At Risk warnings (during the Interim Report meeting)'*. The applicant stated this letter was referred to by the Executive Dean, Faculty of Education in a teleconference on 3 September 2014. In relation to this letter, the applicant submitted:<sup>16</sup>

*... Another reason I know everything has not been provided is because there are certain key documents that are missing.*

*For example that which Faculty of Education Executive Dean Dr Wendy Patton mentioned in a teleconference on 3<sup>rd</sup> September 2014 (also attended by Famena Staley, Faculty Manager - Acting, Faculty of Education.). During the teleconference Dr Patton*

<sup>16</sup> By email to QUT on 10 May 2015, which was forwarded to OIC on 13 May 2015.

*referred to a letter from my Supervising Teacher that explained that I was given verbal At Risk warnings (including during the Interim Report meeting). She stated what was written in the letter was contrary to what I was telling her (i.e. that I was informed I was borderline 'very good' during the Interim Report meeting). I requested a copy of that letter from my Supervising Teacher, and was told she would need to seek permission for it to be provided to me. She must not have received permission as she never responded to my repeated requests.*

21. The applicant made submissions to QUT as follows:<sup>17</sup>

*Finally regarding the teleconference with Faculty of Education Executive Dean Dr Wendy Patton and Acting Faculty of Education Manager Famena Staley (on 3rd September 2014), may I remind you that you were not present. I am informing you as the QUT Privacy Officer that Dr Patton explicitly referred to a letter from my Supervising Teacher ... This is a fact. Please confirm this with Ms Staley. Please provide me with a copy of the letter.*

### **Further specific searches**

22. QUT advised the applicant<sup>18</sup> that:

*I have made enquires this week with staff in the Faculty of Education for any document meeting this description, i.e. a letter from [the supervising teacher] to QUT explaining that you received verbal at risk warnings. I am advised that no such document exists and had it existed it would have been located during QUT's searches. The letter which Prof Patton is most likely to have been referring to during the teleconference is the one to you from Dr Spooner-Lane (dated 18 June 2014) (I have attached a copy for reference). This document covers the same subject matter but was authored by Dr Spooner Lane not [the supervising teacher].*

23. In relation to this advice from QUT, OIC obtained clarification from QUT that the further, specific enquiries regarding the letter were made with Mr Rick Maher. Given OIC's understanding of Mr Maher's role regarding the applicant's placement with the school (based on consideration of the information released to the applicant to date), I consider that it was appropriate for QUT's enquiries to be addressed by Mr Maher. I consider it is reasonable to expect that Mr Maher would have received, or otherwise been made aware of, a letter of the type raised by the applicant (should it exist).
24. While the applicant states that *'during the teleconference Dr Patton referred to a letter [to QUT] from my Supervising Teacher ... that explained that I was given verbal At Risk warnings (including during the Interim Report meeting)'*, OIC was unable to identify any evidence supporting the existence of a letter setting out this type of content from the supervising teacher. In the circumstances, it appears reasonably possible that Dr Patton made comments in the teleconference that may have been imprecise or misconstrued and, while referring to a letter that recorded comments made by the supervising teacher, did not intend to convey to the applicant that the letter was from the supervising teacher.
25. In this regard, I note that QUT is of the view that the letter that Dr Patton referred to during the teleconference was the letter from Dr Spooner-Lane to the applicant dated 18 June 2014 (which was released to the applicant under QUT's decision dated

<sup>17</sup> By email dated 14 May 2015, that was copied to OIC.

<sup>18</sup> By email dated 14 May 2015, that was copied to OIC.

2 September 2014). This letter conveys the following comments made by the supervising teacher:

*There is no fundamental requirement for schools or University Supervisors to provide an "At Risk" notice. ...*

*Whilst you did not receive your Interim Report in writing, you did receive the feedback verbally from your Supervising Teacher, this does constitute appropriate reporting at the midpoint of your placement.*

26. Alternatively, I consider it possible that the letter referred to by Dr Patton was an internal QUT communication – for example, the email from Dr Spooner-Lane to Professor Bahr, and copied to Mr Maher, sent at 3:50pm on 6 June 2014 (which was also released to the applicant under QUT's decision dated 2 September 2014). This email conveys the following comments made by the supervising teacher:

*I have since spoken to [the supervising teacher] and he told me that [the applicant] also argued with him yesterday for 15 minutes when he told him not to come to school today. He was surprised when he showed up for school today. He also told me that while he did not give [the applicant] a written interim report, he verbally went through the report with [the applicant] and let him know that he was borderline of being put at risk and that he would really need to brush up on his behaviour management skills and also developing relationships with students. He said he really wanted to support [the applicant] by helping him pass his final report but by Tuesday this week when going through the final report, he realised that [the applicant] had not met certain criteria and would therefore need more time and experience before he could be considered as 'developing adequately'.*

