



5 February 2024

Our reference: LEX 78069

B

Only by email: foi+request-11048-63b3112e@righttoknow.org.au

Dear B,

Your Freedom of Information Request

I refer to your request, received by Services Australia (the Agency) on 24 January 2024, and revised on 2 February 2024, for access under the *Freedom of Information Act 1982* (the FOI Act) to the following documents:

To gain insight into the decision-making process regarding the monitoring of staff breaks within the Services Australia organization, seeking access to any correspondence, interactions, reports, briefs, or documents related to the decision to implement a system for monitoring staff breaks by the CEO and executive team

Currently your request is still broad and does not sufficiently identify the documents you require.

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, including some suggestions on what to consider when revising your request, 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.

Your response will be expected by **19 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 If you do not contact us during the consultation period, your matter will be taken as withdrawn by operation of the FOI Act.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 what documents you actually want. This could help the Agency find the documents.

Note: You may want to access the Agency's online services at www.servicesaustralia.gov.au to immediately find some of the personal information and documents included in your original request.

We have 30 days to give you a decision about your request, however the time taken to consult with you now is not included in this 30 day time period.

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

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

Further assistance

If you have any questions, please email 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 revised your request, for access under the FOI Act to the following

To gain insight into the decision-making process regarding the monitoring of staff breaks within the Services Australia organization, seeking access to any correspondence, interactions, reports, briefs, or documents related to the decision to implement a system for monitoring staff breaks by the CEO and executive team

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

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.

Further, 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. This has been in place, in some form, for a significant period of time throughout the Agency. Considering this, you may wish to limit your request to a certain date range, for example the last 3 years.

Considering the above FOI believes you are seeking executive communication and reports regarding the workforce management system. If you are seeking access to documents in relation to this, you may consider revising your request to the following:

- Reports, briefs, and letters between the CEO and the Senior Executive Staff from 2021, regarding the workforce management system.
- Communication to include emails between the CEO's positional mailbox and the Senior Executive Staff divisional positional mailboxes from 2021- 2024 with the following keywords:
 - "workforce" + "management" + "system"
 - "monitor" + "staff" + "breaks"

- “implement”

Please note, FOI have not begun searches, and while the proposed scope has limited and specified the documents requested, the component for emails may still be too voluminous for the Agency to process. Considering this, you may like to remove emails from the scope of your request, so we may continue to process it.

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:

- Whether you agree to the revised scope
- A date range
- 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 *Freedom of Information Act 1982*

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.