

S47F(1)

From: S47F(1)
Sent: Thursday, 27 September 2012 9:50 AM
To: S47F(1)
Cc:
Subject: RE: FOI Request - Molloy (Pirate Party of Australia) [SEC=UNCLASSIFIED]

UNCLASSIFIED

Thanks S47F
(1)

I agree the point in time issue is the key consideration – If we provide this data in a download then he will want a periodic download.

I am confident given the timing that Mr Molloy is using this FOI request as a lever to get the changes he asked for in previous complaint ie that the old database is re-instated so the software is compatible with his own “scraper” software, or that an API or some form of bulk download is made available.

Can you give a rough estimate of much a regular data dump would cost?

I have also discussed this issue with FOI contact and advised him that this data is already publicly available from the Classification website – so the issue is not access to the information but the form in which the information is available.

Manager Executive Support Unit
Classification Branch
Attorney Generals Department

mail: Locked Bag 3 Haymarket NSW 1240

Please do not send mail to the street address

From: S47F(1)
Sent: Wednesday, 26 September 2012 4:24 PM
To: S47F(1)
Cc:
Subject: RE: FOI Request - Molloy (Pirate Party of Australia) [SEC=UNCLASSIFIED]

UNCLASSIFIED

Hi S47F(1)

Just in considering this FOI request, a few things spring to mind (S47F(1) is here with me and we are in brainstorming mode):

- Age of records – we understand not everything has been ‘digitised’, so we will have a limitation there (from an Information Division perspective)
- Records available. Two choices – the Find a Classification is already available publicly, so there’s not much to do there. The other option is to grab the NCD XML file (a raw data dump) and this could theoretically be provided. However, this would be a one-off, point-in-time approach.
- Data requested that is already available in the NCD, is below (so that should be no great issue):
 - Classification
 - Consumer Advice
 - Category
 - Version
 - Duration
 - Date of Classification
 - Director
 - Producer
 - Production Company
 - Country of Origin
 - Applicant
 - File Number
 - Classification Number
- We can provide the above info to you to help satisfy this request and there wouldn’t be a fee. But, if you wanted to arrange for a regular report/feed, we’d need to investigate further and this might cost some \$\$\$ to set-up and maintain.
- The issue of this API – I can’t see that this relates to us (or is part of an FOI request – but obviously an FOI officer would need to review/consider), we also cannot facilitate the usage of APIs on our site, so there’s also not much to do there either.

Hope this info helps – happy to discuss.

Regards

S47F(1)

S47F(1)

Director, Business Information Systems
Information Division
Attorney-General's Department

S47F(1)

From: S47F(1)
Sent: Wednesday, 26 September 2012 12:39 pm
To: S47F(1)
Subject: FW: FOI Request - Molloy (Pirate Party of Australia) [SEC=UNCLASSIFIED]

UNCLASSIFIED

S47F(1)

We need your advice on this FOI request – the applicant has asked for:

(a) A machine-parseable dump (SQL, XML, etc) of the entire Classification database dated back as early as February 8, 1971, including at least the following columns:

Who should I discuss the costs and what is involved with this?

My response to the FOI section will be that this information is publicly available on the classification database and that we should not accede to the request but I need some data on costs and practicality etc.

Regards

S47F(1)

Manager Executive Support Unit
Classification Branch
Attorney Generals Department

S47F(1)

mail: Locked Bag 3 Haymarket NSW 1240

Please do not send mail to the street address

From: S47F(1)

Sent: Wednesday, 26 September 2012 11:45 AM

To: S47F(1)

Subject: RE: FOI Request - Molloy (Pirate Party of Australia) [SEC=UNCLASSIFIED]

UNCLASSIFIED

I will discuss with S47F(1) this afternoon.

We may need to get some technical advice so we will do our best for Friday.

S47F(1)

Manager Executive Support Unit
Classification Branch
Attorney Generals Department

S47F(1)

mail: Locked Bag 3 Haymarket NSW 1240

Please do not send mail to the street address

From: S47F(1)
Sent: Wednesday, 26 September 2012 11:40 AM
To: [REDACTED]
Subject: FW: FOI Request - Molloy (Pirate Party of Australia) [SEC=UNCLASSIFIED]

UNCLASSIFIED

Hi S47F(1)

Here is the FOI request. Are you able to take it on?

Kind regards

S47F(1)

From: S47F(1)
Sent: Wednesday, 26 September 2012 11:33 AM
To: S47F(1)
Subject: FW: FOI Request - Molloy (Pirate Party of Australia) [SEC=UNCLASSIFIED]

UNCLASSIFIED

Here's the FOI request. Do you want to allocate to S47F(1) ?

S47
F(1)

S47F(1)

Manager, Education and Communication
Classification Branch
Attorney-General's Department

S47F(1)

From: S47F(1)
Sent: Wednesday, 26 September 2012 11:32 AM
To: Fitzgerald, Jane; S47F(1)
Subject: FOI Request - Molloy (Pirate Party of Australia) [SEC=UNCLASSIFIED]

UNCLASSIFIED

Hi Jane, S47F(1)

The FOI request below has been assigned to me for processing. Please note the request is in two parts.

- Do we have any documents within scope of the request?

- If we do, are there so many documents that processing of this request would constitute an unreasonable diversion of the Department's resources? (If so, I will refuse the request on that ground)
- If there are documents of manageable volume, please let me know to obtain copies.
- If you need to copy documents to give to me, please do so one-sided with no staples, as we scan everything to enable our redaction program to operate.

I will be on leave for all of next week, so it would be helpful, if possible, I could have your answer by cob Friday 28 September 2012.

Thanks and regards

S47F(1)

S47F(1)

Freedom of Information & Privacy Section | Office of Corporate Counsel
Attorney-General's Department | 3 - 5 National Circuit, Barton ACT 2600

S47F(1)

-----Original Message-----

From: enquiries@ag.gov.au [mailto:enquiries@ag.gov.au]

Sent: Monday, 17 September 2012 11:08 PM

To: COBswitch

Subject: COB Enquiry Response

This feedback was received via the enquiry form on the Classification website.

Do you require a response?:

Title:

Mr

Name:

Brendan Molloy

Email Address:

brendan.molloy@pirateparty.org.au

Postal Address:

PO Box Q1715

Suburb:

Queen Victoria Building

State:

New South Wales

Postcode:

1230

In what capacity are you making this enquiry?:

Other

Other:

Secretary of Pirate Party Australia

Category of enquiry:

Other

What would you like to tell us?:

The Director

Classification Board

Locked Bag 3

HAYMARKET NSW 1240

Dear Sir/Madam,

I hereby request, under the Freedom of Information Act (1982) copies of the following documents, available as of the date of this letter:

(a) A machine-parseable dump (SQL, XML, etc) of the entire Classification database dated back as early as February 8, 1971, including at least the following columns:

1. title
2. classification (rating)
3. consumer advice
4. category
5. medium
6. version
7. duration
8. date of classification
9. author
10. publisher
11. production company
12. country of origin
13. applicant
14. file number
15. classification number

(b) All documents relating to the determination of an RC rating for all known RC classified content.

