

17 April 2023
Rebecca Trapani
foi+request-10142-e7832718@righttoknow.org.au

Dear Ms Trapani,

Freedom of Information Request – FOI 23117

I am writing to acknowledge your request under the *Freedom of Information Act 1982* (Cth) (FOI Act) that the eSafety Commissioner (eSafety) received on 6 April 2023.

Scope of Request

Your request is for the following:

‘Under the provisions outlined in the Freedom of Information Act of 1982, I would like to request information that informs the age verification roadmap which was provided to the Australian Government on 31/03/2023.

This information could be; emails between the eSafety Commissioner and service providers, lobbyist and special interest groups, internal instant messaging services, SMS, memos, final documents, risk analysis, privacy impact assessments, meeting notes, technical assessments, research papers, news or online articles.

In terms of dates, the range will be: 01/06/2021, the month that the eSafety Commissioner noted in their blog post that work had commenced on the roadmap to 31/03/2023 the date in which the eSafety Commissioner indicated the roadmap had been submitted to the Australian Government.’

I have assumed that you will not require the names and personal information of public servants. Unless you request otherwise, we will redact the names and personal information of public servants on relevance grounds pursuant to section 22 of the FOI Act.

Practical refusal of the request

I believe that the work involved in processing your request in its current form would substantially and unreasonably divert the resources of this agency from its other operations due to the significant number of documents in scope and the large number of third parties that we will be required to consult in the course of processing your request. This is called a ‘practical refusal reason’ under section 24AA of the FOI Act. On this basis, I intend to refuse access to the documents you have requested. However, you have an opportunity to revise your request before I make a final decision. This is called a ‘request consultation process’ in section 24AB of the FOI Act. The consultation period runs for 14 days. Under section 24AB, the consultation period is to be disregarded in working out the 30 day period for processing an FOI request.

You have 14 days to respond to this notice. I explain your options below under the heading ‘What you need to do.’

Why I intend to refuse your request

Based on the terms of your request, I consider there is substantial work to be undertaken to respond to it. To locate all of the documents that have informed the Age Verification Roadmap (the Roadmap) over the period you requested, we have searched our records management system and email servers for references to the Roadmap. That search identified over 100,000 documents dated between 1 June 2021 and 31 March 2023. From this search we would then have to identify the documents that are sufficiently closely connected to it to have 'informed' it. The documents that do contain information that informed the Roadmap would have to be assessed for relevant exemptions. We also identified over 80 relevant stakeholders whose information is in these documents, who would have to be consulted. Processing your request would take well in excess of 100 hours of work.

Carrying out this work would place considerable strain on eSafety's resources for the handling of FOI requests, as well as the conduct of its day-to-day business. The work will require eSafety resources to be taken away from their usual duties in order to process the request. This is particularly acute in an organisation with a small staff and a very small team whose duties include processing FOI requests. I am satisfied that the substantial resource burden in processing the request is unreasonable.

Request consultation process

You have an opportunity to revise your request. This might mean narrowing the scope of the request to make it more manageable or explaining in more detail the documents you wish to access. This will assist eSafety to focus on the documents that you are most interested in, saving time and resources.

Since you are seeking all the documents in the relevant period that informed the Roadmap, it is difficult to make concrete suggestions for revising the scope of your request that will still result in you gaining access to material you are interested in.

Some possible ways to refine the scope of your request include the following:

- Shorten the time period
- Narrow the scope to documents referred to in the footnotes in the Roadmap
- Pursue access to more specific documents for example;
 - 3rd party documents submitted to eSafety to inform the age verification roadmap
 - A list of reports and research documents utilised to inform the age verification roadmap
- Agree to exclude draft documents
- Where there are multiple versions of the same document (such as if a document is periodically updated as time goes on), include within scope only the latest version of that document
- Agree to exclude all internal correspondence
- Agree to exclude 3rd party business and personal information
- Agree to exclude public information or documents that have already been made public

It is a matter for you to decide what changes to make to your request. Adopting a single one or any number of these suggestions may not necessarily be enough to remove the practical refusal reason for this request. Once you revise the request, we will be able to confirm whether the practical refusal reason for this request has been removed.

The eSafety FOI team is available to assist you to revise the scope of your request and can be contacted by emailing FOI@esafety.gov.au. You can request a discussion about the matter by sending an email to that address.

In considering how you might revise the scope of your request, you may wish to consider material about the Roadmap already published by eSafety. This includes a summary of the call for evidence submissions and stakeholder consultations which can be found [here](#) and eSafety's public perceptions research which can be found [here](#).

eSafety has also released documents in relation to the Age Verification Roadmap under other FOI requests. These documents can be found on eSafety's FOI Disclosure Log [here](#). I draw your attention in particular to Log 30 and Log 22 on that page.

What you need to do

You have 14 days from the date you receive this notice to either:

1. withdraw your request
2. make a revised request, or
3. indicate you do not wish to revise your request.

If you do not respond in one of these ways within 14 days, your request will be taken to have been withdrawn pursuant to s 24AB(7) of the FOI Act.

If you indicate you do not wish to revise your request, I will proceed to make a decision on whether to refuse your request under s 24.

If you need more time to respond, please contact the eSafety FOI team within the 14 day period to discuss your need for an extension of time.

Under s 24AB(8) of the FOI Act, the time for processing your FOI request is suspended from the day you receive this notice until the day you do one of 3 the things listed above.

Charges

The FOI allows for charges to be impose for processing FOI requests. We will let you know if charges will apply to your request.

Timeframe for processing

The FOI Act allows 30 days for processing your request. This will be extended as we are consulting with you on the scope of your request.

This time period may also be extended for charges and third party consultation. We will let you know if this occurs.

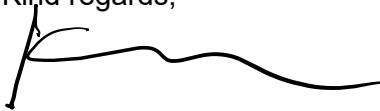
Next steps

I will contact you via this email address (foi+request-10142-e7832718@righttoknow.org.au), unless you advise us otherwise.

Any documents released to you under the FOI Act will generally be published on our disclosure log, subject to exceptions. Further information about the FOI Act, including eSafety's publication obligations, is available on our website at <https://www.esafety.gov.au/about-us/corporate-documents/freedom-of-information>.

If you have any questions, please contact me.

Kind regards,

A handwritten signature in black ink, appearing to be 'K Tallon', with a long horizontal flourish extending to the right.

Kelly Tallon
Manager, Strategy and Policy
eSafety Commissioner
E: foi@esafety.gov.au
W: www.esafety.gov.au