



24 June 2016

Our reference: LEX 19533

Mr James Smith

By email: foi+request-1908-bacd7c68@righttoknow.org.au

Dear Mr Smith

Your Freedom of Information request – acknowledgement and consultation

I refer to your request for access to documents under the *Freedom of Information Act 1982* (the **FOI Act**). I have taken your request to be for:

'I request all emails, and any other records, which were created in the department's efforts to identify the documents I requested on 2 May 2016, in relation to this request. To be clear, this includes any replies you may have received from the different sections within the department.'

Your request involves too much work for the department

We are asking you to revise your request to give us more specific details about the information you are after because of the amount of work involved for the department. 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 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 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 to immediately find some of the personal information and documents included in your original request.

At **Attachment B** is a form which you can use to revise your request in writing. 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; or
- via email to FOI.LEGAL.TEAM@humanservices.gov.au.

Note: When you contact us please quote the reference number **FOI LEX 19533**.

Your response will be expected by **7 July 2016**. If no response is received, your matter will be taken as withdrawn.

Further assistance

If you have any questions please email FOI.LEGAL.TEAM@humanservices.gov.au.

Yours sincerely

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

Attachment A

What I took into account

Because of the amount of work involved for the department, 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.

You have requested records that were created in the department's efforts to identify documents within the scope of your FOI request in LEX 18826, including responses received from relevant areas. In the course of identifying the documents, a large portion of the documents were provided to the FOI team and subsequently collated and redistributed. The result of this is that the documents within the scope of your request in LEX 18826 will also fall within the scope of your current request, often duplicated a number of times.

Accordingly, to process your request the department would have to do extensive searches to find and process the documents you asked for. We have more than 795 documents, totalling over 4322 pages. As noted above, this figure includes the 428 documents with 2340 pages that you were informed on in the correspondence dated 20 May 2016.

Based on my experience with the type and volume of records you want, I estimate it would take more than 288 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. It excludes the efficiencies that might be gained by processing duplicate documents.

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	30 hours
Examine pages for decision making at an average of two minutes per page	110 hours
Time of two minutes per page for about 4000 pages needing redaction	133 hours
Write statement of reasons for decision	15 hours
Total	288 hours

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 request.

In revising the scope of yours request, you may wish to consider:

- excluding duplicates;
- excluding correspondence sent between members of the same Division; and
- excluding the documents identified in LEX 18826 and any subsequent iterations of these documents.



Attachment B

FREEDOM OF INFORMATION REVISED REQUEST FORM
(Section 24AB of the FOI Act)

NOTE: You do not have to fill out every part of this form. However, providing as much detail as possible could help to reduce the amount of work involved for the department to process your request.

Name	James Smith
Date of Birth	
FOI LEX number	19533
Initial request details	'I request all emails, and any other records, which were created in the department's efforts to identify the documents I requested on 2 May 2016, in relation to this request. To be clear, this includes any replies you may have received from the different sections within the department.'

I, James Smith, would like to revise my current FOI request.

1. I would like to limit the time period of documents to:

- A specific date: _____ / _____ / _____ ;
[day] [month] [year]
- A specific year: _____ ; or
[year]
- The date range from: _____ / _____ / _____ to _____ / _____ / _____
[day] [month] [year] [day] [month] [year]

2. Please provide any extra information to assist us to identify the documents.

Name of the document (if known): _____

Reference/file number (if known): _____

Extra information :

If you need more space, attach a separate page with details.

We can provide some documents to you without an FOI request.

3. If your request can be completed without a formal FOI request, do you want us to send the documents this way?

- Yes
 No

HOW TO SEND THIS FORM

By post to:

FOI Team
Department of Human Services
PO Box 7820
CANBERRA BC ACT 2610

Make sure you add the reference number FOI LEX 19533

OR

Email to:

FOI.Legal.Team@humanservices.gov.au

Make sure you add the reference number FOI LEX 19533. You do not have to include your signature in your email.