I also make the application that all costs for the processing of this request be waived on the grounds that the release of this information is in the public interest, will enhance the transparency of the process and the public debate surrounding classification of content in Australia. I intend to make use of this data through my censorwatch.me project, which intends to allow researchers and others to compare classification data with classification systems internationally such as the PEGI system, with a public API for applications to access.

Any documents attained under this request will be made available on the website www.pirateparty.org.au and be made available to journalists.

My mobile number is 0449 617 246 if you have any questions regarding my application. I would also appreciate any correspondence would be send via email and not snail mail.

--

Regards,

Brendan Molloy

Secretary

Pirate Party Australia

M: +61 449 617 246

W: <http://www.pirateparty.org.au>

E: brendan.molloy@pirateparty.org.au

T: @piecritic

If you have received this transmission in error please notify us immediately by return e-mail and delete all copies. If this e-mail or any attachments have been sent to you in error, that error does not constitute waiver of any confidentiality, privilege or copyright in respect of information in the e-mail or attachments.

If you have received this transmission in error please notify us immediately by return e-mail and delete all copies. If this e-mail or any attachments have been sent to you in error, that error does not constitute waiver of any confidentiality, privilege or copyright in respect of information in the e-mail or attachments.

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If you have received this transmission in error please notify us immediately by return e-mail and delete all copies. If this e-mail or any attachments have been sent to you in error, that error does not constitute waiver of any confidentiality, privilege or copyright in respect of information in the e-mail or attachments.

If you have received this transmission in error please notify us immediately by return e-mail and delete all copies. If this e-mail or any attachments have been sent to you in error, that error does not constitute waiver of any confidentiality, privilege or copyright in respect of information in the e-mail or attachments.

S47F(1)

8

From: S47F(1)
Sent: Thursday, 4 October 2012 1:55 PM
To: S47F(1)
Subject: RE: FOI Request - Molloy (Pirate Party of Australia) [SEC=UNCLASSIFIED]

UNCLASSIFIED

Hi S47F(1), I am drafting the next stage in the FOI response – can I discuss with you this afternoon – in particular the last point.

S47F(1)

Re part (a) of the Request.

S47F(1) in Information Division has advised that preparation, testing of the download of data will take approximately 2 days of a contractor's time and will cost approximately \$3,600.

The project will also need to be scheduled.

S22(1)

From: S47F(1)
Sent: Friday, 28 September 2012 4:11 PM
To: S47F(1)
Subject: FOI Request - Molloy (Pirate Party of Australia) [SEC=UNCLASSIFIED]

UNCLASSIFIED

Hi S47F(1)

Re Part (b) of the request, upon notifying the applicant of an unreasonable diversion, he has now amended the scope of Part (b) to read:

- Documentation relating to the determination of an RC rating for content from 28 September 2010 to 28 September 2012; and
- Any existing digital documentation relating to the determination of an RC rating for content from 1971 to 28 September 2012.

Please let me know in due course if this part of the request has now been rendered manageable. If so, please take appropriate steps to locate the paper files and download the digital stuff.

Regards

S47F(1)

S47F(1)

Freedom of Information & Privacy Section | Office of Corporate Counsel
Attorney-General's Department | 3 - 5 National Circuit, Barton ACT 2600

S47F(1)

From: S47F(1)

Sent: Friday, 28 September 2012 2:51 PM

To: S47F(1)

Subject: FOI Request - Molloy (Pirate Party of Australia) [SEC=UNCLASSIFIED]

UNCLASSIFIED

No problem S47F(1). If you need to discuss this matter with anyone while I am away, please contact my Director,
S47F(1)

Cheers

S47F(1)

S47F(1)

Freedom of Information & Privacy Section | Office of Corporate Counsel
Attorney-General's Department | 3 - 5 National Circuit, Barton ACT 2600

S47F(1)

From: S47F(1)

Sent: Friday, 28 September 2012 2:39 PM

To: S47F(1)

Cc:

Subject: TRIM: RE: FOI Request - Molloy (Pirate Party of Australia) [SEC=UNCLASSIFIED]

UNCLASSIFIED

S47F(1)

Thanks for the information – I am chasing down what the cost of organising the download is from Information Division. – I am unlikely to get this back this afternoon.

I have had a quick look at the exemptions and will need to discuss with my Branch Head .

Regards

S47F(1)

Manager Executive Support Unit
Classification Branch
Attorney Generals Department

S47F(1)

mail: Locked Bag 3 Haymarket NSW 1240

Please do not send mail to the street address

From: S47F(1)

Sent: Friday, 28 September 2012 1:40 PM

To: S47F(1)

Subject: RE: FOI Request - Molloy (Pirate Party of Australia) [SEC=UNCLASSIFIED]

UNCLASSIFIED

UNCLASSIFIED

Hi S47F(1)

Thanks very much for your detailed response. The Summary of FOI exemptions is attached. Please also see the link to the FOI Act to examine particular sections. Some of them can be quite useful in having material exempted which does not obviously fit within a specified exemption eg. s47E(d) - *adverse effect on the operations of an agency which is not in the public interest to disclose*.

http://www.austlii.edu.au/au/legis/cth/consol_act/foia1982222/

Request Part (a)

The Act doesn't allow us to refuse to provide copies of public documents which are available at no cost from a public website (unless there is an unreasonable diversion of resources to do so). Compare section 12(1)(b) which empowers refusal to provide documents to which access is otherwise subject to a fee or charge ie if they want it, they have to pay for it through the other agencies or channels.

Whilst I agree that any static download of information would be instantly out-dated by virtue of the frequency of change to the database and the better course would be to use the Classification website search engine, again, we cannot refuse to process the request on this ground. We just have to provide the information sought, irrespective of its usefulness or otherwise.

I note this information is about 5-6 gigabytes in volume, which would require download to a hard-drive and you are waiting on time and costing estimates to achieve this. Once we know these answers, we can re-visit the 'unreasonable diversion' scenario, if necessary. If it is readily achievable, please note that the relevant end-date for the download is the date of the FOI request – 17 September 2012.

I might also add that sections 89K, L, M and N of the Act allows for applicants, on application by an agency to the Office of the Australian Information Commissioner (OAIC), to be declared a 'vexatious applicant' by the OAIC, in which case the agency can just refuse to process future requests. I raise this with respect to your concerns that the applicant may seek to get around his problem with out-dated information by making frequent FOI requests for updates. Obviously time and cost to the agency to process these requests would be a factor, but there is a Federal Court case *Ford v Child Support Registrar*, which says applications of a repetitive nature and apparently made with the intention of annoying or harassing agency staff could be classified as vexatious. I am also sure that it would be of great relevance to the OAIC that the information is publicly available any way! I just mention this to keep in the back pocket, should it come to that.

S22(1)

Wait to hear re (a).

