



FOI 16/130; 16/9739

23 September 2016

Skeev Stevens

By email: [foi+request-2220-749e4d7e@righttoknow.org.au](mailto:foi+request-2220-749e4d7e@righttoknow.org.au)

Dear Mr Stevens

### Freedom of Information Request FOI6/130

I refer to your request for access under the *Freedom of Information Act 1982* (Cth) (FOI Act) to documents relating to the Data Retention Implementation Plan for: Real World Technology Solutions Pty Ltd.

I am writing to advise you of my decision that you are liable to pay a charge in respect of the processing of your request. I, Samuel Grunhard, Acting Assistant Secretary, am an officer authorised under section 23(1) of the FOI Act to make decisions in relation to FOI requests.

In accordance with section 29 of the FOI Act and the *Freedom of Information Charges Regulations 1982*, my preliminary assessment of the charge you are liable to pay is \$786.08.

### Basis for my preliminary assessment of the charge

I have assessed the work the Attorney-General's Department would need to do to process your request and have calculated the following breakdown of charges:

Document estimate		
Number of relevant documents	32	
Number of relevant pages	173	
PROCESSING CHARGES		
Search and retrieval		
Task	Time	Cost @ \$15/hr
Search and retrieval of relevant electronic and registry files	0.17	\$2.50
Search and retrieval of relevant pages in file	0.75	\$11.75
Preparation of schedule of documents	1.60	\$24.00
<b>A. Search and retrieval subtotal</b>	<b>2.52</b>	<b>\$37.75</b>

<b>Decision making</b>		
<b>Task</b>	<b>Time</b>	<b>Cost @ \$20/hr</b>
Examination of documents	14.42	\$288.33
Consultation with third parties	12.00	\$240.00
Preparation of documents for release	8.00	\$160.00
Preparation of notice of access decision	5.00	\$100.00
<b><i>Decision making subtotal (before deduction of 5 hours)</i></b>	<b>42.42</b>	<b>\$848.33</b>
<b><i>B. Decision making subtotal (after deduction of first 5 hours free)</i></b>	<b>37.42</b>	<b>\$748.33</b>
<b>ACCESS AND DELIVERY CHARGES</b>		
	<b>No. of pages</b>	<b>Cost</b>
Transcription (\$4.40/page)	0.00	\$0.00
Photocopy (\$0.10/page)	0.00	\$0.00
Other copies (\$4.40/page)	0.00	\$0.00
		<b>Cost</b>
Electronic production (actual cost)	0.00	\$0.00
Replay [replaying of sound or film] (actual cost)	0.00	\$0.00
Delivery (actual cost)	0.00	\$0.00
	<b>Time</b>	<b>Cost</b>
Inspection (@ \$6.25 per half hour)	0.00	\$0.00
<b><i>C. Access and delivery charges subtotal</i></b>	<b>0.00</b>	<b>\$0.00</b>
<b>ESTIMATED TOTALS AND DEPOSIT</b>		
<b>ESTIMATED TOTAL (total of A, B and C)</b>		<b>\$786.08</b>
<b>REQUIRED DEPOSIT</b>		<b>\$196.52</b>

This preliminary assessment of the charges is based on the number of documents that fall within the scope of your request and an estimate of the number of pages that would need to be examined in order to make a decision on your request.

The purpose of this letter is to advise you of the estimated charges for processing your request and the amount of the deposit, based on that estimate, that you need to pay before we continue. After making a decision on your request, the department is required to calculate the actual amount payable. When we do this, the final charge may be higher than the estimated charge, however the higher amount can only be charged if the department decides to give you access to all documents without deletions and in the form requested.

Please note that the charges imposed reflect the cost of the work undertaken by the department in processing your request, and does not have a bearing on the quantity of documents that may be released to you, which may be reduced as a result of exemptions being applied.

### **Your right to contend the charge**

Under the FOI Act, you have the right to contend that the charge:

- has been wrongly assessed, or
- should be reduced, or
- should not be imposed.

If you would like to make an application to reduce the charge, you may do so on the following grounds:

- whether payment of the charge, or part of it, would cause you financial hardship;
- whether giving access to the documents is in the general public interest or in the interest of a substantial section of the public; or
- any other relevant matter.

You may also narrow the scope of your request which may reduce the charges. Options for narrowing the scope include excluding:

- duplicate documents; or
- publicly available documents.

### **Payment of a deposit**

As the charge exceeds \$100, a 25 per cent deposit of \$196.52 will be payable once you agree to pay the charge.

The deposit is not refundable except in some limited circumstances (for example, if the department fails to make a decision on your request within the statutory time limit), or may be refundable in part if the final charge is less than the deposit paid.

### **The time you have to respond and what you need to do**

You have 30 days to respond in writing to this notice. We therefore expect a response from you by 24 October 2016. By that date, you must do one of the following things in writing:

- agree to pay the charge (this will mean that you will not be entitled to access the requested documents until the full charge of \$786.08 is paid)
- contend that the charge has been wrongly assessed, or should be reduced or not imposed and explain your reasons
- withdraw your request.

Please send your response to:

email: [foi@ag.gov.au](mailto:foi@ag.gov.au)  
post: Freedom of Information and Privacy Section  
Strategy and Delivery Division  
Attorney-General's Department,  
3-5 National Circuit  
BARTON, ACT 2600

If you agree to pay the charge we will provide you with an invoice for the deposit and instructions on how you can make the payment. If you do not provide us with a written response by 20 October 2016 your request will be taken to have been withdrawn.

The period for processing your request is suspended from the day that you receive this notice and resumes on either the day you pay the charge (in full or the required deposit) or the day on which the department makes a decision not to impose a charge.

#### **Questions about this notice**

If you have any questions or wish to discuss this notice with us, please contact the FOI case officer by email at [foi@ag.gov.au](mailto:foi@ag.gov.au).

More information about charges under the FOI Act is available in Fact Sheet 7 on the Office of the Australian Information Commissioner's website: <http://www.oaic.gov.au/freedom-of-information/foi-resources/freedom-of-information-fact-sheets/> and in part 4 of the Australian Information Commissioner's FOI guidelines: <http://www.oaic.gov.au/freedom-of-information/applying-the-foi-act/foi-guidelines/part-4-charges-for-providing-access>

Yours sincerely



Samuel Grunhard  
Acting Assistant Secretary