



Canberra Office
ABS House
45 Benjamin Way
Belconnen ACT 2617
Phone 1300 135 070

Locked Bag 10
Belconnen ACT 2616
www.abs.gov.au
ABN 26 331 428 522



FOI Ref: 201617/35

Mr Justin Warren

Email: foi+request-2166-16b5f000@righttoknow.org.au

Dear Mr Warren

FREEDOM OF INFORMATION REQUEST: ESTIMATE OF CHARGES

I refer to your email of 8 November 2016 (Attachment A) to the FOI contact officer in which you sought access to the following under the *Freedom of Information Act 1982* (FOI Act):

- Disclosure Review Board (DRB) terms of reference (DRB is a committee that assesses 'disclosure risks' of at-risk microdata files).
- Template for submitting a statistical release to DRB for review/assessment.
- Policy for releasing microdata (unit record files as opposed to aggregate information).
- 'Life cycle for research' principles.
- Documents (including but not limited to meeting agendas, minutes, reports, emails, etc.) containing advice provided to the Australian Statistician by the ABS Chief Methodologist regarding methodologies and tools that could, should, or would be used to prevent individuals being identified when linking datasets with data from the 2016 Census. I specifically request documents in the period from 11 December 2014 to 18 December 2015, inclusive.

A copy of your request is provided at Attachment A.

The *Freedom of Information (Fees and Charges) Amendment Regulations 2010* (the Regulations) prescribe that charges can be levied in respect of a request for access to documents. These charges are set out by the Regulations and are for search and retrieval of documents, decision making and provision.

I am an authorised decision maker under section 23 of the FOI Act and I have decided that you are liable to pay a charge in respect of the processing of your request.

My preliminary assessment of the charge is \$943 (please see the table for details of the charges).

Search and retrieval – \$15 per hour <ul style="list-style-type: none">• search of the ABS's electronic records systems and of files held by individuals in areas for which the subject matter contained in the request is potentially of relevance. Estimated number of hours required: 18 hours	\$270
Decision-making (after deducting the first five hours which are free of charge) – \$20 per hour <ul style="list-style-type: none">• time spent by an agency preparing either a schedule of documents or a recommendation for the authorised decision maker• examination of relevant pages for decision making (includes exempted pages and pages released with redactions)• consultation with other parties• redacting exempt material Estimated number of hours required: 33.67 hours (after the first five hours)	\$673
TOTAL COST	\$943

The charges set out in the above table are determined by the Regulations and reflect the work involved in processing this request.

The charges are not indicative of the level of access that may be granted to the documents sought.

The ABS treats documents that are publicly available (for example, documents published on a publicly accessible website) as irrelevant to a FOI request. This means that you will not be provided with publicly available documents under FOI.

In addition, I anticipate that the following exemption scenarios provided by the FOI Act could apply to the documents you seek:

- section 42 – documents subject to legal professional privilege
- section 47 – information having a commercial value that if disclosed, could reasonably be expected to be diminished
- section 47C – documents would disclose deliberative matter
- section 47E – documents would or could be reasonably expected to have an adverse effect on the proper and efficient conduct of the operations of an agency
- section 47F – documents would involve the unreasonable disclosure of personal information about any person

The Regulations prescribe that where a charge is imposed and the charge exceeds \$100.00, a deposit of up to 25 per cent of the estimated charges may be sought. Based on the preliminary estimate of charges for your request, which is \$943, you will be required to pay a deposit of \$235 before work on your request commences.

I note that, given the nature of the documents you seek, it is anticipated that a large number of documents in scope of your request will be subject to exemptions under the FOI Act, which may result in the ABS refusing you access to the documents.

Within 30 days of receipt of this notice you are required to either:

- pay the charge; or
- pay a deposit with the remainder to be paid prior to receipt of documentation; or
- contend that the charge
 - has been wrongly assessed, or
 - should be reduced, or
 - not imposed, or both; or
- withdraw your request.

} You should give
full reasons for so
contending

Options for payment are provided at **Attachment B**.

