



Australian Government

Department of Communications and the Arts

Ms Jade Loiterton

By email: foi+request-1673-1204d621@righttoknow.org.au

Dear Ms Loiterton

Freedom of Information Request No. 38-1516 – Notice under section 24AB

I refer to your email of 28 February 2016 to the Department of Communications and the Arts (**Department**) seeking access under the *Freedom of Information Act 1982 (FOI Act)* to:

“Information/supporting documentation from January 1st 2014 to February 26, 2016 between the Federal Communications and the management of SBS and ABC supporting a merger.”

I am an authorised decision-maker under section 23 of the FOI Act.

I am writing to you pursuant to subsection 24AB(2) of the FOI Act to notify you of my intention to refuse your FOI request on the basis that I am satisfied that a practical refusal reason under subsection 24AA(1) exists. The potential scope of your FOI request means that the work involved in processing the request would substantially and unreasonably divert the resources of the Department from its other operations.

Before making a decision to refuse your request on the above grounds, I am required to consult with you and provide you with an opportunity to make submissions in support of your request, or to clarify or revise the scope of your request.

In order to provide you with information that would assist you to revise or withdraw your request, I have set out below some information about the nature of the practical difficulties associated with processing this request.

As currently worded, to appropriately process this FOI request the Department would need to undertake searches of the email accounts of former staff members. A pre-condition to this step would require the restoration from backup tapes of the mailboxes of those staff.

If you would consider re-wording the scope of your request in the manner suggested below, the Department would be able to process your request:

“Information/supporting documentation from January 1st 2014 to February 26, 2016 between the Federal Communications and the management of SBS and ABC supporting a merger *except documentation which is only available on the email accounts of former staff of the Department of Communications and the Arts.*”

We are also concerned about the personal privacy of junior officers in this Department, whose name may appear in relation to certain documents. We are also asking you to consider excluding from the scope of your FOI request the personal information of Departmental officers who occupy positions below the Senior Executive Service. Note that this is a separate issue from the practical refusal.

Any submissions should be sent in writing to the FOI Officer at foi@communications.gov.au or to the following address:

FOI Officer
Department of Communications and the Arts
GPO Box 2154
CANBERRA ACT 2601

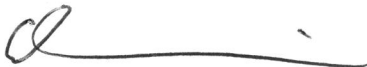
You may also phone 02 6271 1277 to speak with the FOI Officer to discuss this matter.

You may consult with the FOI Officer and make submissions within 14 days after the date of this letter, i.e. 25 March 2016. Before the end of this period, you must do one of the following in writing:

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

If you do not contact the FOI Officer or do one of the things mentioned above in writing within this period, your FOI request will be taken to have been withdrawn and will not be dealt with any further.

Yours sincerely



Christopher Swain
Legal Director
Office of the General Counsel
11 March 2016