



Request for file from Department of Child, Youth and Family Services

Legislation	Official Information Act 1982, s 28(5)
Agency	Department of Child, Youth and Family Services
Ombudsman	Anand Satyanand
Case number(s)	W46447
Date	August 2001

Request for file from Department of Child, Youth and Family Services (CYFS)—repeated undertakings to provide information by specific dates—failure to supply information or notify requester of inability to keep within the given timeframe—error of judgement acknowledged and apology provided

A caregiver requested information relating to a child from the Department of Child, Youth and Family Services and was told it could be expected by a certain date. Relying on that advice and believing the relevant information would be available, the requester scheduled a meeting with another organisation in relation to the child.

Nearly two months after the promised date the information had still not been released despite several follow up calls and assurances by the Department that release was imminent. Under section 28(5) of the Official Information Act (OIA), undue delay in making information available is deemed to be a refusal of the request. As a result of informal enquiries with the officer responsible for the request, it appeared that the information would soon be released. Although it was evident that release would not happen in time for the meeting, a postponement was possible. However, after nearly another month the requester again advised that the information had not been received. The complaint was formally notified to the Chief Executive of the Department.

On receipt of the letter setting out the background to the complaint, the Department reviewed its handling of the request and acknowledged that the delay was unreasonable. As a result of its review, the Department ensured that the information was released without further delay

and apologised to the requester. It also explained the reasons for the delay and the steps it had taken to ensure a similar situation would not occur in the future.

In light of the Department's actions, it was not necessary to take the investigation further.

Comment

When providing the requester or the Ombudsman with an approximate time by which a response can be expected, it is important that the timeframe given be realistic. Where an organisation undertakes to provide material by a deadline that cannot reasonably be met, the consequences to a requester who has relied on that undertaking can be serious.

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