



1 February 2024

Our reference: LEX 78069

B

Only by email: [foi+request-11048-63b3112e@righttoknow.org.au](mailto:foi+request-11048-63b3112e@righttoknow.org.au)

Dear B,

### **Acknowledgement and Request Consultation Notice**

I refer to your request for access to documents under the *Freedom of Information Act 1982* (the FOI Act). You requested access to:

I am submitting a FOI request under the Freedom of Information Act 1982, the request is an application for the purposes of the FOI Act, to gain insight into the decision-making process regarding the monitoring of staff breaks within the organization.

I am specifically seeking access to any correspondence, interactions, reports, briefs, or documents related to the decision to implement a system for monitoring staff breaks.

Moreover, I am interested in understanding the communication and involvement of the CEO and general management in this decision-making process.

Additionally, I am requesting information about how staff are notified and warned about the monitoring of their breaks, as well as the procedures in place for performance management related to this matter.

Please provide any relevant documents, policies, or communication materials pertaining to staff warnings and performance management in connection with breaks.

Currently your request does not sufficiently identify the documents you require.

Services Australia (the Agency) is formally consulting with you under section 24AB of the FOI Act.

This letter is giving you an opportunity to provide us with specific information about the documents you need. Providing this additional information will assist the Agency in processing your request.

If you decide not to provide further information or revise your request, I will have to refuse your freedom of information (FOI) request as a 'practical refusal reason' exists. For a more detailed explanation of what this means, please see **Attachment A**.

## **How to send us a 'revised request'**

Before I make a final decision on your request, you can submit a revised request.

Within the next 14 days (consultation period) you must do one of the following, in writing:

- withdraw the request
- make a revised request, or
- tell us you do not want to revise your request.

The consultation process begins the day after the day you receive this notice. Accordingly your response is expected by **15 February 2024**.

If you do not contact us during the consultation period, your matter will be taken as withdrawn by operation of the FOI Act. See **Attachment A** for relevant sections of the FOI Act.

If you decide to make a revised request you should be specific about the documents you want. This could help the Agency find the documents.

## **Contact officer**

I am the contact officer for your request. During the consultation period you are welcome to ask for my help in revising your request. You can contact me:

- in writing to the address at the top of this letter, or
- via email to [freedomofinformation@servicesaustralia.gov.au](mailto:freedomofinformation@servicesaustralia.gov.au)

Note: When you contact us please quote the reference number FOI LEX 78069

## **Timeframe for processing your request**

Your request was received by the Agency on 24 January 2024. The 30 day statutory period for processing your request commenced from the day after that date. However the time taken to consult with you now is not included in this 30 day time period.

The timeframe for processing your request may also be extended if we need to consult third parties or for other reasons. We will advise you if this happens.

## **Charges**

The Agency will advise you if a charge is payable to process your request and the amount of any such charge as soon as practicable. No charge is payable for providing a person with their own personal information.

## **Your Address**

The FOI Act requires you provide us with an address which we can send notices to. You have advised your electronic address is [foi+request-11048-63b3112e@righttoknow.org.au](mailto:foi+request-11048-63b3112e@righttoknow.org.au). We will send all notices and correspondence to this address. Please advise us as soon as possible if you wish correspondence to be sent to another address or if your address changes. If you do not advise us of changes to your address, correspondence and notices will continue to be sent to the address specified above.

## **Administrative Release of Documents**

The Agency has administrative access arrangements (arrangements) for the release of certain documents without the need for a formal FOI request. Unless you advise us otherwise, in processing your request we may provide you with documents under these arrangements where appropriate. The arrangements do not extend to information or materials of third parties. You will be notified when documents are released to you under the arrangements.

## **Disclosure Log**

Please note information released under the FOI Act may be published in a disclosure log on the Agency's website. Section 11C of the FOI Act requires this publication, however it is subject to certain exceptions, including where publication of personal, business, professional or commercial information would be unreasonable.

## **Exclusion of junior staff details**

The Agency is working towards ensuring all staff have a choice about whether they provide their full name, personal logon identifiers and direct contact details in response to public enquiries. Where such details are included in the scope of a request, this may add to processing time and applicable charges as it may be necessary to consider whether the details are exempt under the FOI Act. On this basis, unless you tell us otherwise, we will assume these details are out of scope of your request and they will be redacted under

## **Further assistance**

If you have any questions please email [freedomofinformation@servicesaustralia.gov.au](mailto:freedomofinformation@servicesaustralia.gov.au).

Yours sincerely

Elizabeth  
FOI Officer  
Freedom of Information Team  
FOI and Reviews Branch | Legal Services Division  
Services Australia

**What I took into account**

You requested access under the FOI Act to the following documents:

I am submitting a FOI request under the Freedom of Information Act 1982, the request is an application for the purposes of the FOI Act, to gain insight into the decision-making process regarding the monitoring of staff breaks within the organization.

