



6 January 2017

Our reference: LEX 24928

Mr Ben Fairless

By email: [foi+request-2907-463cee95@righttoknow.org.au](mailto:foi+request-2907-463cee95@righttoknow.org.au)

Dear Mr Fairless

### **Your Freedom of Information request**

I refer to your request dated 4 January 2017 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**).

I cannot identify the documents you want and I am asking you to give me specific details about the information you are after. If you decide not to give this information, 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 submit a revised request.

Within the next 14 days (consultation period) 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 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 specific about what documents you actually want. This could help the department find the documents.

**Note:** You may want to access the department's online services at [www.humanservices.gov.au](http://www.humanservices.gov.au) to immediately find some of the personal information and documents included in your original request.

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

You can contact us:

- in writing to the address at the top of this letter
- via email to [FOI.LEGAL.TEAM@humanservices.gov.au](mailto:FOI.LEGAL.TEAM@humanservices.gov.au)

**Note:** When you contact us please quote the reference number **FOI LEX 24928**.

Your response will be expected by **20 January 2017**. If no response is received, your matter will be taken as withdrawn.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](mailto:FOI.LEGAL.TEAM@humanservices.gov.au).

Yours sincerely

Authorised FOI Decision Maker  
Freedom of Information Team  
FOI and Litigation Branch | Legal Services Division  
Department of Human Services

### What I took into account

You requested access under the *Freedom of Information Act 1982* (the FOI Act) to the following documents:

'a copy of all emails and attachments sent from Telstra to managers within DHS contact centres over 2016'.

I am not able to reasonably identify what documents you want because the term 'managers' together with the phrase 'managers within DHS contact centres' is unclear. There are various roles that could fall within the broad definition of 'managers', starting in some cases at the APS5 level right through to the Senior Executive Service (SES) level. Furthermore, it is not clear whether by 'contact centres' you are referring to both face to face service centres as well as call centres.

Under sections 24AA(1)(b) and 24 of the Freedom of Information Act, I intend to refuse your FOI request as a 'practical refusal reason' exists. Under the Act, the practical refusal reason is that your request does not satisfy the requirements in paragraph 15(2)(b) (identification of documents).

### Relevant sections of the *Freedom of Information Act 1982*

Section 24AA(1)(b) of the FOI Act provides that a practical refusal reason exists in relation to a request for a document if the request does not satisfy the requirement in section 15(2)(b) of the FOI Act.

Section 15(2)(b) of the FOI Act provides that a request must provide such information as is reasonably necessary to enable the agency to identify the documents that are being requested.

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(7) (subsection 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.