

In reply please quote: O0901-139
 Contact Officer: Milda Kaitinis

Mr Clive Stott
 9 Alpine Crescent
 GRINDELWALD TAS 7277

Dear Mr Stott

COMPLAINT UNDER THE *OMBUDSMAN ACT 1978* – DEPARTMENT OF POLICE AND EMERGENCY MANAGEMENT

I refer to your complaint against Tasmania Police concerning your inability to obtain a copy of the video surveillance tape requested under the *Freedom of Information Act 1991* (the FOI Act) on 10 November 2008.

I have carried out preliminary inquiries into the complaint and perused all the relevant documents in this matter. Having considered all the information available to me, I am of the view that the complaint has been substantiated. I make the following findings and observations:

1. You applied for a copy of the video surveillance tape on 10 November 2008. You should have been informed that Tasmania Police was claiming that you were not entitled to the information requested, under s 9 (b) of the FOI Act.
2. You should have been informed of the reason why Tasmania Police was unable to provide a copy of the video surveillance tape when the request was made by your solicitor.
3. Your FOI request dated 10 November 2008 should have been monitored by the FOI Officer throughout to ensure it had been attended to. It appears that Tasmania Police regarded the FOI request as having lapsed. You should not have been required to make a further FOI request as your original FOI request was still operative.
4. Tasmania Police made a decision to release the information and did not claim an exemption. There was a refusal however to provide the information in a form that you had asked for. This is contrary to s 19 (5) of the FOI Act. I note that the information has now been released in conformity with that section.

Based on the above findings and observations, I made a recommendation that Tasmania Police devise and implement an administrative process by which the handling of FOI requests is

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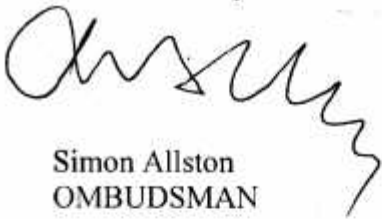
monitored so as to make sure that they do not languish but are expeditiously processed to the point of a final decision to provide or withhold the information requested.

Tasmania Police has prepared a report to direct the attention of all members to the requirements of the FOI Act. A copy has been provided to this Office for perusal. Tasmania Police has also advised that processes for tracking and monitoring compliance for requests within Freedom of Information Services are also under review.

In the circumstances, I propose to close this file but have sought a further report from Tasmania Police on progress with this review in three months time.

Thank you for your complaint.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Simon Allston', with a stylized flourish at the end.

Simon Allston
OMBUDSMAN

19 May 2009