Cheers

S47F(1)

S47F(1)

Freedom of Information & Privacy Section | Office of Corporate Counsel
Attorney-General's Department | 3 - 5 National Circuit, Barton ACT 2600

S47F(1)

From: S47F(1)

Sent: Friday, 28 September 2012 11:57 AM

To: S47F(1)

Cc:

Subject: FW: FOI Request - Molloy (Pirate Party of Australia) [SEC=UNCLASSIFIED]

UNCLASSIFIED

S47F(1)

Specific responses to the FOI enquiry by Mr Molloy of the Pirate Party – please let me know if you need any additional information.

Predating his FOI request, Mr Molloy has lodged a separate complaint saying that his personally developed software for "scraping" the latest classification decisions from National Classification Database no longer works, and that this is due to the new software platform for the website and search engine.

He has separately requested that the old website and database software be re-instated to enable his software to work or to provide alternative options for the download of the data. We are currently responding to Mr Molloy's complaint.

Mr Molloy has requested the following information :

a) A machine-parseable dump (SQL, XML, etc) of the entire Classification database dated back as early as February 8, 1971, including at least the following columns:

1. title
2. classification (rating)
3. consumer advice
4. category
5. medium
6. version
7. duration
8. date of classification
9. author
10. publisher
11. production company
12. country of origin
13. applicant
14. file number
15. classification number

Public users are able to search the database using the search engine on the Classification website. The current website was converted to a new software platform in March 2012 which included a new search engine.

All of this information is publicly available from the Classification Website. The exception is that they are currently unable to search by a specific date range or view the medium ie magazine, DVD etc. In the search result. This is being rectified in the current upgrade of the Classification website which is on track for completion at the end of October 2012.

Information Division has advised that it is possible to produce a download or dump of the information at a point in time. However, the Classification Board made 6,682 classification decisions in 2011-12 and will likely make a similar number this financial year. Any static download of data would be immediately out of date and periodic download of data would be required to keep Mr Molloy's database up to date.

This would require diversion of resources on an ongoing basis to provide information that is already publicly available.

S22(1)



S22(1)



Resources Required to Provide the information In the FOI Request.

Part (a) – the information requested is available 24 hours per day from the publicly accessible National Classification Data Base via the Classification Website. This information is updated daily. We currently do not provide this data in the digital format that Mr Molloy has asked for. I am awaiting a cost estimate from Information Division on this item.

S22(1)



S47F(1)



Manager Executive Support Unit
Classification Branch
Attorney Generals Department

S47F(1)



mail: Locked Bag 3 Haymarket NSW 1240

Please do not send mail to the street address

From: S47F(1)
Sent: Wednesday, 26 September 2012 11:40 AM
To: S47F(1)
Subject: FW: FOI Request - Molloy (Pirate Party of Australia) [SEC=UNCLASSIFIED]

UNCLASSIFIED

Hi S47F(1)

Here is the FOI request. Are you able to take it on?

Kind regards

S47F(1)

From: S47F(1)
Sent: Wednesday, 26 September 2012 11:33 AM
To: S47F(1)
Subject: FW: FOI Request - Molloy (Pirate Party of Australia) [SEC=UNCLASSIFIED]

UNCLASSIFIED

Here's the FOI request. Do you want to allocate to S47F(1) ?

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7F(

S47F(1)

Manager, Education and Communication
Classification Branch
Attorney-General's Department

S47F(1)

From: S47F(1)
Sent: Wednesday, 26 September 2012 11:32 AM
To: Fitzgerald, Jane; S47F(1)
Subject: FOI Request - Molloy (Pirate Party of Australia) [SEC=UNCLASSIFIED]

UNCLASSIFIED

Hi Jane, S47F(1)

The FOI request below has been assigned to me for processing. Please note the request is in two parts.

- Do we have any documents within scope of the request?

- If we do, are there so many documents that processing of this request would constitute an unreasonable diversion of the Department's resources? (If so, I will refuse the request on that ground)
- If there are documents of manageable volume, please let me know to obtain copies.
- If you need to copy documents to give to me, please do so one-sided with no staples, as we scan everything to enable our redaction program to operate.

I will be on leave for all of next week, so it would be helpful, if possible, I could have your answer by cob Friday 28 September 2012.

Thanks and regards

S47F(1)

S47F(1)

Freedom of Information & Privacy Section | Office of Corporate Counsel
Attorney-General's Department | 3 - 5 National Circuit, Barton ACT 2600

S47F(1)

-----Original Message-----

From: enquiries@ag.gov.au [mailto:enquiries@ag.gov.au]

Sent: Monday, 17 September 2012 11:08 PM

To: COBswitch

Subject: COB Enquiry Response

This feedback was received via the enquiry form on the Classification website.

Do you require a response?:

Title:

Mr

Name:

Brendan Molloy

Email Address:

brendan.molloy@pirateparty.org.au

Postal Address:

PO Box Q1715

Suburb:

Queen Victoria Building

State:

New South Wales

Postcode:

1230

In what capacity are you making this enquiry?:

Other

Other:

Secretary of Pirate Party Australia

Category of enquiry:

Other

What would you like to tell us?:

The Director

Classification Board

Locked Bag 3

HAYMARKET NSW 1240

Dear Sir/Madam,

I hereby request, under the Freedom of Information Act (1982) copies of the following documents, available as of the date of this letter:

(a) A machine-parseable dump (SQL, XML, etc) of the entire Classification database dated back as early as February 8, 1971, including at least the following columns:

1. title
2. classification (rating)
3. consumer advice
4. category
5. medium
6. version
7. duration
8. date of classification
9. author
10. publisher
11. production company
12. country of origin
13. applicant
14. file number
15. classification number

(b) All documents relating to the determination of an RC rating for all known RC classified content.

I also make the application that all costs for the processing of this request be waived on the grounds that the release of this information is in the public interest, will enhance the transparency of the process and the public debate surrounding classification of content in Australia. I intend to make use of this data through my censorwatch.me project, which intends to allow researchers and others to compare classification data with classification systems internationally such as the PEGI system, with a public API for applications to access.

Any documents attained under this request will be made available on the website www.pirateparty.org.au and be made available to journalists.

My mobile number is 0449 617 246 if you have any questions regarding my application. I would also appreciate any correspondence would be send via email and not snail mail.

--

Regards,

Brendan Molloy

Secretary

Pirate Party Australia

M: +61 449 617 246

W: <http://www.pirateparty.org.au>

E: brendan.molloy@pirateparty.org.au

T: @piecritic

From: S47F(1)
Sent: Monday, 8 October 2012 2:19 PM
To: S47F(1)
Subject: FW: FOI Request - Molloy (Pirate Party of Australia) [SEC=UNCLASSIFIED]

UNCLASSIFIED

S47F(1)

S47F(1), S22(1)

Sec 4 FOI ACT:

document includes:

...

but does not include:

- (d) material maintained for reference purposes that is otherwise publicly available; or

...

exempt content-service document means:

- (a) a document containing content, or a record of content (within the meaning of Schedule 7 to the *Broadcasting Services Act 1992*), that:
 - (i) has been delivered by, or accessed using, a content service (within the meaning of that Schedule); and
 - (ii) was offensive content-service content when it was delivered by, or accessed using, that content service; or
- (b) a document that sets out how to access, or that is likely to facilitate access to, offensive content-service content (for example, by setting out the name of a website, an IP address, a URL or a password).

exempt internet-content document means:

- (a) a document containing information (within the meaning of Schedule 5 to the *Broadcasting Services Act 1992*) that:
 - (i) has been copied from the internet; and
 - (ii) was offensive internet content when it was accessible on the internet; or
- (b) a document that sets out how to access, or that is likely to facilitate access to, offensive internet content (for example: by setting out the name of a website, an IP address, a URL, a password, or the name of a newsgroup).