27. Subsequent to the searches conducted above, OIC conveyed its preliminary view to the applicant<sup>19</sup> that it considered QUT had conducted all reasonable searches for documents of the type raised by the applicant in his external review application and on external review.
28. The applicant was requested to make submissions to OIC if he did not accept OIC's preliminary view, and to provide information about:
- each further document he believed existed
  - why he believed the document existed; and
  - why he considered that QUT had not performed adequate searches for it.<sup>20</sup>
29. In response, the applicant reiterated earlier submissions as to the existence of particular documents but did not provide any fresh information upon which further searches could be based. Accordingly, OIC did not require QUT to undertake any further searches.

## Findings

30. I have considered the searches conducted by QUT, in light of the factors listed in *PDE* as set out above. In this regard, I note QUT's structure (including relevant staff likely to have been involved in the types of communications raised by the applicant in his external review application), recordkeeping practices and systems, the time period of

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<sup>19</sup> By letter dated 22 May 2015.

<sup>20</sup> The applicant was also advised that general assertions that there must be more documents, without any supporting evidence, will not generally be enough for OIC to require further searches.

May 2014<sup>21</sup> to 29 July 2014<sup>22</sup> in which the communications would have occurred (if they did), and the likely mediums for such communications (that is, emails comprising communications, conveying attached documents including letters, or recording the content of earlier telephone discussions, and possibly letters sent by post rather than email).

31. On consideration of the content of the additional 35 files located by QUT on external review, I am satisfied that they include communications of the type raised by the applicant in his external review application – that is, communications between relevant staff of the high school and QUT. I am unable to identify any information in the 35 files which suggests that more documents comprising or recording communications of the type raised by the applicant in his external review application should exist, but have not been located by QUT.
32. In these circumstances, on consideration of the entirety of searches for documents conducted by QUT and the documents located, I am satisfied that QUT has ensured that relevant, competent staff have undertaken comprehensive, appropriately targeted searches of QUT's relevant document management systems for documents responsive to the applicant's application and no further documents exist.
33. Accordingly, I am satisfied that:
  - QUT has conducted all reasonable searches for documents of the type sought by the applicant in his external review application; and
  - access to such documents may be refused under section 47(3)(e) of the RTI Act on the basis that they are non-existent under section 52(1)(a) of the RTI Act.

## DECISION

34. I vary the decision under review and find that access to the documents sought by the applicant is refused under sections 47(3)(e) and 52(1)(a) of the *Right to Information Act 2009 (Qld)* on the basis that they are non-existent.
35. I have made this decision as a delegate of the Information Commissioner, under section 139 of the *Information Privacy Act 2009 (Qld)*.

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V Corby  
Assistant Information Commissioner

**Date: 9 September 2015**

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<sup>21</sup> On consideration of the information released to the applicant, that his practicum commenced in May 2014 and, accordingly, any communications of the type raised by the applicant would not have occurred before this time.

<sup>22</sup> Being the date that QUT received the access application – section 47 of the IP Act.

## APPENDIX

### Significant procedural steps

Date	Event
29 July 2014	QUT received the access application.
2 September 2014	QUT issued its decision on the access application.
10 September 2014	OIC received the applicant's application for external review.
25 September 2014	<p>OIC advised the applicant and QUT that the external review application had been accepted and asked QUT to provide information relevant to the review.</p> <p>The applicant wrote to OIC, confirming the scope of the information he sought access to on external review and asking questions about procedure and other matters outside of OIC's jurisdiction.</p> <p>OIC responded to the applicant informing him that:</p> <ul style="list-style-type: none"> <li>• OIC would contact him once further information was received in relation to his external review</li> <li>• OIC could not provide him with advice but suggested he apply to another agency for the type of information he sought</li> <li>• OIC Enquiry Service could be contacted regarding the operation and application of the legislation.</li> </ul> <p>The applicant wrote and informed OIC that he was certain the documents he sought were in the possession of QUT and asked what date QUT was requested to respond to OIC's request for relevant information.</p>
30 September 2014	OIC wrote to the applicant advising him of the date by which QUT was requested to provide OIC with information.
9 October 2014	QUT provided OIC with the requested information, including a copy of the information to which access was refused.
12 October 2014	The applicant wrote to OIC enquiring about whether QUT responded to OIC by the due date of 9 October 2014.
13 October 2014	The applicant wrote to OIC asking to whom at OIC he should address his enquiries.
14 October 2014	<p>OIC responded to the applicant, confirming the contact person for his external review and stating it:</p> <ul style="list-style-type: none"> <li>• had received the requested information from QUT</li> <li>• would contact him once OIC had assessed the information; and</li> <li>• required nothing further from him in the meantime.</li> </ul>
18 October 2014	The applicant wrote to OIC about his understanding of OIC's correspondence so far and requested an exact date by which OIC would next be in contact.
20 November 2014	<p>OIC wrote to the applicant advising:</p> <ul style="list-style-type: none"> <li>• his external review had been allocated to a review officer for progression; and</li> <li>• OIC had completed its review of the information in issue and determined more information would be requested from QUT.</li> </ul>
21 November 2014	The applicant wrote to OIC with a number of questions relating to timeframes and procedural matters.
25 November 2014	OIC responded to the applicant's email of 21 November 2014, referring him to an information sheet previously provided to him and advising him it required no further information from him at that stage and it would contact him when it did.
28 November 2014	OIC had a telephone discussion with QUT about searches undertaken for