I am specifically seeking access to any correspondence, interactions, reports, briefs, or documents related to the decision to implement a system for monitoring staff breaks.

Moreover, I am interested in understanding the communication and involvement of the CEO and general management in this decision-making process.

Additionally, I am requesting information about how staff are notified and warned about the monitoring of their breaks, as well as the procedures in place for performance management related to this matter.

Please provide any relevant documents, policies, or communication materials pertaining to staff warnings and performance management in connection with breaks.

As your request currently stands, I am unable to identify some of the documents falling within the scope of your request, and am therefore unable to process your request.

*I am submitting a FOI request under the Freedom of Information Act 1982, the request is an application for the purposes of the FOI Act, to gain insight into the decision-making process regarding the monitoring of staff breaks within the organization.*

*I am specifically seeking access to any correspondence, interactions, reports, briefs, or documents related to the decision to implement a system for monitoring staff breaks.*

The Agency does not implement a system for monitoring the breaks of Agency employees. Instead, a workforce management system is utilised to provide functionality for schedules, AUXillary codes and other features to support service delivery and staff needs.

Further, the request for 'documents', is broad and I am seeking clarification about the type or nature of the 'documents' you are requesting. Alternatively, please advise if your request for 'reports' and 'briefs' would sufficiently cover your request for documents.

Similarly, please advise whether your request for 'correspondence' is met by the reports and briefs.

Please note, if your request for 'correspondence' is to include internal emails we would need to engage the Agency's Cyber Operations Branch to conduct the searches. Unfortunately, conducting a search for emails without defined parameters such as a sender and/or recipient, and defined keywords relevant to the request, these searches would potentially identify a large volume of documents that may or may not relate to the subject matter you are seeking. Furthermore, any emails captured in these searches would require the FOI Team to manually review each email to determine if it meets the scope of your request.

As such, if you would like the scope of your request to include emails, we require you to specify the sender and/or receiver of such emails and nominate keywords that would reasonably identify the information you are seeking.

Further, your reference to 'interactions' does not sufficiently identify the documents you are requesting, as it does not identify who the interactions are between, and the format of the interactions.

*Moreover, I am interested in understanding the communication and involvement of the CEO and general management in this decision-making process.*

This point appears to be a request for information and not a document. Requests for information are generally unable to be processed under the FOI Act, therefore requests should identify the specific documents you are after.

In addition, it would assist if you could advise which 'decision-making process' you are referring to. Please clarify if you are referring to the decision to implement a workforce management system (noting this is not a system specific to monitoring staff breaks).

*Additionally, I am requesting information about how staff are notified and warned about the monitoring of their breaks, as well as the procedures in place for performance management related to this matter.*

As explained above, requests for information are generally unable to be processed under the FOI Act, therefore requests should identify the specific documents you are after.

As a suggestion, you may like to request any endorsed policies that relate to staff breaks.

Further, if you are requesting the procedure for implementing performance management plans for Agency employees, this would not be specific to staff breaks.

*Please provide any relevant documents, policies, or communication materials pertaining to staff warnings and performance management in connection with breaks.*

This point is worded very similarly to the point above and we consider that our suggestion to request an endorsed policy concerning the taking of breaks may address both points.

Furthermore, as stated earlier in this letter, the terms 'documents' and 'communications' are broad and therefore we require you to be specific about the type of document you are seeking access to.

If you do not revise your request, I intend to refuse your FOI request as a 'practical refusal reason' exists under sections 24AA(1)(b) and 24 of the FOI Act. Under the FOI Act, the practical refusal reason is your request does not satisfy the requirements in section 15(2)(b) of the FOI Act (identification of documents).

### **Assistance with your request**

In summary, I seek clarification on:

- clarifying all unclear parts of your request, being specific about the type and nature of the documents you are seeking, and
- Should you wish to proceed with 'communications' such as emails, we require specifics about the sender and/or recipient and also the keyword search terms. Noting, that this

may capture a high volume of documents and be considered too voluminous to process.

### **Relevant sections of the FOI Act**

Section 24AA(1)(b) of the FOI Act provides a practical refusal reason exists in relation to a request for a document if the request does not satisfy the requirement in section 15(2)(b) of the FOI Act.

Section 15(2)(b) of the FOI Act provides a request must provide such information as is reasonably necessary to enable the Agency to identify the documents are being requested.

Section 24AB(6) provides the applicant must, before the end of the consultation period, do one of the following, by written notice to the Agency:

- withdraw the request
- make a revised request, or
- indicate that the applicant does not wish to revise the request.

Section 24AB(7) of the FOI Act provides the request is taken to have been withdrawn at the end of the consultation period if:

- the applicant does not consult the contact person during the consultation period in accordance with the notice, or
- the applicant does not do one of the things mentioned in subsection (6) before the end of the consultation period.