



5 July 2016

Our reference: LEX 19533

Mr James Smith

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

Dear Mr Smith

### Freedom of Information Request - Charges

I refer to your request dated 10 June 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:

'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.'

### Revised request

On 24 June 2016, the department sent you a notice under section 24AB of the FOI Act inviting you to revise the scope of your request.

On 25 June 2016, you sent the following correspondence:

'My revised request is not for the documents I requested on 2 May. Instead of the documents, at this stage I would like to see the emails that have been generated as a result of my original request. This includes emails sent from the FOI area to all business areas seeking the requested information, and replies to those emails. Where applicable, this would also include any emails generated by the relevant staff within each of the different business areas.'

From this, the department has taken your request to be for only the emails that were created in the department's efforts to identify the documents you requested on 2 May 2016.

## Preliminary Assessment of the Charge

In accordance with section 29 of the FOI Act, I have decided that you are liable to pay a charge for the processing of your request. My preliminary assessment of that charge is \$192.25 calculated as follows:

Search and retrieval time: 6.82 hours, at \$15.00 per hour:	\$102.25
Decision-making time (*after deduction of 5 hours): 4.50 hours, at \$20.00 per hour	\$90.00
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<b>TOTAL</b>	<b>\$192.25</b>

\*The FOI Act provides that the first five hours of decision-making time are free of charge and this is reflected in the calculation.

I am advised that the department has in its possession 63 documents with 235 pages relevant to your request.

## Required Action

If you would like the department to continue processing your request, you must notify the department in writing within 30 days of receiving this notice that you:

- a) agree to pay the charge;
- b) wish to contend that the charge:
  - i. has been wrongly assessed; or
  - ii. should be reduced or not imposed; or
  - iii. both
- c) withdraw the request for access.

If you do not provide a written response in accordance with one of Options A, B or C above within 30 days of receiving this notice, your request will be taken to have been withdrawn under section 29(2) of the FOI Act.

Alternatively you may wish to further refine the scope of your FOI request. If you would like to discuss this please contact me for assistance.

Further information on options A, B and C is set out below.

## Option A - pay the charge

As the charge exceeds \$25, you are required to pay a deposit of \$48.13 within 30 days of receiving this notice. You may, of course, elect to pay the charge in full at this point.

The amount due should be paid by cheque or money order made out to the Collector of Public Monies. Please quote the reference number FOI LEX 19533 with your payment.

Should you elect to pay the charge please email [FOI.Legal.Team@humanservices.gov.au](mailto:FOI.Legal.Team@humanservices.gov.au) once you have posted your cheque or money order to advise us of your payment.

## **Option B - seek reduction or non-imposition of the charge**

You may contend that the charge has been wrongly assessed, or should be reduced or not imposed. Section 29(5) of the FOI Act provides that, in deciding whether to reduce or not to impose a charge, the decision-maker must take into account any relevant reasons, including whether payment of the charge, or part of it, would cause your organisation financial hardship, and whether the giving of access to the documents is in the general public interest or in the interest of a substantial section of the public.

If you wish to contend that the charge has been wrongly assessed or should be reduced or not imposed, please set out your reasons and the evidence in support of your reasons as clearly as possible. If you believe that payment of the charge would cause your organisation financial hardship, please provide sufficient details of your financial circumstances to enable the decision-maker to make a well-informed decision in this regard.

## **Option C - withdraw your request**

If you wish to withdraw your request you may do so in writing.

## **Time limits for processing your request**

Section 31 of the FOI Act provides that where a notice is sent to an applicant regarding the payment of a charge in respect of a request, the time limit for processing the request is suspended from the date the notice is received until either:

- (a) the day following payment of the charge (in full or the required deposit); or
- (b) if applicable, the day following the notification to the applicant of a decision not to impose the charge.

## **Address for correspondence**

Please send all correspondence regarding your FOI request to me at the following address:

Freedom of Information team  
Department of Human Services  
PO Box 7820  
CANBERRA ACT 2610

Or by email to [FOI.LEGAL.TEAM@humanservices.gov.au](mailto:FOI.LEGAL.TEAM@humanservices.gov.au)

## **Publication of information in the FOI disclosure log**

Information released under the FOI Act may be published in a disclosure log on the department's website. Section 11C of the FOI Act requires this publication, subject to certain exceptions, including where publication of personal, business, professional or commercial information would be unreasonable.

**Further assistance**

If you have any questions please email [FOI.LEGAL.TEAM@humanservices.gov.au](mailto: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