



Australian Government

Department of the Prime Minister and Cabinet

ONE NATIONAL CIRCUIT
BARTON

FOI/2012/101

G King
c/- foi+request-28-6f45252e@righttoknow.org.au

Dear G King

I refer to your email of 29 November 2012 in which you made a request to the Department of the Prime Minister and Cabinet (the Department) under the *Freedom of Information Act 1982* (the FOI Act) in the following terms:

I hereby request, under the Freedom of Information Act (1982), copies of all training, procedure and policy materials relating to the handling of FOI requests by the Department's staff or representatives at the time of this letter.

The authorised decision-maker for your request is Mr Alex Anderson, Assistant Secretary, Legal Policy Branch.

Notice of practical refusal reason

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

However, before Mr Anderson makes 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

While the terms of your request are limited to a specific subject matter, a broad interpretation of your request in its current form would be that it encompasses all FOI training, procedure and policy materials, including past policies and guidance materials, that were held by the Department at the date of your request. Your request would also include a significant volume of publicly available information, such as the Department's FOI Guidance Notes (available at www.dpmpc.gov.au/foi/guidance_notes.cfm), and materials produced by the Office of the

Australian Information Commissioner (OAIC), including OAIC Agency Resource information sheets, the Australian Information Commissioner's Guidelines and OAIC fact sheets.

If you are seeking past policies and guidance materials substantial effort would be required to undertake a sufficient search of Departmental records back to 1982. Mr Anderson considers this effort would be an unreasonable diversion of the Department's resources.

Mr Anderson acknowledges that the processing of requests for access to documents is a legitimate part of each agency's functions, and that FOI requests may require reallocation of resources within an agency. However, Mr Anderson considers that the Department could not reasonably divert resources to assist in processing your request in its current form.

Mr Anderson has had regard to the public interest in access to information held by the Department and considers that the public interest in access is outweighed by the competing public interest in the ability of the Department to undertake its ordinary functions without substantial impairment.

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. It may be that there is some aspect of your request that you are particularly interested in that could be isolated with a view to narrowing the terms of the request.

In providing guidance on removing the practical refusal reason, Mr Anderson considers that, if applied together, the following factors may be a feasible way of narrowing your request sufficiently to remove the practical refusal reason:

- Limiting your request to Departmental FOI training, procedure and policy materials, which, at the date of your request, were current (ie. being used or available to be used in training or advising Departmental officers). This would exclude historical materials that are no longer relied upon in the processing of FOI requests and would remove the need for searches of the document record systems, hard copy files and record archives.
- Limiting your request to Departmental training, procedure and policy materials that are not already publicly available. This would exclude information such as the Department's FOI Guidance Notes and materials produced by the OAIC.

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 initial 30 day 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.

Extension request

Please note, the Department will be closed for normal business from 25 December 2012 to 1 January 2013 inclusively. Accordingly, if and when the practical refusal reason is removed, the Department may require additional time to process your request. We therefore seek your agreement under section 15AA of the FOI Act to extend the time to process your request by 30 days after the day the practical refusal reason is removed.

We kindly request you confirm your agreement by way of return email.

Should you wish to discuss any aspect of your request, please contact the Department by telephone on (02) 6271 5849.

Yours sincerely



Nicole
FOI Adviser
Legal Policy Branch
Department of the Prime Minister and Cabinet

21 December 2012