...

offensive content-service content means content (within the meaning of Schedule 7 to the *Broadcasting Services Act 1992*) that is:

- (a) delivered by, or accessed using, a content service (within the meaning of that Schedule); and
- (b) either:
 - (i) prohibited content (within the meaning of that Schedule); or
 - (ii) potential prohibited content (within the meaning of that Schedule).

offensive internet content means internet content (within the meaning of Schedule 5 to the *Broadcasting Services Act 1992*) that is:

- (a) prohibited content (within the meaning of Schedule 5 to that Act as in force before the commencement of Schedule 7 to that Act); or
- (b) potential prohibited content (within the meaning of Schedule 5 to that Act as in force before the commencement of Schedule 7 to that Act).

7 Exemption of certain persons and bodies

- ...
- (2) The persons, bodies and Departments specified in Part II of Schedule 2 are exempt from the operation of this Act in relation to the documents referred to in that Schedule in relation to them.
- ...

Schedule 2

Part II—Agencies exempt in respect of particular documents

Division 1

...

Classification Board, in relation to:

- (a) exempt content-service documents concerning the performance of a function, or the exercise of a power, under Schedule 7 to the *Broadcasting Services Act 1992*; and
- (b) exempt internet-content documents concerning the performance of a function, or the exercise of a power, under Schedule 5 to that Act.

Classification Review Board, in relation to:

- (a) exempt content-service documents concerning the performance of a function, or the exercise of a power, under Schedule 7 to the *Broadcasting Services Act 1992*; and
 - (b) exempt internet-content documents concerning the performance of a function, or the exercise of a power, under Schedule 5 to that Act.
- ...

12 Part not to apply to certain documents

- (1) A person is not entitled to obtain access under this Part to:

- ...
- (b) a document that is open to public access, as part of a public register or otherwise, in accordance with another enactment, where that access is subject to a fee or other charge; or
- ...

From: S47F(1)
Sent: Friday, 5 October 2012 12:46 PM
To: S47F(1)
Cc:
Subject: RE: FOI Request - Molloy (Pirate Party of Australia) [SEC=UNCLASSIFIED]

UNCLASSIFIED

Hi S47F(1)

Re part (a) of the Request.

S47F(1) in Information Division has advised that preparation, testing and download of data will take approximately 2 days of a contractor's time and will cost approximately \$3,600.

The project will also need to be scheduled.

This request will not apply to an automatic dump of any Board reports stored on the system as they will need to be redacted. It will only apply to the data fields in the National Classification database as requested in Mr Molloy's FOI application.

S22(1)



S22(1)



Summary of Resources Required

Part (a) = \$3,600

S22(1)



Can you advise on the following questions.

1. Whose responsibility is the payment of any costs – is this the line area's responsibility?
2. Who carries out the redaction – is this also the line area's responsibility?

S22(1)



Regards S47F(1)

From: S47F(1)

Sent: Friday, 28 September 2012 4:11 PM

To: S47F(1)

Subject: FOI Request - Molloy (Pirate Party of Australia) [SEC=UNCLASSIFIED]

UNCLASSIFIED

Hi S47F(1)

Re Part (b) of the request, upon notifying the applicant of an unreasonable diversion, he has now amended the scope of Part (b) to read:

- Documentation relating to the determination of an RC rating for content from 28 September 2010 to 28 September 2012; and

- Any existing digital documentation relating to the determination of an RC rating for content from 1971 to 28 September 2012.

Please let me know in due course if this part of the request has now been rendered manageable. If so, please take appropriate steps to locate the paper files and download the digital stuff.

Regards

S47F(1)

S47F(1)

Freedom of Information & Privacy Section | Office of Corporate Counsel
Attorney-General's Department | 3 - 5 National Circuit, Barton ACT 2600

S47F(1)

From: S47F(1)

Sent: Friday, 28 September 2012 2:51 PM

To: S47F(1)

Subject: FOI Request - Molloy (Pirate Party of Australia) [SEC=UNCLASSIFIED]

UNCLASSIFIED

No problem S47F(1). If you need to discuss this matter with anyone while I am away, please contact my Director,
S47F(1)

Cheers

S47F(1)

S47F(1)

Freedom of Information & Privacy Section | Office of Corporate Counsel
Attorney-General's Department | 3 - 5 National Circuit, Barton ACT 2600

S47F(1)

From: S47F(1)

Sent: Friday, 28 September 2012 2:39 PM

To: S47F(1)

Cc:

Subject: TRIM: RE: FOI Request - Molloy (Pirate Party of Australia) [SEC=UNCLASSIFIED]

UNCLASSIFIED

S47F(1)

Thanks for the information – I am chasing down what the cost of organising the download is from Information Division. – I am unlikely to get this back this afternoon.

I have had a quick look at the exemptions and will need to discuss with my Branch Head .

Regards

S47F(1)

Manager Executive Support Unit
Classification Branch
Attorney Generals Department

S47F(1)

mail: Locked Bag 3 Haymarket NSW 1240

Please do not send mail to the street address

From: S47F(1)

Sent: Friday, 28 September 2012 1:40 PM

To: S47F(1)

Subject: RE: FOI Request - Molloy (Pirate Party of Australia) [SEC=UNCLASSIFIED]

UNCLASSIFIED

UNCLASSIFIED

Hi S47F(1)

Thanks very much for your detailed response. The Summary of FOI exemptions is attached. Please also see the link to the FOI Act to examine particular sections. Some of them can be quite useful in having material exempted which does not obviously fit within a specified exemption eg. s47E(d) - *adverse effect on the operations of an agency which is not in the public interest to disclose*.

http://www.austlii.edu.au/au/legis/cth/consol_act/foia1982222/

Request Part (a)

The Act doesn't allow us to refuse to provide copies of public documents which are available at no cost from a public website (unless there is an unreasonable diversion of resources to do so). Compare section 12(1)(b) which empowers refusal to provide documents to which access is otherwise subject to a fee or charge ie if they want it, they have to pay for it through the other agencies or channels.

Whilst I agree that any static download of information would be instantly out-dated by virtue of the frequency of change to the database and the better course would be to use the Classification website search engine, again, we cannot refuse to process the request on this ground. We just have to provide the information sought, irrespective of its usefulness or otherwise.

