



4 May 2016

Our reference: LEX 18786

Ms Ashley Flockhart

By email: [foi+request-1900-d918a037@righttoknow.org.au](mailto:foi+request-1900-d918a037@righttoknow.org.au)

Dear Ms Flockhart

### Your Freedom of Information Request – Acknowledgment and Consultation

I refer to your request for access to documents under the *Freedom of Information Act 1982* (the **FOI Act**). The current scope of your request is for:

'I write to you under the freedom of information act. I would like to request for documents regarding breaches of confidentiality by psychologists in the past two financial years.'

Your request was received by the department on 29 April 2016 and subject to clarification of the matters set out below, the department has a 30 day statutory period for processing your request.

#### Access to documents / practical refusal

Section 11 of the FOI Act states that a person may request access to documents of an agency.

Section 4 of the FOI Act provides that:

(1) In this Act, unless the contrary intention appears:

#### **Document** includes:

(a) Any of, or part of any of, the following things:

- (i) any paper or other materials on which there is writing;
- (ii) a map, plan, drawing or photograph;
- (iii) any paper or other material on which there are marks, figures, symbols or perforations having a meaning for persons qualified to interpret them;
- (iv) any article or material from which sounds, images, or writings are capable of being reproduced with or without the aid of any other article or device;
- (v) any article on which information has been stored or recorded, either mechanically or electronically;
- (vi) any other record of information; or

(b) any copy, reproduction or duplicate of such a thing; or

(c) any part of such a copy, reproduction or duplicate;

But does not include;

- (d) material maintained for reference purposes that is otherwise publically available; or
- (e) Cabinet notebooks.

Your request does not clearly identify the documents which you are seeking, in accordance with section 4(1)(a) of the FOI Act; rather, it identifies subject matter which could be contained in a broad range of documents. For this reason, the ability of the department to undertake effective searches and identify all relevant documents is prohibitively restricted.

For this reason, the department identifies that based on your current scope, a practical refusal reason exists, as provided for in section 24AA of the FOI Act.

### **Requirement to refine the scope of your request**

As it stands, the department considers that it cannot process your request, without further clarification of the scope of documents that you are seeking access to. We intend to engage in a request consultation process with you, in accordance with section 24AB of the FOI Act.

In accordance with section 24AB(2)(e) and section 24A(6) of the FOI Act, you have 14 days from the date of this notice to do one of the following:

- Withdraw the request;
- Make a revised request; or
- Indicate that you do not wish to revise the request.

During the request consultation period, the processing time for your application is stopped; once you do one of the above, the processing timeframe will recommence.

We invite you to submit a revised request to [FOI.LEGAL.TEAM@humanservices.gov.au](mailto:FOI.LEGAL.TEAM@humanservices.gov.au). In making such a submission, you might wish to consider:

- What types of documents you are seeking (for example, statistics or policy documents);
- For what purpose you believe the department would hold these documents; and
- Any other clarification that you believe could assist the department in identifying relevant documents.

Alternatively, we request that you contact [FOI.LEGAL.TEAM@humanservices.gov.au](mailto:FOI.LEGAL.TEAM@humanservices.gov.au), so that we can provide you with the direct contact number of the FOI Officer handling this request. The FOI Officer will then be happy to assist in refining the scope of your request.

If you choose to make no submission to the department, before the expiration of the 14 day request consultation process (by 18 May 2016), the department will consider your request to be withdrawn, in accordance with section 24A(7) of the FOI Act.

### **Charges**

The department will advise you if a charge is payable to process your revised request and the amount of any such charge as soon as practicable after you respond. No charge is payable for providing a person with their own personal information.

### **Your Address**

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-1900-d918a037@righttoknow.org.au](mailto:foi+request-1900-d918a037@righttoknow.org.au).

We will send all notices and correspondence to this address. Please advise us as soon as possible if you wish correspondence to be sent to another address or if your address changes. 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**

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**

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.

### **Further assistance**

If you have any questions, please email [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