



Australian Government
Bureau of Meteorology

HEAD OFFICE
Bureau of Meteorology
GPO Box 1289 Melbourne VIC 3001 Australia

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 – Decision on charges

1. I refer to your application under the *Freedom of Information Act 1982* (FOI Act) dated 8 October 2016.
2. On 2 November 2016, the Bureau wrote to inform you that processing time had been extended until 7 December 2016 to allow for third party consultation under Section 27 of the FOI Act.
3. On 14 November 2016, the Bureau notified you that a charge was payable for provision of the access to the documents requested, and that the time for processing would be extended for the period the charge remained unpaid. You responded to the notice of charges on 30 November 2016, requesting a waiver of the charges.
4. I am authorised to make a decision in relation to your request for a waiver of charges, pursuant to s23 of the FOI Act. My decision and reasons for decision follow.

Your request for access and waiver of the charges

5. You have requested access to the following:

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

6. On 30 November 2016 you wrote to me requesting that I waive the charge of \$170 on the grounds that access to the requested documents is in the public interest. I note that you set out the following reasons:
 - There are a large number of mobile weather apps available, many using data from the Bureau.
 - It has been reported that \$200,000 was spent to develop the Bureau app.
 - It is in the public interest that taxpayers access the analysis used to justify the cost.
 - The information will be shared with the public online.
7. In addition I note that your request for waiver indicates that you query the calculation of the charge.

Imposition of Charges

8. Under the FOI Act and FOI Guidelines, issued by the Information Commissioner, the Bureau is obliged to take all reasonable steps to find the documents requested. The FOI Guidelines state, at paragraph 3.81:

Australia's National Meteorological Service

At a minimum, an agency or minister should take comprehensive steps to locate documents, having regard to:

- the subject matter of the documents
- the current and past file management systems and the practice of destruction or removal of documents
- the record management systems in place
- the individuals within an agency who may be able to assist with the location of documents, and
- the age of the documents.

9. In response to your FOI request, the Bureau took all reasonable steps to identify documents within scope of your request.

10. The charges have been calculated in accordance with regulations of the FOI Act and are based on:

- the records kept of time spent searching; and
- the time estimated for decision-making. Decision-making includes preparing documents for release, in order to remove parts of the documents that are exempt or irrelevant. The estimate of time to undertake this work is based on the number of pages of documents that need to be edited before release.

11. I thank you for your offer to reduce the scope of your request in an effort to reduce the time taken to conduct document searches however I confirm that all document searches have been completed. The calculation of the charge includes time already spent carrying out the document searches and therefore cannot be re-assessed.

12. In regard to the calculation of the time estimated for decision-making activities, I note that we have progressed our work and I am therefore in a position to reconsider the estimate of time. I have reassessed the work involved and estimate five hours of decision-making, which is provided free of charge.

13. For these reasons, I have reached the view that a revised charge of \$120.00 is applicable, based on 8 hours of document searches undertaken at \$15/hr and an estimate of 5 hours or less of decision-making activities which is included free of charge.

14. I will now consider whether any waiver or reduction of the charges is appropriate.

Reduction or waiver of charges

15. Section 29(5) of the FOI Act provides that an agency, in considering whether or not to reduce or not impose a charge, must take into account:

- Whether the payment of the charge, or part of it, would cause financial hardship to the applicant; and
- Whether the giving of access to the document in question is in the general public interest or in the interest of a substantial section of the public.

16. Section 29(5) also provides that the matters the agency may take into account when making this decision are not limited to the above.

Public Interest and financial hardship

17. You have sought a waiver of the charges on the grounds that there is a public interest in documents relevant to your request being made available to the public, as set out above. I acknowledge that there is a public interest in the objects of the FOI Act being achieved, which includes increasing scrutiny, discussion, comment and review of Government activities, and to promote oversight of the Bureau's activities.

18. I have taken your comments in relation to the public interest into account in making my decision on whether to waive or reduce the charge. I have also taken into account the fact that significant work has already been carried out in order to respond to your request. I note that you have not set out any reasons for waiver of the charge on grounds of financial hardship.

Decision

19. Taking the above into account, I have decided to reduce the charges by fifty percent (50%). Subject to my comments below, the total charges you are liable to pay is **\$60.00**.

Review Rights

20. 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.

21. 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

22. 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

23. Alternatively, under 54L of the FOI Act, you may seek 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.

24. 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.

25. You can contact the Information Commissioner to request a review of a decision online or by writing to:

Information Commissioner
GPO Box 5218
Sydney NSW 2001

Complaints to Ombudsman or Information Commissioner

26. 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.

27. Your enquiries to the Ombudsman can be directed to:

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

28. Your enquiries to the Information Commissioner can be directed to:

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

29. 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.

For further information

30. If you have any questions about this letter, or need further information, please do not hesitate to contact FOI@bom.gov.au

Yours sincerely



Alistair Kemp

Assistant Director Plan (Information Systems & Services Division)

19 December 2016