



OFFICE OF SENATOR THE HON MITCH FIFIELD

**MINISTER FOR COMMUNICATIONS
MINISTER FOR THE ARTS
MANAGER OF GOVERNMENT BUSINESS IN THE SENATE**

Our Ref: FOI 2016/002

Mr Ben Fairless

By email: foi+request-2356-05c3cbbd@righttoknow.org.au

Dear Mr Fairless

I refer to your email of 19 October 2016 in which you made a request to the Minister for Communications under the *Freedom of Information Act 1982* (the FOI Act) in the following terms:

Can you please provide a copy of all inbound and outbound chats in the 7 days prior to this request that was sent or received from the minister using any of the below applications:

- WhatsApp
- Facebook Messenger
- Signal
- Telegram
- Grindr
- Scruff
- Tinder
- Email Accounts without a .gov.au email address?

Please initially process these requests informally. I understand the AG advised the senate that the communications were "trivial" so I don't anticipate any exemptions being applied. If the request can't be processed informally, please treat it as a formal FOI request.

I am the authorised decision-maker for the Minister for Communications.

Notice of practical refusal reason

I write to advise you that, subject to possible clarification which would narrow your request, I consider that the work involved in processing your request in its current form would substantially and unreasonably divert the resources of the Minister and this office from its other operations. This constitutes a 'practical refusal reason' under section 24AA of the FOI Act. On this basis, I intend to refuse access to the documents you have requested.

However, before I make a final decision to refuse the request for a practical refusal reason, you have an opportunity to revise your request. This is called a 'request consultation process' as set out under section 24AB of the FOI Act. You have 14 days to respond to this notice in one of the ways set out below.

Reasons for intention to refuse your request

The request constitutes an unreasonable diversion of resources because it contains a request for documents across a variety of platforms. This would mean we would first have to ascertain whether these platforms are used by the Minister, and if they are, then we would need to assess each and every message, including personal messages that may not even relate to work, on those platforms to ascertain whether they are official documents of a Minister. Following that, the normal FOI assessment processes would apply.

I consider the effort required to process your request would be a substantial and unreasonable diversion of the Minister's resources.

In reaching this view, I have had regard to the public interest in access to information held and consider that the public interest in access is outweighed by the competing public interest in the ability of the Minister to undertake his ordinary functions without substantial impairment.

I acknowledge that the processing of requests for access to documents is a legitimate part of a Minister's functions, and that FOI requests may require reallocation of resources. However, I consider that we could not reasonably divert resources to assist in processing your request.

Request consultation process

You now have an opportunity to revise your request to enable it to proceed. Revising your request can mean narrowing the scope of the request to make it more manageable or explaining in more detail the specific documents you wish to access.

Before the end of the consultation period, you must do one of the following, in writing:

- withdraw your request;
- make a revised request; or
- tell us that you do not wish to revise your request.

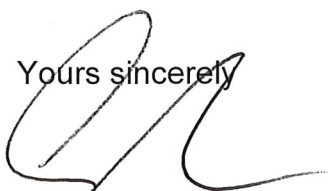
The consultation period runs for 14 days and will start on the day after you receive this notice. I am the relevant person for you to contact for the consultation process.

If you were to revise your request in a way that adequately addresses the practical refusal grounds outlined above, we would recommence processing it. Please note that the time taken to consult with you regarding the scope of your request is not taken into account for the purposes of the time limit for processing your request.

If you do not do one of the three things listed above during the consultation period or you do not consult with me during this period, your request will be taken to have been withdrawn.

Should you wish to discuss any aspect of your request, please contact this office.

Yours sincerely



DARREN DISNEY
Chief of Staff

18/11/16