	particular information relevant to the applicant's external review application.
12 December 2014	OIC made enquiries with QUT about the scope of searches undertaken for particular information in the Faculty of Education.
5 January 2015	The applicant wrote to OIC informing it of his grievance procedure with QUT Ombudsman and asking OIC for advice about matters relating to this.
13 January 2015	The applicant wrote to OIC asking a hypothetical question about procedural matters.
15 January 2015	OIC received information from QUT about the scope of searches undertaken by the Faculty of Education.
21 January 2015	OIC requested QUT undertake searches for the information specified by the applicant in his external review application.  OIC wrote to the applicant informing him it had received the requested information from QUT and referred him to an information sheet previously provided to address his queries.
4 February 2015	QUT provided OIC with documents it located in its searches for information specified by the applicant on external review and requested an extension of time to provide its view on disclosure.
12 February 2015	The applicant wrote to OIC asking about written communication and timeframes on external review.
13 February 2015	OIC wrote to QUT confirming the extension of time was granted.  OIC wrote to the applicant, providing an update on the progress of the external review and responding to the queries in his email of 12 February 2015.
24 February 2015	QUT provided OIC with its view on disclosure of the information located following its searches.
2 March 2015	The applicant wrote to OIC, requesting it send him everything it has received from QUT so far (including QUT's responses to OIC's requests) and stating that he was <i>'trying to gauge the effectiveness of OIC.'</i>
10 March 2015	The applicant wrote to OIC requesting a response to his email of 2 March 2015.
23 March 2015	OIC wrote to third parties seeking their views on disclosure of information in accordance with section 37 of the RTI Act ( <b>consultation information</b> ) and conveying OIC's view on disclosure of the consultation information.  OIC wrote to QUT requesting it send the: <ul style="list-style-type: none"> <li>• consultation information to the third parties;</li> <li>• information to the applicant that QUT had agreed to release.</li> </ul> OIC wrote to the applicant providing him with an update on the progress of his external review and responding to his emails of 2 and 10 March 2015.
24 March 2015	The applicant wrote to OIC asking if it was in possession of copies of information OIC received from QUT and requesting OIC to send him such information.  The applicant wrote to QUT asking it whether it had received OIC's letter requesting they release information to him and whether it could email him the said information.  QUT emailed OIC, providing a copy of the email it received from the applicant and stating its willingness to comply with any request OIC made.
25 March 2015	OIC received confirmation from QUT that it had sent the consultation information to the third parties and released the information as agreed to the applicant.
7 April 2015	The applicant wrote to OIC querying whether the third parties had responded to

