

7 February 2024

“CR”

By email: foi+request-11039-1c8bf388@righttoknow.org.au

Dear CR

ABC FOI 2023224-062

The ABC refers to previous communications.

All sections referred to in this letter are from the *Freedom of Information Act* (Cth) 1982 (**FOI Act**), unless otherwise specified.

On 25 January 2024, the ABC received your email removing points 1 and 9 from your earlier request. We note the ABC had provided you with the information in response to point 1 earlier that day as it was published on our website.

On a preliminary assessment, the ABC considers the remaining points 2 to 8 cannot be progressed in a single request without it being an unreasonable diversion of resources, which may also incur a charge being issued depending on next steps and any revision of the scope.

The introductory paragraphs of your request state that your “*FOI request relates to*” points (i) and (ii) (copied below):

- i. The termination of Antoinette Lattouf's employment with the ABC following her social media posts regarding the Israel-Gaza conflict.
- ii. Reports of a campaign organised via WhatsApp messages targeting the ABC, stemming from pro-Israel lobby groups.

The remaining points of your scope are copied below:

2. Any documents containing the word "WhatsApp" that are relevant to the above matters, for the period 1 December 2023 to 19 January 2024. If any documents are considered out of scope (not relevant to the above matters), I request the creation of a document under section 17 listing their titles.
3. Documents containing the words "Human Rights Watch" or abbreviations such as "HRW" for the period 1 December 2023 to 19 January 2024.
4. Documents containing the words "Lawyers for Israel" for the period 7 October 2023 to 19 January 2024.

5. Letters received by the ABC calling for Ms Lattouf's dismissal and any related correspondence, for the period 7 October 2023 to 19 January 2024. This includes any prior dealings with these individuals.
6. Complaints regarding Ms Lattouf from the Executive Council of Australian Jewry (ECAJ) for the period 7 October 2023 to 19 January 2024.
7. Complaints regarding Ms Lattouf from any other lobby groups for the period 7 October 2023 to 19 January 2024.
8. Documents that contain the discussion and decision-making process related to the dismissal of Antoinette Lattouf.

The ABC invites you to consider narrowing the scope of your request. Under s 15, a request needs to be sufficiently clear to allow the ABC to reasonably identify documents.

The FOI team would like to work with you to agree a scope before further considering ss 24 and 24AA and a formal request consultation process. Some points above are framed broadly and appear to capture less relevant material in the first instance (unrelated to (i) and (ii)). We appreciate this may not have been your intention.

Point 2 appears to require a large search footprint as it is not directed to any person or area of the ABC but the agency as a whole. A single keyword search could be refined to better target searches by including 2 to 4 keywords in each search (such as names or a topic that is to be mentioned as well as "WhatsApp"). This would mean all nominated keywords would be contained in a particular document, as opposed to a single word. Single word searches about technology are likely to yield hundreds, if not thousands, of results across the agency.

Based on similar searches, we estimate the work is in excess the 5 free hours of processing under the FOI Act and would attract a charge under the FOI Regulations.

Point 3, as worded above, would also cover the ABC's program material (which falls outside of the FOI regime under s 7(2)) as multiple areas of the ABC that have been covering the war in Gaza. For the same reason as point 2, this would be better worded to require multiple keywords that targeted emails (and any attachments) to be an effective search that refers to points (i) and (ii). Otherwise manually removing irrelevant search results would likely unreasonably impact limited resources.

Point 4 is similar in terms of capturing all staff and areas at the ABC. Searches could be better targeted if particular staff or areas of the ABC were noted in the scope.

You have stated your request is for documents "relevant" to points (i) and (ii) – based on our enquiries so far, it is likely that points 5, 6, 7 and 8 would capture what you appear to be seeking as related to (i) and (ii).

It would help progress the request consultation stage to speak by phone as the ABC noted in our email to you of 25 January 2024. This would remove potential delay and misunderstanding that may occur with written correspondence when complex requests are made. You may call from a private number and remain anonymous.

In light of the above, to progress your file, would you be happy to further consider narrowing the scope of your request? For example, would you be happy with progressing wording along these lines to start with

This request is made pursuant to the *Freedom of Information Act* (Cth) 1982, and seeks documents directly related to:

- i. The alleged termination of Antoinette Lattouf's employment with the ABC following her social media post or posts regarding the Israel-Gaza conflict.
- ii. Reports of a campaign organised via WhatsApp messages targeting the ABC, stemming from pro-Israel lobby groups.

Specifically, for the period 7 October 2023 to 19 January 2024, I seek a copy of:

[1]5. Letters received by the ABC calling for Ms Lattouf's dismissal.

[2]6. Complaints regarding Ms Lattouf from the Executive Council of Australian Jewry (ECAJ).

[3]7. Complaints regarding Ms Lattouf from any other lobby groups.

[4]8. Documents that contain the discussion and decision-making process related to the dismissal of Antoinette Lattouf.

These 4 points would likely require more than 5 hours of processing time. Please let us know what amendments you may require to this draft scope. To manage the size of the search results, any further narrowing of the scope, or potential processing charges, we encourage you to be specific about what you are seeking, which is why we have suggested the above wording as a starting point.

Something to consider in terms of the timeframe you have nominated is that Ms Lattouf was not engaged by the ABC in October or November 2023 to the knowledge of the FOI team. Your introductory paragraphs (numbered (i) and (ii)) appear to reference matters occurring in December and January.

Yours sincerely

ABC FOI team
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