I note this information is about 5-6 gigabytes in volume, which would require download to a hard-drive and you are waiting on time and costing estimates to achieve this. Once we know these answers, we can re-visit the 'unreasonable diversion' scenario, if necessary. If it is readily achievable, please note that the relevant end-date for the download is the date of the FOI request - 17 September 2012.

I might also add that sections 89K, L, M and N of the Act allows for applicants, on application by an agency to the Office of the Australian Information Commissioner (OAIC), to be declared a 'vexatious applicant' by the OAIC, in which case the agency can just refuse to process future requests. I raise this with respect to your concerns that the applicant may seek to get around his problem with out-dated information by making frequent FOI requests for updates. Obviously time and cost to the agency to process these requests would be a factor, but there is a Federal Court case *Ford v Child Support Registrar*, which says applications of a repetitive nature and apparently made with the intention of annoying or harassing agency staff could be classified as vexatious. I am also sure that it would be of great relevance to the OAIC that the information is publicly available any way! I just mention this to keep in the back pocket, should it come to that.

S22(1)

Wait to hear re (a).

Cheers

S47F(1)

Freedom of Information & Privacy Section | Office of Corporate Counsel
Attorney-General's Department | 3 - 5 National Circuit, Barton ACT 2600

S47F(1)

From: S47F(1)

Sent: Friday, 28 September 2012 11:57 AM

To: S47F(1)

Cc:

Subject: FW: FOI Request - Molloy (Pirate Party of Australia) [SEC=UNCLASSIFIED]

UNCLASSIFIED

S47F(1)

Specific responses to the FOI enquiry by Mr Molloy of the Pirate Party – please let me know if you need any additional information.

Predating his FOI request, Mr Molloy has lodged a separate complaint saying that his personally developed software for “scraping” the latest classification decisions from National Classification Database no longer works, and that this is due to the new software platform for the website and search engine.

He has separately requested that the old website and database software be re-instated to enable his software to work or to provide alternative options for the download of the data. We are currently responding to Mr Molloy's complaint.

Mr Molloy has requested the following information :

a) A machine-parseable dump (SQL, XML, etc) of the entire Classification database dated back as early as February 8, 1971, including at least the following columns:

1. title

2. classification (rating)
3. consumer advice
4. category
5. medium
6. version
7. duration
8. date of classification
9. author
10. publisher
11. production company
12. country of origin
13. applicant
14. file number
15. classification number

Public users are able to search the database using the search engine on the Classification website. The current website was converted to a new software platform in March 2012 which included a new search engine.

All of this information is publicly available from the Classification Website. The exception is that they are currently unable to search by a specific date range or view the medium ie magazine, DVD etc. In the search result. This is being rectified in the current upgrade of the Classification website which is on track for completion at the end of October 2012.

Information Division has advised that it is possible to produce a download or dump of the information at a point in time. However, the Classification Board made 6,682 classification decisions in 2011-12 and will likely make a similar number this financial year. Any static download of data would be immediately out of date and periodic download of data would be required to keep Mr Molloy's database up to date.

This would require diversion of resources on an ongoing basis to provide information that is already publicly available.

S22(1)

Resources Required to Provide the information In the FOI Request.

Part (a) – the information requested is available 24 hours per day from the publicly accessible National Classification Data Base via the Classification Website. This information is updated daily. We currently do not provide this data in the digital format that Mr Molloy has asked for. I am awaiting a cost estimate from Information Division on this item.

S22(1)



This cost could be reduced if office space and IT facilities were rented at the Offsite Storage location to process this request. However I don't have any figures for this and can make enquiries if required.

S47F(1)



Manager Executive Support Unit
Classification Branch
Attorney Generals Department

S47F(1)



mail: Locked Bag 3 Haymarket NSW 1240

Please do not send mail to the street address

From: S47F(1)

Sent: Wednesday, 26 September 2012 11:40 AM

To: S47F(1)

Subject: FW: FOI Request - Molloy (Pirate Party of Australia) [SEC=UNCLASSIFIED]

UNCLASSIFIED

Hi S47F(1)

Here is the FOI request. Are you able to take it on?

Kind regards

S47F(1)

From: S47F(1)

Sent: Wednesday, 26 September 2012 11:33 AM

To: S47F(1)

Subject: FW: FOI Request - Molloy (Pirate Party of Australia) [SEC=UNCLASSIFIED]

UNCLASSIFIED

Here's the FOI request. Do you want to allocate to S47F(1) ?

S47
F(1)

S47F(1)

Manager, Education and Communication
Classification Branch
Attorney-General's Department

S47F(1)

From: S47F(1)

Sent: Wednesday, 26 September 2012 11:32 AM

To: Fitzgerald, Jane; S47F(1)

Subject: FOI Request - Molloy (Pirate Party of Australia) [SEC=UNCLASSIFIED]

UNCLASSIFIED

Hi Jane, S47F(1)

The FOI request below has been assigned to me for processing. Please note the request is in two parts.

- Do we have any documents within scope of the request?
- If we do, are there so many documents that processing of this request would constitute an unreasonable diversion of the Department's resources? (If so, I will refuse the request on that ground)
- If there are documents of manageable volume, please let me know to obtain copies.
- If you need to copy documents to give to me, please do so one-sided with no staples, as we scan everything to enable our redaction program to operate.

I will be on leave for all of next week, so it would be helpful, if possible, I could have your answer by cob Friday 28 September 2012.

Thanks and regards

S47F(1)

Freedom of Information & Privacy Section | Office of Corporate Counsel
Attorney-General's Department | 3 - 5 National Circuit, Barton ACT 2600

S47F(1)

-----Original Message-----

From: enquiries@ag.gov.au [mailto:enquiries@ag.gov.au]

Sent: Monday, 17 September 2012 11:08 PM

To: COBswitch

Subject: COB Enquiry Response

This feedback was received via the enquiry form on the Classification website.

Do you require a response?:

Title:

Mr

Name:

Brendan Molloy

Email Address:

brendan.molloy@pirateparty.org.au

Postal Address:

PO Box Q1715

Suburb:

Queen Victoria Building

State:

New South Wales

Postcode:

1230

In what capacity are you making this enquiry?:

Other

Other:

Secretary of Pirate Party Australia

Category of enquiry:

Other

What would you like to tell us?:

The Director

Classification Board

Locked Bag 3

HAYMARKET NSW 1240

Dear Sir/Madam,

I hereby request, under the Freedom of Information Act (1982) copies of the following documents, available as of the date of this letter:

(a) A machine-parseable dump (SQL, XML, etc) of the entire Classification database dated back as early as February 8, 1971, including at least the following columns:

1. title
2. classification (rating)
3. consumer advice
4. category
5. medium
6. version
7. duration
8. date of classification
9. author
10. publisher
11. production company
12. country of origin
13. applicant
14. file number
15. classification number

(b) All documents relating to the determination of an RC rating for all known RC classified content.

I also make the application that all costs for the processing of this request be waived on the grounds that the release of this information is in the public interest, will enhance the transparency of the process and the public debate surrounding classification of content in Australia. I intend to make use of this data through my censorwatch.me project, which intends to allow researchers and others to compare classification data with classification systems internationally such as the PEGI system, with a public API for applications to access.

