



In reply please quote

30/5958

Simon

By email: foi+request-2326-89303b9c@righttoknow.org.au

Dear Simon

Freedom of Information Request: Cost/Benefit Analysis of Bureau of Meteorology smart-phone weather application – Charges Determination

1. I refer to your application under the *Freedom of Information Act 1982* (FOI Act) received in the Bureau on 8 October 2016.
2. I am authorised to make a decision in relation to your request pursuant to section 23 of the FOI Act including decisions in relation to charges.

Your request

3. You have requested access to:

the Cost Benefit Analysis and related or similar documents regarding the recently released BOM smart-phone weather app.

Charges for Information

4. The Bureau has undertaken a range of searches for documents, and is now in the process of decision-making. I have decided that you are liable to pay a charge pursuant to section 29 of the FOI Act in respect of a request for access to the documents that fall within your request. A copy of this section is provided with this letter.

5. You are notified that:

- a. You are liable to pay a charge in respect of the provision to you of access to documents requested.
- b. My preliminary assessment of the charge is \$170.00. This is based on 8 hours of searching for the documents requested, and 2.5 hours for decision making (beyond the first 5 hours of decision-making time, which are not charged and have been excluded from this assessment).

Decision making includes: review of documents to determine whether they are in scope of your request; detailed examination against the FOI Act; consultation with third parties; document scheduling; making redactions and preparing the documents for release.

An hourly rate of \$15 per hour for document searches, and \$20 per hour for decision making has been used to calculate this charge.

- c. You have a right to contend that the charge is wrongly assessed or should be reduced or waived;
- d. The Bureau, in considering any such request, must take into account whether payment of the charge would cause financial hardship to you or the person on whose behalf the

application was made, and, whether giving access would be in the public interest or in the interest of a substantial section of the public;

- e. A deposit is not payable;
- f. You are obligated, within 30 days to agree to pay the charge, to dispute the charge or seek a waiver or reduction, or to withdraw the FOI request;
- g. The FOI request will be taken to have been withdrawn if you fail to respond within that period; and
- h. You are not entitled to have access to any document until all charges are paid (s11A(1)(b)). A copy of this section is provided with this letter.

Review Rights

- 6. If you are dissatisfied with this decision, you have rights of review available to you.
- 7. Under section 54 of the FOI Act, you may apply for an internal review of the decision, conducted by the Bureau of Meteorology. Your application must be made within 30 days of you receiving this notice.
- 8. An internal review will be conducted by a different officer from the original decision-maker. No particular form is required to apply for review although it will assist your case to set out in the application the grounds on which you believe that the original decision should be overturned. An application for a review of the decision should be addressed to:

Freedom of Information Officer
Bureau of Meteorology, GPO Box 1289 Melbourne 3001
- 9. If you choose to seek an internal review, you will subsequently have a right to apply to the Australian Information Commissioner for a review of the internal review decision.

External review by the Australian Information Commissioner

- 10. Alternatively, under section 54L of the FOI Act, you may, seek a review of this decision by the Australian Information Commissioner without first going to internal review. Your application must be made within 60 days of you receiving this notice.
- 11. The Information Commissioner is an independent office holder who may review decisions of agencies and Ministers under the FOI Act. More information is available on the Information Commissioner's website www.oaic.gov.au.
- 12. You can contact the Information Commissioner to request a review of a decision online or by writing to the Information Commissioner at:

GPO Box 5218
Sydney NSW 2001

Complaints to Ombudsman or Information Commissioner

- 13. You may complain to either the Commonwealth Ombudsman or the Information Commissioner about action taken by the Bureau of Meteorology in relation to the application. The Ombudsman will consult with the Information Commissioner before investigating a complaint about the handling of an FOI request.

Enquiries to the Ombudsman can be directed to:

Phone 1300 362 072 (local call charge)
Email ombudsman@ombudsman.gov.au

Enquiries to the Information Commissioner can be directed to:

Phone 1300 363 992 (local call charge)
Email enquiries@oaic.gov.au

14. There is no particular form required to make a complaint to the Ombudsman or the Information Commissioner. The request should be in writing and should set out the grounds on which it is considered that the action taken in relation to the request should be investigated and identify the Bureau of Meteorology as the relevant agency.

Timing

15. The Bureau recently advised you that the time period for processing your request was extended to 7 December 2016 to allow for third party consultation. Please note that the processing period will be extended by the number of day this charge is unpaid.

For further information

16. For further information please contact the Bureau's FOI Officer on 03 9669 4533 or via email: foi@bom.gov.au

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Alistair Kemp', with a large, stylized initial 'A'.

Alistair Kemp

A/Deputy Director Information Systems & Services

Bureau of Meteorology

14 November 2016

Encl.

1. Extract s29 FOI Act
2. Extract s11A(1)(b)
3. Payment information

PAYMENT INFORMATION

PAYMENT BY CHEQUE OR MONEY ORDER OF FULL CHARGES

Make cheque or money order payable to: **Bureau of Meteorology**

Post to:

Freedom of Information Officer

Bureau of Meteorology

GPO Box 1289

Melbourne VIC 3001

Please contact the FOI Officer for details of alternative payment options, if needed.