



15 April 2016

Mr James Smith

FOI/LEX: 18363

By email: [foi+request-1787-0dca66a2@righttoknow.org.au](mailto:foi+request-1787-0dca66a2@righttoknow.org.au)

Dear Mr Smith

### Your Freedom of Information Request – Acknowledgement and important information

1. I refer to your request dated 31 March 2016 to the Department of Human Services (the department) for access to documents under the *Freedom of Information Act 1982* (the **FOI Act**) for:

I request any relevant document(s) which summarise misconduct by DHS staff. In particular, matters concerning unauthorised access to DHS client records and misuse of Commonwealth resources.

I would like to see the broad spectrum of offences committed, and what the resulting consequences were for staff generally, in addition to the types of offences, and the number of occurrences of each offence.

If such a document exists which covers any, or all, of these matters for a recent, full financial-year period (eg, 2014-15), that will be sufficient for my purposes'.

### Publically available documents

2. Please note that the material you have requested is publicly available through Hansard and the Parliament of Australia, Senate Estimates (Community Affairs Legislation Committee) [website](#). For your assistance, I have provided direct links to relevant material concerning your request:
  - [HS188](#) – Unauthorised access (FY 2014-15);
  - [HS107](#) – Staff misconduct (2014);
  - [HS134](#) – Disciplinary action (FY 2014-15);
3. On the basis that this material satisfies your request, please confirm that you are happy to withdraw your request by contacting [FOI.Legal.Team@humanservices.gov.au](mailto:FOI.Legal.Team@humanservices.gov.au). Alternatively if you wish to proceed with your request, we wish to highlight the following.

### **Charges may be payable**

4. Preliminary searches and investigations have indicated that no documents exist in the format you have requested. Producing a document in this format would require a manual search and interrogation of the department's case history data. The process of manually searching and collating the data to produce a discrete document under section 17 of the FOI Act may require many hours of work and therefore constitute an unreasonable diversion of departmental resources.

### **Proceeding with your request**

5. Should you wish to proceed with this request, the department will advise you if a charge is payable to process your request and the amount of any such charge as soon as practicable.
6. As your request was received by the department on 31 March 2016 and the 30 day statutory period for processing your request commenced from the day after that date. You should therefore expect a decision from us by 2 May 2016. The period of 30 days may be extended if we need to consult third parties or for other reasons. We will advise you if this happens.

### **Your Address**

7. The FOI Act requires that you provide us with an address which we can send notices to. You have advised your electronic address is [foi+request-1787-0dca66a2@righttoknow.org.au](mailto:foi+request-1787-0dca66a2@righttoknow.org.au). We will send all notices and correspondence to this address. Please advise us if you wish correspondence to be sent to another address or if your address changes as soon as possible. If you do not advise us of changes to your address, correspondence and notices will continue to be sent to the address specified above.

### **Disclosure Log**

8. Please note that information released under FOI Act may be published in a disclosure log on the department'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 department employee details**

9. The department is working towards ensuring that all employees 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 that these details are out of scope of your request and they will be redacted under section 22 of the FOI Act.

10. We look forward to hearing from you. Should you have any enquiries concerning this matter, in the meantime please send an email to:  
[FOI.Legal.Team@humanservices.gov.au](mailto:FOI.Legal.Team@humanservices.gov.au).

Yours sincerely,

FOI Delegate  
Freedom of Information Team  
FOI and Litigation Branch | Legal Services Division  
Department of Human Services