Any documents attained under this request will be made available on the website www.pirateparty.org.au and be made available to journalists.

My mobile number is 0449 617 246 if you have any questions regarding my application. I would also appreciate any correspondence would be send via email and not snail mail.

--

Regards,

Brendan Molloy
Secretary
Pirate Party Australia

M: +61 449 617 246
W: <http://www.pirateparty.org.au>
E: brendan.molloy@pirateparty.org.au
T: @piecritic

If you have received this transmission in error please notify us immediately by return e-mail and delete all copies. If this e-mail or any attachments have been sent to you in error, that error does not constitute waiver of any confidentiality, privilege or copyright in respect of information in the e-mail or attachments.

S47F(1)

10

From: S47F(1)
Sent: Thursday, 11 October 2012 9:16 AM
To: S47F(1)
Cc:
Subject: FOI Request Mr Brendan Molloy - Pirate Party [SEC=UNCLASSIFIED]

UNCLASSIFIED

Hi S47F(1)

Any feedback on the email I sent on Monday re Mr Molloy's request?

S47F(1)

Manager Executive Support Unit
Classification Branch
Attorney Generals Department

S47F(1)

mail: Locked Bag 3 Haymarket NSW 1240

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S47F(1)

11

From: S47F(1)
Sent: Monday, 22 October 2012 10:08 AM
To: S47F(1)
Subject: RE: FOI request - Molloy - Pirate Party [SEC=UNCLASSIFIED]

UNCLASSIFIED

S47F(1) - should have a response to you later today.

S22(1)

S47F(1)

From: S47F(1)
Sent: Friday, 19 October 2012 1:37 PM
To: S47F(1)
Subject: RE: FOI request - Molloy - Pirate Party [SEC=UNCLASSIFIED]

UNCLASSIFIED

Thanks S47F(1). OK about due dates, sorry about that, but no harm done as we are still in time and the consultation may still have to be extended further if either part of the request is still an unreasonable diversion. Unfortunately, there's never really a good time to be distracted by an FOI request - we're kind of a 'Necessary Evil' I suppose - get back to me when you can. Got the complaint response, thanks.

Cheers

S47F(1)

From: S47F(1)
Sent: Friday, 19 October 2012 1:26 PM
To: S47F(1)
Cc: Fitzgerald, Jane
Subject: RE: FOI request - Molloy - Pirate Party [SEC=UNCLASSIFIED]

UNCLASSIFIED

S47F(1)

I am endeavouring to get a response back to you today.

I have gone back through all the emails and this is the first email that has mentioned a due date.

Can you please ensure any due dates are outlined in future emails.

We are in final stages of releasing a new website and are snowed under.

I will also send you the original complaint from Mr Molloy and our response.

S47F(1)

Manager Executive Support Unit
Classification Branch
Attorney Generals Department

S47F(1)

mail: Locked Bag 3 Haymarket NSW 1240

Please do not send mail to the street address

From: S47F(1)

Sent: Friday, 19 October 2012 9:51 AM

To: S47F(1)

Subject: FOI request - Molloy - Pirate Party [SEC=UNCLASSIFIED]

UNCLASSIFIED

Hi S47F(1)

Earlier this week I negotiated an extension of the consultation period re the scope of the request to COB this Monday 22 October. Can you please make the appropriate enquiries re the technical advice needed for our further response? I would like to get back to the applicant today if I could and, ideally, have it sorted by the consultation deadline.

Cheers

S47F(1)

S47F(1)

From: S47F(1)
Sent: Monday, 22 October 2012 9:31 AM
To: S47F(1)
Cc:
Subject: RE: FOI Request - Molloy (Pirate Party of Australia) [SEC=UNCLASSIFIED]

UNCLASSIFIED

Thanks S47F(1)

From: S47F(1)
Sent: Friday, 19 October 2012 6:09 PM
To: S47F(1)
Cc:
Subject: RE: FOI Request - Molloy (Pirate Party of Australia) [SEC=UNCLASSIFIED]

UNCLASSIFIED

Hi S47F(1)

I have had a look at these provisions (there are a number of interlinked definitions which need tracing back) and I think S47F(1) may be correct in his view below. Happy to discuss with you on Monday. Regards

From: S47F(1)
Sent: Wednesday, 17 October 2012 5:08 PM
To: S47F(1)
Cc:
Subject: FW: FOI Request - Molloy (Pirate Party of Australia) [SEC=UNCLASSIFIED]

UNCLASSIFIED

S47F(1) has been very useful with his advice on this issue.

I would appreciate getting his views on S47F(1) interpretation of the exemptions under the Broadcasting Services Act.

In regard to responding back on what would make this a manageable project I think we should ask S47F(1) if he can approach the applicant to narrow the actual documents to be provided. If we can exclude the application and any other background documentation on the file and provide only a redacted Board report the task would be much easier.

I would suggest that we also limit the response to digitised Board reports for possibly the last 6 or 12 months.

I will get S47F(1) or S47F(1) to advise of the figures for RC decisions – so we can select a workable period of time period for the request.

S47F(1)

From: S47F(1)
Sent: Monday, 15 October 2012 3:19 PM

To: S47F(1)

Subject: FOI Request - Molloy (Pirate Party of Australia) [SEC=UNCLASSIFIED]

UNCLASSIFIED

Hi S47F(1)

Re below, we think the 'exempt content-service documents' exemption relates to the pornographic/prohibited material and url references themselves, which are exempt from production. This compares with documents relating to the RC classification of the material, which, in our view, are not exempt from production to the extent that they refer to the material but don't disclose it (such as ATSA classification reports and Classification Board determinations). However, if these reports or determinations do disclose prohibited material eg a url to a prohibited website, then we would redact that reference only under section 7/Schedule 2 Part II Division 1, but not the whole report.

On that basis, please give me your further thoughts re parts A and B of the request and how it could be framed into a manageable project so it doesn't constitute an unreasonable diversion of the Department's resources.

Regards

S47F(1)

From: S47F(1)

Sent: Thursday, 11 October 2012 4:09 PM

To: S47F(1)

Cc:

Subject: RE: FOI Request - Molloy (Pirate Party of Australia) [SEC=UNCLASSIFIED]

UNCLASSIFIED

Hi S47F(1)

- I will need to contact Information Division re your question on who can do the download.

In my earlier email I mentioned the exemptions below:

Part II—Agencies exempt in respect of particular documents

Division 1

...
Classification Board, in relation to:

- (a) exempt content-service documents concerning the performance of a function, or the exercise of a power, under Schedule 7 to the *Broadcasting Services Act 1992*; and
- (b) exempt internet-content documents concerning the performance of a function, or the exercise of a power, under Schedule 5 to that Act.

Classification Review Board, in relation to:

- (a) exempt content-service documents concerning the performance of a function, or the exercise of a power, under Schedule 7 to the *Broadcasting Services Act 1992*; and
- (b) exempt internet-content documents concerning the performance of a function, or the exercise of a power, under Schedule 5 to that Act.

