



20 May 2016

Our reference: LEX 18826

Mr James Smith

By email: [foi+request-1908-bacd7c68@righttoknow.org.au](mailto:foi+request-1908-bacd7c68@righttoknow.org.au)

Dear Mr Smith

### Your Freedom of Information request

I refer to your request, dated 2 May 2016 and received by the Department of Human Services (the **department**) on the same date for access under the *Freedom of Information Act 1982* (the **FOI Act**) to the following documents:

I refer to the article "Centrelink 'auto-rejects' tens of thousands of claims" on the Canberra Times website dated 2 May 2016 at the following URL:

<http://www.canberratimes.com.au/national/public-service/centrelink-autorejects-tens-of-thousands-of-claims-20160429-goiarp.html>

I request the following document(s):

1. Any documents put to senior management on this issue
2. Any responses by senior management issuing directives to address this issue
3. Any documents which support the view that this issue was a result of unforeseen high-demand for Centrelink services.
4. Any documents which detail Centrelink's efforts to forecast future demand in the time leading up to this issue occurring.
5. Any documents detailing issues with the 'Customer First' software which are likely to have caused, or otherwise affected, this issue.
6. Any documents detailing the quality-control processes in approving the claims in question.'

### Intention to refuse your request

The department is unable to identify the document you are seeking access to. The FOI Act requires that you provide such information concerning the documents you wish to access as it reasonably necessary to enable a responsible officer of the department to identify it. Despite consultations with a number of areas of the department, we are currently unable to identify the documents you wish to access.

In addition, because of the amount of work involved for the department, in attempting to identify the documents you are seeking access to, we are asking you to revise your request to give us more specific details about the information you are after.

If you decide not to make any revisions I will have to refuse your FOI request as a 'practical refusal reason' exists. For a more detailed explanation of what this means see **Attachment A**.

### **How to send us a 'revised request'**

Before I make a final decision on your request, you can clarify and narrow the size of your original request and submit a revised request.

Within the next 14-days you must do one of the following, in writing:

- withdraw the request
- make a revised request, or
- tell us that you do not want to revise your request.

If you do not do contact us during the 14 day consultation period, we will assume you do not want to continue with your request. See **Attachment A** for relevant sections of the FOI Act.

If you decide to make a revised request you should be more specific about what documents you actually want. This could help the department find the documents in less time and use fewer resources to process them.

**Note:** You may want to access the department's online services at [www.humanservices.gov.au](http://www.humanservices.gov.au) to immediately find some of the personal information and documents included in your original request.

We have 30 days to give you a decision about your request, however the time taken to consult with you now is not included in this 30 day time period.

### **Contact officer**

I am the contact officer for your request. During the consultation period you are welcome to ask for my help in revising your request and filling out the form. You can contact me:

- in writing to the address at the top of this letter
- via email to [FOI.LEGAL.TEAM@humanservices.gov.au](mailto:FOI.LEGAL.TEAM@humanservices.gov.au)

**Note:** When you contact us please quote the reference number **FOI LEX 18826**.

Your response will be expected by **3 June 2016**. If no response is received, your matter will be taken as withdrawn.

**Further assistance**

If you have any questions please email [xxx.xxxxx.xxxx@xxxxxxxxxxxxxx.xxx.xx](mailto:xxx.xxxxx.xxxx@xxxxxxxxxxxxxx.xxx.xx).

Yours sincerely

Authorised FOI Decision Maker  
Freedom of Information Team  
FOI and Litigation Branch | Legal Services Division  
Department of Human Services

### Unable to identify documents

Section 24 of the FOI Act provides that a practical refusal reason exists in relation to a request for a document if the request does not satisfy the requirement in section 15(2)(b) of the FOI Act.

Section 15(2)(b) of the FOI Act provides that requests must provide such information concerning the documents as is reasonably necessary to enable a responsible officer of the department or the Minister to identify it.

The FOI team has consulted with the Chief Information Officer, the Chief Technology Officer, Smart Centres Division, the Service, Performance and Coordination Division and the Participation Division of the department in relation to your request. Subject matter experts in these areas of the department have advised that your request is not clear enough to identify documents. In particular, it is unclear what you mean by 'senior management'.

The classification of jobs and employees in the Australian Public Service are outlined in the *Public Service Act 1999*. This Act establishes the work standards and classifications for APS 1 to 6 level, Executive level and Senior Executive level. Employees from the APS 5 classification to the SES band 3 classifications may be described as senior management, depending on the area that they work in. Given this, it is not clear which level of senior management you are referring to.

### What I took into account

Because of the amount of work involved for the department in identifying the document that you are seeking access to, under sections 24AA(1)(a)(i), 24 and 24AA(2) of the FOI Act I intend to refuse your FOI request as a 'practical refusal reason' exists. Under the Act, the practical refusal reason is that processing your request 'would substantially and unreasonably divert the resources' of this agency.

To process your request the department would have to do extensive searches to find and process the documents you asked for. To date, the department has identified documents which were provided to SES band 1, 2 and 3 levels in relation to the subject matter you have cited. We have more than 428 documents totalling over 2340 pages.

Based on my experience with the type and volume of records you want, I estimate it would take more than 179 hours in processing time. This includes looking at all the documents to see if any of the pages might need redactions - that is, possibly blacking out some content, for example, where there is private information about another person.

### Amount of time to process your request

I have calculated the number of hours it would take to process your request in full.

Search for and retrieve documents	26 hours
Examine pages for decision making at an average of two minutes per page	78 hours
Time of two minutes per page for about 2200 pages needing redaction	63 hours

Write statement of reasons for decision	12 hours
<b>Total</b>	<b>179 hours</b>

### **Relevant sections of the *Freedom of Information Act 1982***

Section 24AA(1)(a)(i) of the FOI Act provides that a practical refusal reason exists in relation to a FOI request if the work involved in processing the request would substantially and unreasonably divert the resources of the department from its other operations.

Section 24AA(2) of the FOI Act sets out certain factors which the department must consider when determining whether providing access in relation to a request would substantially and unreasonably divert the department's resources. The department must specifically have regard to the resources that would have to be used for:

- identifying, locating or collating the documents within the department's filing system;
- 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 in relation to the request;
- making a copy, or an edited copy, of the document, and
- notifying any interim or final decision on the request.

Section 24AB(7) of the FOI Act provides that the request is taken to have been withdrawn under at the end of the consultation period if:

- the applicant does not consult the contact person during the consultation period in accordance with the notice, or
- the applicant does not do one of the things mentioned in subsection (6) before the end of the consultation period.

Section 24AB(6) says that the applicant must, before the end of the consultation period, do one of the following, by written notice to the agency or Minister:

- withdraw the request,
- make a revised request, or
- indicate that the applicant does not wish to revise the requests.

