



FOI15/216; 15/15688

16 November 2015

Mr Geordie Guy

By email: [foi+request-1344-05d1f287@righttoknow.org.au](mailto:foi+request-1344-05d1f287@righttoknow.org.au)

Dear Mr Guy,

### **Freedom of Information Request FOI 15/216**

I refer to your request under the *Freedom of Information Act 1982* (FOI Act) for access to documents relating to the *Telecommunications (Interception and Access) Act 1979*.

I, Susan Whitaker, Acting Assistant Secretary, am an officer authorised under section 23(1) of the FOI Act to make decisions in relation to FOI requests.

I am writing to tell you that 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 its size and complexity. This is called a 'practical refusal reason' (section 24AA).

On this basis, I intend to refuse access to the documents you requested. However, before I make a final decision to do this, you have an opportunity to revise your request. This is called a 'request consultation process' as set out in section 24AB of the FOI Act. You have 14 days to respond to this notice in one of the ways described below.

### **Why I intend to refuse your request**

In your request you sought documents relating to:

*'any correspondence with the department in which a body or agency not authorised under 176A of the Telecommunications (Interception and Access) Act to access telecommunications metadata, requests such authorisation either by seeking to be declared an enforcement agency under the act, or seeks authorisation external to 176A(3)'*

I decided that a practical refusal reason exists because processing this request in its current form would substantially and unreasonably divert the resources of the department from its other operations.

In coming to this decision, I have considered the elements to which I must have regard under section 24AA(2) of the FOI Act, including the resources that would be used for:

- identifying, locating or collating the documents within the filing system of the agency
- deciding whether to grant, refuse or defer access to a document to which the request relates, or to grant access to an edited copy of such a document (including resources that would have to be used for examining the document or consulting with any person or body in relation to the request)
- making a copy or an edited copy, of the document
- notifying any interim or final decision on the request.

A search of the department's electronic document management system returned approximately 288 documents which are likely to be within the scope of this request.

In order to decide whether a practical refusal reason exists in relation to your request, I organised for a random sample of those documents to be examined.

Based on examination of a sample of 50 randomly chosen documents, totalling 462 pages, I estimate that:

- There are approximately 2,661 pages contained in the 288 documents likely to be within scope. (Based on an average document size of 9.24 pages in the 50 documents sampled) It would take approximately 222 hours to examine the estimated 2,661 pages for decision making (based on an estimate of 5 minutes per page,).
- It is likely that exemptions would apply to these documents, including for deliberative material (section 47C), operations of agencies (s47E), irrelevant material (section 22) and possibly others.
- Of the sampled documents, exemptions were assessed as applying to 27 out of 50 of the documents (54%). Based on that sample, I estimate that 1,437 of the 2,661 estimated total pages would require redactions. It would take approximately 120 hours to redact exempt material in the documents, (based on an estimate of 5 minutes per page).
- It would take approximately 14.4 hours to prepare a schedule detailing all relevant documents (based on an average of 30 minutes per 10 documents).
- It would take approximately 6 hours to prepare a statement of reasons for the request.

In addition, there are approximately 45 third parties to consult. Based on an estimate of 2 hours consultation time for each third party, I estimate that consultations would take approximately 90 hours.

Taking all of these factors into account, I estimate processing your request would require in excess of 450 hours of time of officers of the department. I am satisfied processing this request would substantially and unreasonably divert the department's resources from its operations.

### **Request consultation process**

You now have an opportunity to revise your request to enable it to proceed.

Revising your request can mean narrowing the scope of the request to make it more manageable or explaining in more detail the documents you wish to access. For example, by providing more specific information about exactly what documents you are interested in, we will be able to identify the documents more quickly and avoid using excessive resources to process documents that are not of interest to you.

Some suggestions about how you could narrow the scope of your request further are as follows:

- Provide more information about the specific types of documents that you are seeking. For example, you could seek a copy of all requests or applications agencies made in which they sought to be listed as an enforcement agency.
- Narrow your request to a specific subject area: for example, the racing industry.
- Specify whether you are interested in requests or applications from particular kinds of bodies or agencies: for example, Commonwealth agencies; State agencies; private sector bodies.

Before the end of the consultation period, you must do one of the following, in writing:

- withdraw your request
- make a revised request
- tell us that you do not wish to revise your request.

The consultation period runs for 14 days and starts on the day after you receive this notice.

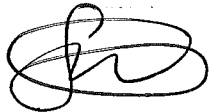
During this period, you are welcome to seek assistance from the contact person I have listed below to revise your request. If you revise your request in a way that adequately addresses the practical refusal grounds outlined above, we will recommence processing it. (Please note that the time taken to consult you about the scope of your request is not included in the 30 day time limit for processing your request.)

If you do not do one of the three things listed above during the consultation period or you do not consult the contact person during this period, your request will be taken to have been withdrawn.

**Contact officer**

If you would like to revise your request or have any questions, please contact Siobhan, the Freedom of Information case manager by telephone on (02) 6141 6666 or by email [foi@ag.gov.au](mailto:foi@ag.gov.au).

Yours sincerely



Susan Whitaker  
Acting Assistant Secretary