This impacts significantly on the numbers of documents affected. Your response below doesn't address this exemption.

I will come back to you on the other questions as well.

Regards S47F(1)

From: S47F(1)
Sent: Thursday, 11 October 2012 12:07 PM
To: S47F(1)
Subject: FOI Request - Molloy (Pirate Party of Australia) [SEC=UNCLASSIFIED]

UNCLASSIFIED

Hi S47F(1)

Thanks for your email. To save us trawling through the email chain, I thought a re-cap and this format would help:

REQUEST PART A

Scope

(a) A machine-parseable dump (SQL, XML, etc) of the entire Classification database dated back as early as February 8, 1971, including at least the following columns:

- 1. title*
- 2. classification (rating)*
- 3. consumer advice*
- 4. category*
- 5. medium*
- 6. version*
- 7. duration*
- 8. date of classification*
- 9. author*
- 10. publisher*
- 11. production company*
- 12. country of origin*
- 13. applicant*
- 14. file number*
- 15. classification number*

Classification Branch Advice

- Cost of preparation, testing and download of data fields in the National Classification database – 2 days of contractor's time – approximately \$3,600
- Board reports stored on the system would have to be redacted / excised from the dump because they are outside the current scope of the request

1. Would this downloaded material be produced on CD's or a portable hard-drive?
2. Why would it be necessary for a contractor to do it? (We would need such information before considering whether an unreasonable diversion of resources argument would be appropriate)
3. Does the database contain information about all points listed above 1-15? If not, it would be handy if you could identify which points are not covered. I could then invite the applicant to accept only that material which is readily available.
4. Re the Board Reports - would it be easier to get the scope revised just to include them? Would this save the effort of excising them as being outside the scope of the request as phrased?

FOI Reply to CB Queries

- Section 4(d) of the FOI Act has always been regarded as referring to such material as reference books in a library (as per Office of Australian Information Commissioner Guidelines). We don't think it applies to the type of material requested on this occasion.

S22(1)



FOI REPLIES TO YOUR FINAL QUERIES

- Costs: The FOI Act specifies that the only costs that can be charged to an applicant are \$15 per hour for search and retrieval and \$20 per hour for processing, with the first 5 hours being free. The Department has to absorb all other costs.

- Redactions: The FOI Section makes the appropriate redactions and decisions relating to them - after first obtaining line area views concerning harm or damage which would flow from disclosure of the material and taking those views into account.
- Board decisions: We would have to see the material first and make a decision on a case-by-case basis, noting the two exemption thresholds re personal information referred to above.

Hope this covers everything. On receipt of your further advices, I will go back to the applicant about it.

Regards

S47F(1)

Freedom of Information & Privacy Section | Office of Corporate Counsel
Attorney-General's Department | 3 - 5 National Circuit, Barton ACT 2600

S47F(1)

From: S47F(1)

Sent: Monday, 8 October 2012 5:30 PM

To: S47F(1)

Cc:

Subject: TRIM: FW: FOI Request - Molloy (Pirate Party of Australia) [SEC=UNCLASSIFIED]

UNCLASSIFIED

S47F(1)

Please ignore my email from last Friday and refer to this email instead.

S47F(1) of this Office has identified possible exemptions under the FOI Act that would significantly reduce the number of records for part of this FOI request and may also impact on the download of the database.

I would appreciate your advice on the application of these provisions.

Does the definition of a document under Section 4 of the FOI Act exclude the contents on the database that it publicly available?

A significant proportion of the Refused Classification decisions are applications for the classification of offensive service (internet) content by ACMA under the *Broadcasting Services Act*.

It appears that ACMA classification documents are exempt if it is 'offensive content service content'. See below.

Sec 4 FOI ACT:

document includes:

...

but does not include:

(d) material maintained for reference purposes that is otherwise publicly available; or

...

exempt content-service document means:

- (a) a document containing content, or a record of content (within the meaning of Schedule 7 to the *Broadcasting Services Act 1992*), that:
 - (i) has been delivered by, or accessed using, a content service (within the meaning of that Schedule); and
 - (ii) was offensive content-service content when it was delivered by, or accessed using, that content service; or
- (b) a document that sets out how to access, or that is likely to facilitate access to, offensive content-service content (for example, by setting out the name of a website, an IP address, a URL or a password).

exempt internet-content document means:

- (a) a document containing information (within the meaning of Schedule 5 to the *Broadcasting Services Act 1992*) that:
 - (i) has been copied from the internet; and
 - (ii) was offensive internet content when it was accessible on the internet; or
- (b) a document that sets out how to access, or that is likely to facilitate access to, offensive internet content (for example: by setting out the name of a website, an IP address, a URL, a password, or the name of a newsgroup).

...

offensive content-service content means content (within the meaning of Schedule 7 to the *Broadcasting Services Act 1992*) that is:

- (a) delivered by, or accessed using, a content service (within the meaning of that Schedule); and
- (b) either:
 - (i) prohibited content (within the meaning of that Schedule); or
 - (ii) potential prohibited content (within the meaning of that Schedule).

offensive internet content means internet content (within the meaning of Schedule 5 to the *Broadcasting Services Act 1992*) that is:

- (a) prohibited content (within the meaning of Schedule 5 to that Act as in force before the commencement of Schedule 7 to that Act); or
- (b) potential prohibited content (within the meaning of Schedule 5 to that Act as in force before the commencement of Schedule 7 to that Act).

7 Exemption of certain persons and bodies

...

- (2) The persons, bodies and Departments specified in Part II of Schedule 2 are exempt from the operation of this Act in relation to the documents referred to in that Schedule in relation to them.

...

Schedule 2

Part II—Agencies exempt in respect of particular documents

Division 1

...

Classification Board, in relation to:

- (a) exempt content-service documents concerning the performance of a function, or the exercise of a power, under Schedule 7 to the *Broadcasting Services Act 1992*; and
- (b) exempt internet-content documents concerning the performance of a function, or the exercise of a power, under Schedule 5 to that Act.

Classification Review Board, in relation to:

- (a) exempt content-service documents concerning the performance of a function, or the exercise of a power, under Schedule 7 to the *Broadcasting Services Act 1992*; and
- (b) exempt internet-content documents concerning the performance of a function, or the exercise of a power, under Schedule 5 to that Act.

...

12 Part not to apply to certain documents

- (1) A person is not entitled to obtain access under this Part to:

...

- (b) a document that is open to public access, as part of a public register or otherwise, in accordance with another enactment, where that access is subject to a fee or other charge; or

Re part (a) of the Request.

S47F(1) in Information Division has advised that preparation, testing and download of data will take approximately 2 days of a contractor's time and will cost approximately \$3,600.

The project will also need to be scheduled.

This request will not apply to an automatic dump of any Board reports stored on the system as they will need to be redacted. It will only apply to the data fields in the National Classification database as requested in Mr Molloy's FOI application.

Possible Exemption – does the definition of a document under Sec 4 of the FOI Act remove the need for downloading the database?

S22(1)



S22(1)



Summary of Resources Required – Not adjusted for possible exemptions.

