

Please read the Introduction – See [Introduction](#)

**Section 15(1)(a): Record Does Not Exist or Cannot Be Found After All Reasonable Steps have been Taken to Ascertain its Whereabouts**

<b>Section</b>	<b>Information Required</b>
15(1)(a) General	<p>We would encourage you to provide comprehensive submissions, providing all the information requested, to us at this early stage. Failure to do so in reviews related to section 15(1)(a) will generally result in more enquiries from this Office which will prove to be time consuming for you.</p> <p>You should be aware that, if information relevant to this review is required by the Commissioner, a <b>Notice</b> may issue under section 45 of the FOI Act requiring you to provide any information in your possession or control that he deems to be relevant for the purposes of the review.</p> <p>You should also be aware that, generally, we are unfamiliar with your records management systems and processes. We rely on you to provide a clear and sufficiently detailed explanation of your systems and processes and to explain how they operate in the context of the records sought.</p> <p>[Where relevant, you are reminded that section 2(5) of the Act specifies that records held by an FOI body includes records under the control of that body.]</p>
15(1)(a) Introductory	<p><u>Record Does not Exist or Cannot be Found</u></p> <p>Is it your position that the record(s) -</p> <p>A. cannot be found? (If so, please answer the questions at A below)</p> <p>OR</p> <p>B. do(es) not exist? (If so, please answer the questions at B below)</p>

<p><b>A.</b> 15(1)(a) - Record(s) cannot be found</p>	<p>If your position is that the record(s) cannot be found:</p> <ul style="list-style-type: none"> <li>○ Provide details of the exact <b>locations/areas</b> which were searched for the records sought in this case. Please be as specific as possible.</li> <li>○ Describe any searches which were conducted of <b>files</b> in such locations/ areas, including details of the files searched in each instance.</li> <li>○ Provide details of <b>how</b> searches were carried out – e.g. manually, by computer, by name, by reference number, by key words etc.</li> <li>○ Are there any other locations/areas where such records <i>might</i> be (as opposed to ought to be) - could the records have been misfiled/misplaced? If so, provide details of the steps taken and searches carried out to cover that possibility</li> <li>○ Were relevant individuals consulted and their records searched? If so, provide details of the individuals consulted, the response(s) received to such consultations, the searches carried out and the outcome of those searches</li> <li>○ Is it possible that any relevant records were destroyed, in accordance with policy or otherwise? If so, please provide the details (and a copy) of the relevant instruction/policy document, indicating clearly the sections which apply to the records at issue, if such documentation exists.</li> </ul>
<p><b>B.</b> 15(1)(a) Record does not Exist</p>	<p>If your position is that the record(s) sought do not exist, please clarify whether it is your position that the record(s)</p> <ul style="list-style-type: none"> <li>a) never existed (e.g. were never created or received)</li> <li>OR</li> <li>b) may have existed at some stage, but do not currently exist.</li> </ul> <p>a) If it is your position that the record(s) never existed, please explain why this is the case (e.g. if the normal practices and procedures of your organisation would not lead to the creation or retention of such record(s), please explain this position in detail).</p> <p>b) Where the record(s) no longer exist, please explain what has occurred and provide details (and a copy) of the relevant Record Retention Policy and destruction instruction/policy document, indicating clearly the sections which apply to the records at issue, if such documentation exists.</p>

15(1)(a) -  
Records  
Management  
Practices

- Describe the records, or kinds of records at issue in this case
  - What records would typically be created in a case such as this?
  - How and when are these type of records (the kind at issue in this case) created or received?
- Describe the relevant filing systems for such records (including any electronic filing system) and provide details of where such records are filed
- Provide details of any back-up systems, external databases or digital storage for such records
- How are (or were) such records used?
- What sections within your organisation would normally hold/ use/ file / consult such records?
- Where are (or were) such records kept while in active use?
- In the case of "dormant" files (i.e. files no longer in active use), where are they kept and who is responsible for them?
- Is there a register of files and, if so, what does it disclose about the records in this case?
- What is your practice as regards destruction of records?  
Please provide the details (and a copy) of the relevant instruction/policy document or Record Retention Schedule, indicating clearly the sections which apply to the records at issue, if such documentation exists.
- Provide details of the guidelines, practices, procedures and arrangements in relation to the storage, filing, archiving, retention and destruction of records of the type sought in the request both at the time of the FOI request and during the period of relevant events in this case