	OIC's letter of 23 March 2015.
30 April 2015	OIC wrote to the third parties requesting their advice about whether or not they object to disclosure of the consultation information.
1 May 2015	<p>OIC received confirmation from the third parties that they did not object to the disclosure of the consultation information.</p> <p>OIC wrote to QUT requesting it release the consultation information to the applicant.</p> <p>OIC wrote to the applicant informing him that it had requested QUT send him the consultation information and advised that the next step in the external review was to convey OIC's preliminary view to him.</p>
2 May 2015	The applicant wrote to OIC with a procedural query.
4 May 2015	QUT informed OIC it had released the consultation information to the applicant.
6 May 2015	The applicant wrote to QUT requesting to know who the third party was, stating that not all information about himself had been provided and asking QUT's advice about obtaining further documents.
7 May 2015	<p>QUT responded to the applicant that the identity of the third parties was confidential, informing him that QUT believed it had located all documents relevant to his application and inviting him to provide specific information about the documents he believed had not been located.</p> <p>OIC wrote to third parties seeking their views on disclosure of one additional document in accordance with section 37 of the RTI Act.</p> <p>OIC wrote to QUT requesting it send the additional consultation information to the third parties.</p>
10 May 2015	The applicant wrote to QUT stating that QUT's searches should have located a <i>'letter from my Supervising Teacher that explained that I was given verbal At Risk warnings (during the Interim Report meeting)'</i> . The applicant stated this letter was referred to by [the Executive Dean, Faculty of Education] in a teleconference on 3 September 2014.
11 May 2015	<p>QUT wrote to the applicant, informing him of its view that it had searched and located documents in accordance with the searches requested by OIC, based on the applicant's external review application and that it would not conduct further searches unless requested by OIC.</p> <p>OIC received confirmation from QUT that it had sent the additional consultation information to the third parties.</p>
13 May 2015	The applicant wrote to OIC providing a copy of his email correspondence with QUT and requesting advice about how to obtain a document he believed QUT had not located.
14 May 2015	<p>OIC wrote to QUT:</p> <ul style="list-style-type: none"> <li>• confirming that the third parties had not objected to the release of the additional consultation document and requested QUT release it to the applicant</li> <li>• requesting clarification about the information it had released to the applicant following the first consultation</li> <li>• informing QUT that OIC had received a copy of the applicant's email correspondence with QUT; and</li> <li>• confirming that the next step was for OIC to issue the applicant a preliminary view.</li> </ul> <p>QUT wrote to the applicant and enclosed unredacted copies (with the exception of some individuals' personal information) of the consultation information. QUT also advised the applicant that it made enquiries with Faculty of Education staff</p>

	<p>about the existence of the document referred to in the applicant's email to QUT of 10 May 2015 and it was determined that no such document existed however it believed that the document referred to in the teleconference was a letter to the applicant from Dr Spooner-Lane dated 18 June 2014, which had already been released to the applicant.</p> <p>QUT provided OIC with a copy of the above email.</p>
15 May 2015	<p>The third party wrote to OIC and confirmed it had no objection to the disclosure of the additional consultation document.</p> <p>OIC wrote to QUT, enquiring about the letter to the applicant from Dr Spooner-Lane dated 18 June 2014.</p>
16 May 2015	<p>The applicant wrote to QUT (copying OIC into the email) with questions about the information released to him and a second access application he had made. The applicant contended that the document referred to in his email of 10 May 2015 <i>did</i> exist and requested a copy of it.</p>
18 May 2015	<p>QUT wrote to the applicant (copying OIC into the email), responding to the applicant's queries of 16 May 2015 and requesting the applicant to direct any further correspondence to OIC.</p> <p>QUT wrote to OIC, providing a copy of the letter to the applicant from Dr Spooner-Lane dated 18 June 2014 and confirming that the document had been released to the applicant in response to his access application.</p>
21 May 2015	<p>OIC wrote to QUT requesting information about which staff in the Faculty of Education had been asked about the existence of the document referred to by the applicant in his email of 10 May 2015.</p> <p>QUT responded to OIC's email above, advising that the Faculty of Education staff member asked was Rick Maher.</p>
22 May 2015	<p>OIC conveyed its preliminary view to the applicant that:</p> <ul style="list-style-type: none"> <li>• QUT had taken all reasonable steps to locate documents relevant to his application; and</li> <li>• it would, on balance, be contrary to the public interest to disclose personal information of third party individuals;</li> </ul> <p>OIC invited the applicant to provide submissions in support of his case by 5 June 2015 if he did not accept the preliminary view.</p>
24 May 2015	<p>The applicant wrote to OIC requesting an extension of time until the beginning of July 2015 to provide a response to OIC's preliminary view.</p>
26 May 2015	<p>OIC informed the applicant that an extension of time until 3 July 2015 was granted.</p>
2 July 2015	<p>OIC received the applicant's response to OIC's preliminary view, that he:</p> <ul style="list-style-type: none"> <li>• did not accept that QUT had taken all reasonable steps to locate documents relevant to his application; and</li> <li>• was not seeking access to third party individuals' personal information.</li> </ul>
3 July 2015	<p>The applicant wrote to OIC correcting a date he had referred to in his email of 2 July 2015 and making procedural enquiries.</p> <p>The applicant sent an additional email to OIC with questions relating to his access application with another agency.</p> <p>The applicant sent a further email to OIC with comments about the agency's conduct of his other access application.</p>
9 July 2015	<p>OIC wrote to the applicant responding to the issues raised in the applicant's email of 2 July 2015:</p> <ul style="list-style-type: none"> <li>• confirming OIC's preliminary view that QUT had taken all reasonable steps to locate documents relevant to his application</li> </ul>

