



Australian Government
Department of Health

Department Reference: FOI 035-1617

Mr Justin Warren

Via email : foi+request-2110-2e8a0f9c@righttoknow.org.au

Dear Mr Warren,

**REQUEST CONSULTATION NOTICE UNDER SECTION 24AB
OF THE *FREEDOM OF INFORMATION ACT 1982***

I refer to your request of 9 August 2016 to the Department of Health (Department) for access under the *Freedom of Information Act 1982* (FOI Act), to:

"In the Australian Bureau of Statistics (ABS) Annual Report for 2014-15, there is an article about an ABS project (the Project) to integrate Census data with anonymised Medicare and Pharmaceutical Benefits datasets (Chapter 3, "Unlocking the power of statistics: mental health services use and outcomes").

I respectfully request the following information under Freedom of Information Act 1982:

- 1. Documents containing correspondence with the ABS regarding the Project and the participation of the Department of Health.*
- 2. A copy of any Privacy Impact Assessment that was performed relating to the Project.*
- 3. Documents containing correspondence with the Office of the Australian Information Commissioner (OAIC) relating to the Project.*
- 4. Documents that refer to the scope and scale of the information provided to the ABS by the Department for the Project, i.e. the number of people's data that was provided, the total number of records, and the fields in each dataset that were supplied (e.g.name, address, condition, drugs prescribed, etc.). This is the metadata of the dataset(s).*
- 5. Documents discussing the reason the dataset and/or the fields within the datasets were required for the Project.*
- 6. Documents describing the process and techniques used to anonymise the datasets, such as the creation of linkage keys, including the algorithm(s) used to generate linkage keys.*
- 7. Documents the discuss obtaining informed consent from those whose data was to be supplied; how that consent was obtained; or why consent was not obtained and the justification for not obtaining consent."*

I am satisfied, for the reasons set out below, that a practical refusal reason exists in relation to your request. I am now giving you this written notice in accordance with subsection 24AB(2) of the FOI Act and giving you a 14-day period to consult with the Department about the terms of your request.

Under subsection 24AB(6) of the FOI Act, you are required to notify the Department, in writing, before the end of the consultation period that you either:

- (a) Withdraw your request;
- (b) Make a revised request;
- (c) Indicate that you do not wish to revise the request.

Practical refusal reason

A 'practical refusal reason' exists for the purposes of subparagraph 24AA(1)(a)(i) of the FOI Act if the work involved in processing the request would substantially and unreasonably divert the resources of the Department from its other operations.

Substantial and unreasonable diversion of resources

I have considered the various components which constitute your request and have assessed the work that would be involved in processing your request, in both the searches required to identify the documents relevant to your request and the examination of these documents for decision making.

As set out below, the broad scope of your request would require a substantial amount of work.

Search and Retrieval

A preliminary assessment of your request has identified approximately 300 documents that would need to be examined to identify relevant documents. This is a conservative estimate as initial searches were conducted by one relevant business area within the Department. There is at least one additional area that would be required to undertake searches to locate relevant documents. I estimate it would take over 35 hours to search, retrieve and schedule the documents. The number of hours is calculated based on the following:

- 5 minutes to review each document and tag the relevant pages falling within the scope of the request; and
- 2 minutes per document for preparation of the schedule of documents for review by the decision maker

This means it would take a Departmental officer working on the task full time (7.5 hours a day) approximately 5 business days to complete search and retrieval of documents that fall within the scope of the request. During this period, other duties expected of that officer would not be attended.

Decision Making

The approximate 300 documents located as part of the initial search comprise over 1800 pages. To discharge my responsibility as decision maker, it would take me, on a conservative estimate, an average of four minutes to examine and make a decision about each page. Dependent on the number of documents identified as relevant to your request, this would take up to 72 hours of my time (or approximately 10 business days). Additional time would be required to undertake consultation with identified third parties and draft my decision. From the preliminary assessment, one third party has been identified, which I estimate would take roughly 2 hours to consult with.

Further, as your request relates to Medicare Benefits Schedule and Pharmaceutical Benefits Scheme datasets, consideration will be required as to whether the information contained within the documents is protected under the *National Health Act 1953* and/or the *Health Insurance Act 1973*. In such circumstances additional time will be required to carefully assess the content of the documents to ensure the Department meets our obligations and safeguard the information against unauthorised release. Such information would be exempt under section 38 of the FOI Act.

As a senior executive officer in the Department and the decision maker for your request, if I was to work on nothing other than your FOI request, this would unreasonably divert me from my other tasks.

It is estimated your request in its current form would take, at a minimum, 100 hours to process. Therefore, having regard to the volume of documents falling within the scope of your request, the amount of available resources that would be required and the impact on the administration of the Department's usual activities, processing your request would involve a substantial diversion of resources.

On this basis, I am satisfied that a practical refusal reasons exists for the purposes of paragraph 24AA(1)(a) of the FOI Act.

Consultation period

The consultation period during which you can consult the above contact person is **14 days** commencing today and ending on **5:00pm 15 September 2016**.

Contact person

Contact regarding this letter can be made through the Department's FOI Team. The FOI Team can be contacted via telephone on 02 6289 1666 or email foi@health.gov.au.

Under subsection 24AB(7) your request will have been taken to be withdrawn if you neither contact the FOI Team during the 14 days nor do any of the things mentioned above at (a), (b) and (c).

Relevant provisions of the FOI Act

The FOI Act, including the provisions referred to in this letter, can be accessed from the Federal Register of Legislation website: <https://www.legislation.gov.au/Series/C2004A02562>

Yours sincerely

A handwritten signature in dark ink, appearing to read 'Victoria Evans', with a stylized, cursive script.

Victoria Evans
Acting Assistant Secretary
Information Knowledge Management Branch
September 2016