

Our Ref: CRM 2017/318

7 February 2017

Mr Ben Fairless

By email: [foi+request-2965-70ddc9cd@righttoknow.org.au](mailto:foi+request-2965-70ddc9cd@righttoknow.org.au)

Dear Mr Fairless

**Your Freedom of Information Request: Estimate of Charges**

I refer to your letter dated 17 January 2016 in which you seek access to documents under the *Freedom of Information Act* 1982 (the Act) in relation to law enforcement requests made from the AFP to Uber.

*The Freedom of Information (Fees and Charges) Regulations* (the Regulations) prescribes that charges can be levied in respect of a request for access to documents. These charges are set out by the Regulations and are for search and retrieval of documents, decision making and provision of access (for example, copying and postage).

I have decided that you are liable to pay a charge in respect of the processing of your request. I am an authorised decision maker under section 23 of the Act.

My preliminary assessment of the charge is \$191.51 (see table for detail of charges).

search and retrieval, tag relevant pages/preparing schedule	\$34.88
examine relevant pages for decision making (includes exempted pages and pages released with deletions), preparation and notification of decision	\$256.63
Sub total	\$291.51
Less first 5 hours of decision-making	-\$100.00
<b>TOTAL COST</b>	<b>\$191.51</b>

The Regulations prescribe that where a charge is imposed and exceeds \$25.00 but is less than \$100.00, a deposit of \$20.00 may be sought and where the charge exceeds \$100.00, a deposit of up to 25% of the estimated charges may be sought. Based on the preliminary estimate of charges for your request which is \$191.51, I have decided you are required to pay a deposit of \$46.87.

Within 30 days of receipt of this notice you are required to either:

- agree to pay the charge; or
- agree to pay a deposit of \$46.87 with the remainder to be paid prior to receipt of documentation, or
- contend that the charge
  - has been wrongly assessed, or )
  - should be reduced, or )
  - not imposed, or both; or )
- withdraw your request.

You should give  
full reasons for so  
contending

Your charges estimate is based on 134 pages, of which approximately 127 pages are released in part. In addition, the first five hours of decision-making time has been deducted from the calculations.

Payment should be addressed to the Freedom of Information Team, GPO Box 401, Canberra ACT 2601, and made out to the Collector of Public Monies.

You may contend that the charge has been wrongly assessed, or should be reduced or not imposed. In deciding whether to reduce or not to impose a charge, the decision maker has discretion to consider reduction or remission of charges for any reason, including the following reasons:

- the payment of the fee or a part of the fee would cause financial hardship to the applicant or person on whose behalf the application was made; or
- the giving of access is in the general public interest or in the interest of a substantial section of the public.

The onus rests with the applicant to provide adequate supporting evidence to clearly demonstrate that either one of the relevant criteria has been met or that the overall circumstances justify reduction or remission of charges. If you are requesting the charges be waived or reduced in this instance, please provide adequate supporting evidence to clearly demonstrate that either one of the relevant criteria has been met or that the overall circumstances justify remission. To assist you in making a claim for remission or reduction of the processing charges on financial hardship grounds, an application form is available from this office on request.

To make an application for the remission or reduction of the processing charges on the grounds of public interest, you should provide your reasons in writing to the Australian Federal Police Freedom of Information Team.

If you fail to notify this office in a manner mentioned above within 30 days of receipt of this notice it will be taken that you have withdrawn your request. In accordance with Section 31 of the Act, the 30 day limit for processing your request is suspended from the day that you receive this notice and resumes on either the day you pay the charge (in full or the required deposit) or the day on which this agency makes a decision not to impose a charge. Further, there is no obligation on the Australian Federal Police to provide documents relevant to your request until payment is made in full or until a decision is made not to impose a charge.

If you agree to the charges, you will then accept liability for settlement of the debt with the Department upon completion of processing the FOI request as prescribed by section 29 of the FOI Act. Once the agency has processed your FOI request it will determine the actual charges for which you are liable. In the event that the actual

charges are less than this estimate, you will only be liable for the lesser amount. If the actual charges are more than this estimate, then you will only be liable for the lesser amount notified in this estimate, unless the Department releases every document to you in full, in which case it may impose the higher actual charges.

It may be possible to reduce the charges by refining your request - for example by limiting the date range of the documents, by excluding draft or duplicate documents. We would be happy to discuss options for refining your request.

## **REVIEW RIGHTS**

If you are dissatisfied with this decision you can apply for internal or Information Commissioner (IC) Review. You do not have to apply for Internal Review before seeking IC review.

### ***Internal Review by the AFP***

Section 53A of the Act gives you the right to apply for an internal review in writing to this Department within 30 days of being notified of this decision.

No particular form is required but it would assist the decision-maker were you to set out in the application, the grounds on which you consider that the decision should be reviewed.

Applications for a review of the decision should be addressed to:

Freedom of Information Team  
Australian Federal Police  
GPO Box 401  
Canberra ACT 2601

### ***Internal Review by the Information Commissioner (IC)***

Alternatively, Section 54L of the Act gives you the right to apply directly to the IC or following an internal review with this Agency. In making your application you need to provide:

- an address for notices to be sent (this can be an email address).
- A copy of this decision.

It would also help if you set out the reasons for review in your application.

Applications for a review of the decision should be addressed to:

Office of the Australian Information Commissioner  
GPO Box 5218  
Sydney NSW 2001

### ***Right to Complain***

Section 70 of the Act provides that a person may complain to the IC about action taken by this Department in relation to your application.

A complaint to the IC may be made in writing and identify the agency against which the complaint is made.

The IC may be contacted on 1300 363 992. There is no particular form required to make a complaint, but the complaint should set out the grounds on which you consider the action should be investigation.

If you have any queries please do not hesitate to contact this office.

Yours sincerely,



Nathan Scudder  
Coordinator  
Freedom of Information  
Australian Federal Police