	<ul style="list-style-type: none"> <li>• inviting him to provide further submissions if he did not accept this view; and</li> <li>• advising that the next likely step in the review would be to issue a formal decision.</li> </ul> <p>The applicant wrote to OIC enquiring about the deidentification of parties in OIC's formal decisions.</p>
13 July 2015	<p>The applicant wrote to OIC requesting further information about the deidentification of parties in OIC's formal decisions.</p> <p>OIC responded to the applicant's queries of 9 and 13 July 2015.</p> <p>The applicant wrote to OIC with another query regarding deidentification of parties in OIC's formal decisions.</p>
16 July 2015	<p>The applicant wrote to OIC requesting he not be identified if OIC issues a formal decision on his external review and asked what information he should provide to support his request.</p> <p>The applicant wrote a further email to OIC requesting an extension of time to reply to OIC's letter dated 9 July 2015.</p>
17 July 2015	<p>OIC wrote to the applicant granting an extension of time until 20 July 2015 to respond to OIC's letter of 9 July 2015 and informing the applicant that, on the basis of information currently before it, OIC considered that the applicant should not be deidentified should a formal decision be issued.</p>
20 July 2015	<p>OIC wrote to the applicant informing him that he had a further extension of time until 23 July 2015 to respond to OIC's letter of 9 July 2015 and advising him of the information OIC required in order to consider his request for deidentification.</p>
23 July 2015	<p>The applicant sought a further extension of time to respond to OIC's letter of 9 July 2015, requested to be deidentified in any formal decision issued and submitted that information in documents released to him was incorrect.</p>
24 July 2015	<p>OIC wrote to the applicant and informed him:</p> <ul style="list-style-type: none"> <li>• a further extension of time until 29 July 2015 was granted for him to respond to OIC's letter of 9 July 2015</li> <li>• that OIC had no jurisdiction on this external review to deal with information he stated was incorrect in the documents released to him</li> <li>• if the applicant accepted OIC's preliminary view about the sufficiency of QUT's searches, the external review would be resolved informally</li> <li>• if the applicant did not accept OIC's preliminary view, he should make further submissions and the next likely step would be for OIC to issue a formal decision</li> <li>• that he would need to make further submissions for OIC to consider whether he should be deidentified in the decision; and</li> <li>• that if he did not respond by 29 July 2015, OIC would decide not to deal with the external review further and close the external review on the basis that the applicant failed to cooperate in progressing his external review.</li> </ul>
28 July 2015	<p>The applicant wrote to OIC confirming his submission that he believed further documents responsive to his application existed and provided reasons for his request to be deidentified in the event OIC issued a formal decision on his external review.</p>
30 July 2015	<p>OIC wrote to the applicant asking if he was willing to have a telephone conversation to discuss informal resolution options in his review.</p>
2 August 2015	<p>The applicant wrote to OIC:</p> <ul style="list-style-type: none"> <li>• further querying his request to be deidentified in a formal decision</li> <li>• asking a question about a general procedural matter; and</li> </ul>

	<ul style="list-style-type: none"> <li>• stating his preference to be emailed with informal resolution options.</li> </ul>
3 August 2015	The applicant telephoned OIC in response to OIC's email of 30 July 2015 but was unable to speak to the relevant review officer.
4 August 2015	<p>OIC wrote to the applicant requesting whether or not the applicant would participate in a telephone conversation to discuss informal resolution options.</p> <p>The applicant telephoned OIC and it was confirmed that OIC would communicate with him in writing.</p>
6 August 2015	The applicant wrote to OIC requesting an <i>'email response to our telephone conversation on 4<sup>th</sup> August 2015.'</i>
11 August 2015	<p>OIC wrote to the applicant and:</p> <ul style="list-style-type: none"> <li>• informed him about informal resolution options</li> <li>• confirmed OIC's view that QUT had taken all reasonable steps to locate information responsive to his application</li> <li>• requested the applicant advise OIC if he accepted OIC's view and would like to informally resolve the external review</li> <li>• informed the applicant that it had considered his submissions about why he should be deidentified; and</li> <li>• stated that if OIC did not hear from the applicant, the next step would be to issue a formal decision.</li> </ul>
13 August 2015	The applicant wrote to OIC and stated <i>'I have nothing to say against the OIC publishing and [sic] formal external review.'</i> The applicant, again, requested to be deidentified.