



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,

Notification of Decision: Liability to Pay a Charge

I refer to your email of 19 September 2016 to the Department of Health (department) requesting a waiver or reduction of the charges liability advised to you in correspondence dated 14 September 2016 in relation to your request for access under the *Freedom of Information Act 1982* (the FOI Act) for documents in relation 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 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).*
- 2. Documents discussing the reason the dataset and/or the fields within the datasets were required for the Project.*
- 3. 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.*
- 4. Documents that 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 an authorised decision maker under section 23 of the FOI Act to make this decision. This letter sets out my decision on your request for waiver or reduction of the charges.

Decision

I have decided to reduce the charges associated with this request by 50%. In coming to my decision, as required by the FOI Act, I have considered if the payment of charge will cause financial hardship and if giving access to the documents is in the interests of the public, or a substantial section of the public. As you did not submit that the charge would cause financial hardship, I find that the payment of charge will not cause financial hardship.

In considering if the documents are in the interests of the public or a substantial section of the public I find, having considered all relevant factors that the documents are in the public interest. I find that the documents contain information that is a topic of public interest and disclosure would better inform the public on how data is stored, handled and used in accordance with relevant legislation.

Therefore, having balanced the public interest with the intent of the provisions of the FOI Act that allow for charges to be imposed for processing FOI requests and that the payment will not cause financial hardship, I believe that a reduction of the charge by 50% is appropriate in this case.

I note that my decision on public interest goes only to the question of whether the charges should be imposed, and not to the issue of whether the documents should ultimately be disclosed.

Effect of my decision

As a consequence of this decision, you are required to pay \$94.65. Before the processing of your request may continue, you must pay a deposit of \$20. You will not receive access to any documents, a decision maker may decide to release to you, until any outstanding balance is paid.

Your deposit payment (cheque or credit card) should be sent to either of the following:

FOI@health.gov.au

OR

FOI Unit (MDP 41)
Department of Health
GPO Box 9848
CANBERRA ACT 2601

Review rights

You are entitled to seek review of this decision. Your rights are set out at Attachment A.

Contact

If you require clarification of any of the matters discussed in this letter you should contact the Department's FOI Unit on 02 6289 1666 or via email at FOI@health.gov.au

Yours sincerely



Adrian Bugg
Assistant Secretary
Information Knowledge Management Branch

19 October 2016

REVIEW RIGHTS

Pursuant to s 53A(e) of the FOI Act, a decision under s29 relating to the imposition of a charge or the amount of a charge is an access refusal decision.

You have a right to seek an internal review or Information Commissioner Review of the access refusal decision.

Upon review, the internal review decision maker or the Australian Information Commissioner can decide whether the charge was correctly assessed, whether it should be reduced or waived.

Internal review

Under section 54 of the FOI Act, you may apply in writing to the Department for an internal review of my decision. The internal review application must be made within 30 days of the date of this notice (or such further period as the Department allows). Where possible please provide reasons why you consider review of the decision is necessary. The internal review will be carried out by another officer of this Department within 30 days. An application for an internal review should be addressed to:

Email: FOI@health.gov.au

OR

Mail: FOI Unit (MDP 41)
Department of Health
GPO Box 9848
CANBERRA ACT 2601

Information Commissioner Review

Under section 54L of the FOI Act, you may apply to the Information Commissioner to review my decision. An application for review must be made in writing 60 days of this notice (if you do not request an internal review).

The Australian Information Commissioner can be contacted by:

Email: enquiries@oaic.gov.au
Phone: 1300 363 992

More about the Information Commissioner review is available on the Office of the Australian Information Commissioner (OAIC) website at <http://www.oaic.gov.au/freedom-of-information/requesting-a-review>

You may also make a complaint to the Information Commissioner about action taken by the Department in relation to your application. Further information can be obtained from the OAIC website.