



Australian Government

Department of the Prime Minister and Cabinet

ONE NATIONAL CIRCUIT
BARTON

FOI/2012/097

Mr Mark Farrell
Email: foi+request-14-d06cd042@righttoknow.org.au

Dear Mr Farrell

Thank you for your email of 15 November 2012 in which you made a request under the *Freedom of Information Act 1982* (FOI Act), which we summarise as follows:

- information on the number of written requests and formal representations from citizens and organisations to the Office of the Prime Minister and the Department of the Prime Minister and Cabinet requesting a Royal Commission into abuse of children in institutionalised care since 1990.
- resulting information to be broken down by government and by year.

The authorised decision maker for your request is Ms Myra Croke, Assistant Secretary, Ministerial Liaison, Communications and Governance Branch.

Notice of practical refusal reason

I write to advise you that Ms Croke considers that the work involved in processing your request in its current form would substantially and unreasonably divert the resources of the Department from its other operations. This constitutes a 'practical refusal reason' under section 24AA of the FOI Act. On this basis, Ms Croke intends to refuse access to the documents you requested.

However, before Ms Croke makes a final decision to refuse the request for a practical refusal reason, you have an opportunity to revise your request. This is called a 'request consultation process' as set out under section 24AB of the FOI Act. You have 14 days to respond to this notice in one of the ways set out below.

Reasons for intention to refuse your request

Ms Croke considers that a practical refusal reason exists for the following reasons.

The Department does not store data in the way your request anticipates, that is, the number of letters received on a particular matter. Even for campaign style correspondence received in the Department, correspondence may be collated for a certain period but the data is not consolidated or analysed. A lot of the recent correspondence about this subject has been campaign style postcards, often sent with no identifiable sender.

Therefore, after considering your request and the breadth of information to be assessed, it is estimated a wide ranging search would need to be completed across a number of files and records management systems. This preliminary assessment also indicates that records regarding your request would not be easy or quick to retrieve as our current correspondence management system commenced in 2007. The previous system was in use from 1997 to 2006 and before then records were not coordinated as they are now on databases.. Even after accessing these multiple systems, if indeed the Department could retrieve the requested records, the decision-maker is not confident that the accuracy of the records kept could be confirmed due to the time that has elapsed and the lack of knowledge of how such matters were potentially recorded historically.

The decision-maker does not consider that the Department could accurately respond to your request in its current form and considers that to complete the in-depth search and analysis would be extremely time consuming. This would impact negatively on the work of the Department in dealing with the very high flow of incoming correspondence.

The Department acknowledges that the processing of requests for access to documents is a legitimate part of each agency's functions, and that FOI requests may require reallocation of resources within an agency. However, the Department could not reasonably divert resources to process your request in its current form.

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.

In providing guidance on removing the practical refusal reason, the Department advises that the current request comprises a large search environment across a number of records management systems and therefore, potentially across a very large number of files.

It may be that there is some aspect of your request that you are particularly interested in that could be isolated with a view to narrowing the terms of the request. It may be that there is a more recent, or minimised time period in which you are interested.

The Department advises that further information about the particular documents you are seeking to access would be of assistance in providing guidance on how to remove the practical refusal reason.

Please note that the FOI Act provides a right of access to identifiable documents rather than information more generally. Accordingly, any revised FOI request you might make needs to be framed as a request for specific documents rather than simply information.

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

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

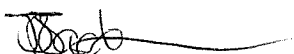
The consultation period runs for 14 days and starts on the day after you receive this notice.

If you were to revise your request in a way that adequately addresses the practical refusal grounds outlined above, we would recommence processing it. Please note that the time taken to consult with you regarding the scope of your request is not taken into account for the purposes of 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 with the Department during this period, your request will be taken to have been withdrawn.

Should you wish to consult the Department about your request, please contact us by telephone on (02) 6271 5849 or email foi@pmc.gov.au.

Yours sincerely



FOI Action Officer
Legal Policy Branch

30 November 2012