



13 December 2016

Our reference: LEX 23964

Jan Jones

By email: foi+request-2769-cb37b2c8@righttoknow.org.au

Dear Sir or Madam

Decision on your Freedom of Information request

I refer to your request, dated 22 November 2016 and received by the Department of Human Services (the **department**) on the same date, for access under the *Freedom of Information Act 1982* (the **FOI Act**) to the following documents:

'I request any documents relating to misconduct by DHS staff breaching the APS code of conduct by unauthorised access to DHS client records and the resulting sanctions imposed in the period between May 2014 to June 2016'.

Your request involves too much work for the department

Your request covers a wide range of documents. Because of the amount of work involved for the department in processing your request, we are asking you to revise your request to give us more specific details about the documents you are seeking.

If you decide not to make any revisions I will have to refuse your FOI request as a 'practical refusal reason' exists.

For a more detailed explanation of what this means see **Attachment A**.

How to send us a 'revised request'

Before I make a final decision on your request, you can narrow the size of your original request and submit a revised request.

Within the next 14-days you must do one of the following, in writing:

- withdraw the request
- make a revised request, or
- tell us that you do not want to revise your request.

If you do not do contact us during the 14 day consultation period, we will assume you do not want to continue with your request. See **Attachment A** for relevant sections of the FOI Act.

If you decide to make a revised request you should be more specific about what documents you actually want. This could help the department find the documents in less time and use fewer resources to process them.

At **Attachment B** is a form which you can use to revise your request in writing. We have 30 days to give you a decision about your request, however the time taken to consult with you now is not included in this 30 day time period.

Contact officer

I am the contact officer for your request. During the consultation period you are welcome to ask for my help in revising your request and filling out the form. You can contact me:

- in writing to the address at the top of this letter
- via email to FOI.LEGAL.TEAM@humanservices.gov.au

Note: When you contact us please quote the reference number **FOI LEX 23964**.

Your response will be expected by **27 December 2016**. If no response is received, your matter will be taken as withdrawn.

Further assistance

If you have any questions please email FOI.LEGAL.TEAM@humanservices.gov.au.

Yours sincerely

Thomas
Authorised FOI Decision Maker
Freedom of Information Team
FOI and Litigation Branch | Legal Services Division
Department of Human Services
FOI.LEGAL.TEAM@humanservices.gov.au

What I took into account

Because of the amount of work involved for the department, under sections 24AA and 24 of the FOI Act I intend to refuse your FOI request as a 'practical refusal reason' exists. Under the Act, the practical refusal reason is that processing your request 'would substantially and unreasonably divert the resources' of this agency.

To process your request the department would have to do extensive searches to find and process the documents you asked for. There are a large number of files that may be relevant to your request. The document search and retrieval process in this matter is particularly time-consuming, as each relevant file must be assessed for relevance individually. Where relevance is determined, each page on that file must also be assessed for relevance.

Based on my experience with the type and volume of records you want, I estimate it would take more than 6200 hours in processing time. This includes looking at all the documents to see if any of the pages might need redactions - that is, possibly blanking out some content, for example, where there is private information about another person. It is my understanding that a significant proportion of the documents within scope would contain the personal information of other people.

Amount of time to process your request

I have calculated the number of hours it would take to process your request in full.

Search for and retrieve documents	715 hours
Examine pages for decision making at an average of two minutes per page	4100 hours
Time of one minute per page for about 61490 pages needing redaction	1050 hours
Consult third-parties	358 hours
Write statement of reasons for decision	52 hours
Total	6275 hours

Relevant sections of the *Freedom of Information Act 1982*

Section 24AA(1)(a)(i) of the FOI Act provides that a practical refusal reason exists in relation to a FOI request if the work involved in processing the request would substantially and unreasonably divert the resources of the department from its other operations.

Section 24AA(2) of the FOI Act sets out certain factors which the department must consider when determining whether providing access in relation to a request would substantially and unreasonably divert the department's resources. The department must specifically have regard to the resources that would have to be used for:

- identifying, locating or collating the documents within the department's filing system;

- deciding whether to grant, refuse or defer access to a document to which the request relates, or to grant access to an edited copy of such a document, including resources that would have to be used for examining the document or consulting in relation to the request;
- making a copy, or an edited copy, of the document, and
- notifying any interim or final decision on the request.

Section 24AB(7) of the FOI Act provides that the request is taken to have been withdrawn under at the end of the consultation period if:

- the applicant does not consult the contact person during the consultation period in accordance with the notice, or
- the applicant does not do one of the things mentioned in subsection (6) before the end of the consultation period.

Section 24AB(6) says that the applicant must, before the end of the consultation period, do one of the following, by written notice to the agency or Minister:

- withdraw the request,
- make a revised request, or
- indicate that the applicant does not wish to revise the request.



Attachment B

FREEDOM OF INFORMATION REVISED REQUEST FORM
(Section 24AB of the FOI Act)

NOTE: You do not have to fill out every part of this form. However, providing as much detail as possible could help to reduce the amount of work involved for the department to process your request.

Name	Jan Jones
FOI LEX number	LEX 23964
Initial request details	I request any documents relating to misconduct by DHS staff breaching the APS code of conduct by unauthorised access to DHS client records and the resulting sanctions imposed in the period between May2014 to June 2016

I, Jan Jones would like to revise my current FOI request.

1. I would like to limit the time period of documents to:

- A specific date: _____ / _____ / _____ ;
 [day] [month] [year]
- A specific year: _____ ; or
 [year]
- The date range from: ____ / ____ / ____ to ____ / ____ / ____
 [day] [month] [year] [day] [month] [year]

2. My request relates to documents for *(tick boxes and insert numbers that apply to you)*:

- A** Centrelink CRN: _____
- B** Medicare Card no: _____
- C** Child Support CSID: _____
- D** CRS Australia Ref no: _____

3. Select which of the following documents you are requesting:

Debt related documents

- My debt calculation documents for debt reference: _____
- A summary of my debt repayments for debt reference: _____
- Debt explanation documents for debt reference: _____
- Other debt related documents (*provide a description of these documents*): _____

Medical related documents

- Copies of medical documents about me, including medical assessment reports (for example, Job Capacity Assessment reports)
- Medical documents related to my claim for _____

Medicare

- My personal Medical Benefit Scheme (MBS) History
- My personal Pharmaceutical Benefit Scheme (PBS) History
(Note: Your PBS and MBS history are available through your online account. They can also be requested without a formal FOI request. See Question 5 below.)
- Other Medicare documents (*provide a description of these documents*): _____

Child support related documents

- My letters of assessment
- My call recordings (*provide a description of the calls you want*): _____

- Other (*provide a description of these documents*): _____

Other/general documents

- Documents about my contact with the department
 - My Online Document Recording (**Note:** *These are electronic documents on a customer's record where department staff record customer contact, conversations and actions*)
 - Other (*provide a comprehensive description of the documents you need*)
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HOW TO SEND THIS FORM

By post to:

Attention: LEX 23964
FOI Team
Department of Human Services
PO Box 7820
CANBERRA BC ACT 2610

Make sure you add the reference number FOI LEX 23964.

OR

Email to:

FOI.LEGAL.TEAM@humanservices.gov.au

Make sure you add the reference number FOI LEX 23964. You do not have to include your signature in your email.