You may contend that the charge has been wrongly assessed, or should be reduced or not imposed (see **Attachment C**). In deciding whether to reduce or not to impose a charge, the decision maker has discretion to consider reduction or remission of charges for any reason, including the following reasons:

- the payment of the fee or a part of the fee would cause financial hardship to the applicant or person on whose behalf the application was made; or
- the giving of access is in the general public interest or in the interest of a substantial section of the public.

If you wish to contest the charges, you should give full reasons for doing so.

If you fail to notify the ABS in a manner described above within 30 days of receipt of this notice, it will be taken that you have withdrawn your request.

The ABS generally considers the names (other than that of the Australian Statistician), email addresses and other contact details of public service officers to be irrelevant to an FOI request. These details will not be released pursuant to section 22 of the FOI Act. As per section 47F of the FOI Act, names and contact details may also be withheld for personal privacy reasons.

In accordance with section 31 of the FOI Act, the 30 day limit for processing your request is suspended from the day that you receive this notice. It resumes on either the day you pay the charge (in full or the required deposit) or the day on which this agency makes a decision not to impose a charge.

Consistent with the FOI Act, the ABS publishes all documents disclosed in response to FOI requests (other than personal or business information that it would be unreasonable to publish) on the ABS website at the same time as the applicant receives the response.

Please note, if you decide not to proceed with your FOI request and pay the deposit within the timeframe specified by the Regulations, the ABS will still provide you with a list of links to publicly available papers that may be sufficient to address your needs.

If you have any queries on this matter please contact the ABS FOI Contact Officer at freedomofinformation@abs.gov.au or on (02) 6252 7203.

Yours sincerely



Christine Williams
Program Manager
Governance & Parliamentary Liaison Branch
Australian Bureau of Statistics

17 November 2016

From: Justin Warren <justin@eigenmagic.com>
To: Wolfgang Hertel <wolfgang.hertel@abs.gov.au>,
Cc: Policy & legislation WDB <freedomofinformation@abs.gov.au>
Date: 08/11/2016 10:32 AM
Subject: Re: Proposed scope for your revised FOI request

On 07/11/16 21:10, Wolfgang Hertel wrote:

Hi Justin

Apologies for not getting back to you sooner - I had a personal emergency and was not in the office for the remainder of last week.

As discussed in to our conversation last week, having spoken to my colleagues we would like to propose the following items as your revised FOI request:

- Disclosure Review Board (DRB) terms of reference (DRB is a committee that assesses 'disclosure risks' of at-risk microdata files.
- Template for submitting a statistical release to DRB for review/assessment
- Policy for releasing microdata (unit record files as opposed to aggregate information)
- 'Life cycle for research' principles

Thanks Wolfgang,

I'm happy for these to address items 2, 3 and 4 of my request.

Item 1 remains, as it isn't covered by what you've proposed here. " Documents (including but not limited to meeting agendas, minutes, reports, emails, etc.) containing advice provided to the Australian Statistician by the ABS Chief Methodologist regarding methodologies and tools that could, should, or would be used to prevent individuals being identified when linking datasets with data from the 2016 Census. I specifically request documents in the period from 11 December 2014 to 18 December 2015, inclusive."

I am also advised that the ABS publishes a significant amount of its research around confidentialising (i.e. protecting data from being identifiable) in statistical journals and international conferences/committees. While publically available information is outside the scope of FOI, we will endeavour to provide some core examples of work that pertains to methods/processes for confidentialising information.

That's very helpful. Thanks.

