



Office of Senator the Hon Simon Birmingham

Minister for Education and Training
Senator for South Australia

Our Ref PdrId

Mr Ben Fairless

By email: foi+request-2358-4896f55e@righttoknow.org.au

Dear Mr Fairless

I refer to your request for access under the *Freedom of Information Act 1982* (FOI Act), dated 19 October 2016, to the following:

"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?

I am the authorised decision-maker the Minister for Education and Training. Thank you for agreeing to an extension of time in which to provide my decision.

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

Adelaide

107 Sir Donald Bradman Drive, Hilton SA 5033
Ph 08 8354 1644 Fax 08 8354 1655

Canberra

Parliament House Canberra ACT 2600
Ph 02 6277 7630 Fax 02 6273 5188

message, including personal messages that may not 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 considers 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



Rachael Thompson
Chief of Staff

2/12/16