Part (a) = \$3,600

S22(1)



Can you advise on the following questions.

1. Whose responsibility is the payment of any costs – is this the line area's responsibility?
2. Who carries out the redaction – is this also the line area's responsibility?

S22(1)



Regards S47F(1)

From: S47F(1)

Sent: Friday, 28 September 2012 4:11 PM

To: S47F(1)

Subject: FOI Request - Molloy (Pirate Party of Australia) [SEC=UNCLASSIFIED]

UNCLASSIFIED

Hi S47F(1)

Re Part (b) of the request, upon notifying the applicant of an unreasonable diversion, he has now amended the scope of Part (b) to read:

- Documentation relating to the determination of an RC rating for content from 28 September 2010 to 28 September 2012; and

- Any existing digital documentation relating to the determination of an RC rating for content from 1971 to 28 September 2012.

Please let me know in due course if this part of the request has now been rendered manageable. If so, please take appropriate steps to locate the paper files and download the digital stuff.

Regards

S47F(1)

Freedom of Information & Privacy Section | Office of Corporate Counsel
Attorney-General's Department | 3 - 5 National Circuit, Barton ACT 2600

S47F(1)

From: S47F(1)

Sent: Friday, 28 September 2012 2:51 PM

To: S47F(1)

Subject: FOI Request - Molloy (Pirate Party of Australia) [SEC=UNCLASSIFIED]

UNCLASSIFIED

No problem S47F(1). If you need to discuss this matter with anyone while I am away, please contact my Director,
S47F(1)

Cheers

Stuart

S47F(1)

Freedom of Information & Privacy Section | Office of Corporate Counsel
Attorney-General's Department | 3 - 5 National Circuit, Barton ACT 2600

S47F(1)

From: S47F(1)
Sent: Friday, 28 September 2012 2:39 PM
To: S47F(1)
Cc:
Subject: TRIM: RE: FOI Request - Molloy (Pirate Party of Australia) [SEC=UNCLASSIFIED]

UNCLASSIFIED

S47F(1)

Thanks for the information – I am chasing down what the cost of organising the download is from Information Division. – I am unlikely to get this back this afternoon.

I have had a quick look at the exemptions and will need to discuss with my Branch Head .

Regards

S47F(1)

Manager Executive Support Unit
Classification Branch
Attorney Generals Department

S47F(1)

mail: Locked Bag 3 Haymarket NSW 1240

Please do not send mail to the street address

From: S47F(1)
Sent: Friday, 28 September 2012 1:40 PM
To: S47F(1)
Subject: RE: FOI Request - Molloy (Pirate Party of Australia) [SEC=UNCLASSIFIED]

UNCLASSIFIED

UNCLASSIFIED

Hi S47F(1)

Thanks very much for your detailed response. The Summary of FOI exemptions is attached. Please also see the link to the FOI Act to examine particular sections. Some of them can be quite useful in having material exempted which does not obviously fit within a specified exemption eg. s47E(d) - *adverse effect on the operations of an agency which is not in the public interest to disclose*.

http://www.austlii.edu.au/au/legis/cth/consol_act/foia1982222/

Request Part (a)

The Act doesn't allow us to refuse to provide copies of public documents which are available at no cost from a public website (unless there is an unreasonable diversion of resources to do so). Compare section 12(1)(b) which empowers refusal to provide documents to which access is otherwise subject to a fee or charge ie if they want it, they have to pay for it through the other agencies or channels.

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I note this information is about 5-6 gigabytes in volume, which would require download to a hard-drive and you are waiting on time and costing estimates to achieve this. Once we know these answers, we can re-visit the 'unreasonable diversion' scenario, if necessary. If it is readily achievable, please note that the relevant end-date for the download is the date of the FOI request – 17 September 2012.

I might also add that sections 89K, L, M and N of the Act allows for applicants, on application by an agency to the Office of the Australian Information Commissioner (OAIC), to be declared a 'vexatious applicant' by the OAIC, in which case the agency can just refuse to process future requests. I raise this with respect to your concerns that the applicant may seek to get around his problem with out-dated information by making frequent FOI requests for updates. Obviously time and cost to the agency to process these requests would be a factor, but there is a Federal Court case *Ford v Child Support Registrar*, which says applications of a repetitive nature and apparently made with the intention of annoying or harassing agency staff could be classified as vexatious. I am also sure that it would be of great relevance to the OAIC that the information is publicly available any way! I just mention this to keep in the back pocket, should it come to that.

S22(1)

Wait to hear re (a).

Cheers

S47F(1)

Freedom of Information & Privacy Section | Office of Corporate Counsel
Attorney-General's Department | 3 - 5 National Circuit, Barton ACT 2600

S47F(1)

From: S47F(1)

Sent: Friday, 28 September 2012 11:57 AM

To: S47F(1)

Cc:

Subject: FW: FOI Request - Molloy (Pirate Party of Australia) [SEC=UNCLASSIFIED]

UNCLASSIFIED

S47F(1)

Specific responses to the FOI enquiry by Mr Molloy of the Pirate Party – please let me know if you need any additional information.

Predating his FOI request, Mr Molloy has lodged a separate complaint saying that his personally developed software for “scraping” the latest classification decisions from National Classification Database no longer works, and that this is due to the new software platform for the website and search engine.

He has separately requested that the old website and database software be re-instated to enable his software to work or to provide alternative options for the download of the data. We are currently responding to Mr Molloy’s complaint.

Mr Molloy has requested the following information :

a) A machine-parseable dump (SQL, XML, etc) of the entire Classification database dated back as early as February 8, 1971, including at least the following columns:

1. title
2. classification (rating)
3. consumer advice
4. category
5. medium
6. version
7. duration
8. date of classification
9. author
10. publisher
11. production company
12. country of origin
13. applicant
14. file number
15. classification number

Public users are able to search the database using the search engine on the Classification website. The current website was converted to a new software platform in March 2012 which included a new search engine.

All of this information is publicly available from the Classification Website. The exception is that they are currently unable to search by a specific date range or view the medium ie magazine, DVD etc. In the search result. This is being rectified in the current upgrade of the Classification website which is on track for completion at the end of October 2012.

Information Division has advised that it is possible to produce a download or dump of the information at a point in time. However, the Classification Board made 6,682 classification decisions in 2011-12 and will likely make a similar number this financial year. Any static download of data would be immediately out of date and periodic download of data would be required to keep Mr Molloy’s database up to date.

This would require diversion of resources on an ongoing basis to provide information that is already publicly available.

S22(1)

S22(1)



Resources Required to Provide the information In the FOI Request.

Part (a) – the information requested is available 24 hours per day from the publicly accessible National Classification Data Base via the Classification Website. This information is updated daily. We currently do not provide this data in the digital format that Mr Molloy has asked for. I am awaiting a cost estimate from Information Division on this item.

S22(1)



This cost could be reduced if office space and IT facilities were rented at the Offsite Storage location to process this request. However I don't have any figures for this and can make enquiries if required.

S47F(1)



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