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Justin Warren <justin@eigenmagic.com>
Twitter: @jpwarren
Skype: eigenmagic

Australian Bureau of Statistics Payment Options – FOI 20161735

Please complete the following information and return to the FOI Contact Officer:

By email: freedomofinformation@abs.gov.au

By post: FOI Contact Officer
Policy and Legislation Section
Australian Bureau of Statistics
Locked Bag 10
Belconnen ACT 2617

Customer Name: _____
Customer Address: _____

Option 1: Bank Cheque or Australian Money Order – made out to “Collector of Public Monies”

Attached

☐

OR Option 2: Please debit my credit card as follows:

☐

AMEX

☐

VISA

☐

Mastercard

--	--	--	--	--	--	--	--	--	--	--	--	--	--	--	--

Card Number

Expiry Date

CCV Number

Total Amount

Name on Card

Signature of card holder

OR Option 3: EFT Payment:

Reserve Bank of Australia

BSB: 093 003

Account No. 317716

Account Name: ABS Official Receipts Account

Reference Code: FOI **20161735**

Note: When paying by EFT please use the reference code **FOI 20161735** and email a copy of your remittance advice to: freedomofinformation@abs.gov.au

Privacy Statement: Personal information contained on this form that is provided to the ABS will only be used to process the payment in relation to your freedom of information request, and to provide confirmation and receipt of the payment. The information will not be used for any other purpose, and will not be disclosed to any third party. You may access and update the information provided on this form prior the payment being processed, by contacting the ABS Freedom of Information Contact Officer on: (02) 6252 7203 or by email: freedomofinformation@abs.gov.au
For information on the ABS' information handling practices please see our privacy policy: www.abs.gov.au/privacy

RIGHTS OF REVIEW, WHERE CHARGES IMPOSED**INFORMATION ON RIGHTS OF REVIEW****1. APPLICATION FOR A REDUCTION OR WAIVER OF THE CHARGE**

Section 29 of the *Freedom of Information Act 1982* (the Act) gives you the right to apply to the ABS to have the charge reduced or waived entirely.

Application for a reduction or waiver of the charge must be made in writing within 30 days of receiving this letter. You must set out your reasons for contending that the charge has been wrongly assessed or should otherwise be reduced or waived.

Application for a reduction or waiver of the charge should be emailed to freedomofinformation@abs.gov.au or sent by post to:

ABS FOI Contact Officer
Policy, Legislation and Assurance Section
Australian Bureau of Statistics
Locked Bag 10
BELCONNEN ACT 2617

2. APPLICATION FOR INTERNAL REVIEW OF DECISION

Section 54 of the Act gives you the right to apply for an internal review of the decision to impose a charge for documents in accordance with your request. The ABS will appoint a new officer to your review. To the extent possible, the officer will not have been involved in the making of the original decision. This is to ensure that the review is considered by a fresh, independent and impartial mind.

Application for a review of the decision must be made in writing within 30 days of receipt of this letter. No particular form is required but it would assist the decision-maker if you could set out in the application the grounds on which you consider that the decision should be reviewed.

Application for an internal review of the decision should be emailed to freedomofinformation@abs.gov.au or sent by post to:

ABS FOI Contact Officer
Policy, Legislation and Assurance Section
Australian Bureau of Statistics
Locked Bag 10
BELCONNEN ACT 2617

OR

3. APPLICATION TO AUSTRALIAN INFORMATION COMMISSIONER (INFORMATION COMMISSIONER) FOR REVIEW OF DECISION

Section 54L of the Act gives you the right to seek a review of the decision from the Information Commissioner. An application for review must be made within 60 days of receiving the decision.

Applications for review must be in writing and must:

- give details of how notices must be sent to you; and
- include a copy of the notice of decision.

You should email your application for review to enquiries@oaic.gov.au or sent by post to:

The Information Commissioner
Office of the Information Commissioner
GPO Box 5218
SYDNEY NSW 2001

AND/OR

4. COMPLAINTS TO THE INFORMATION COMMISSIONER

Section 70 of the Act provides that a person may complain to the Information Commissioner about action taken by an agency in the exercise of powers or the performance of functions under the Act.

A complaint to the Information Commissioner must be in writing and identify the agency the complaint is about. It should be directed to the following address:

The Information Commissioner
Office of the Information Commissioner
GPO Box 5218
SYDNEY NSW 2001

The Information Commissioner may decline to investigate the complaint in a number of circumstances, including that you did not exercise your right to ask the agency, the Information Commissioner, a court or tribunal to review the decision.