



16 February 2017

Our reference: LEX 26182

Mr Rodney Malone

By email: foi+request-2995-6659a80e@righttoknow.org.au

Dear Mr Malone

Your Freedom of Information request

I refer to your request dated 30 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**) to the following:

'I would like to know the retention period of the following documents/information held by the department. The information submitted by Newstart and Austudy applicants when making a claim. These include:

1. online or paper application form
2. fortnightly income declarations/asset updates
3. All other supporting documentation to process the claim such as proof of citizenship, lease, bank statements, detailed income asset forms, rent certificates, employment termination certificate.

Please indicate retention periods for the above info both in paper as well as electronic format including primary as well as secondary copies'. [sic]

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 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 to immediately find some of the personal information and documents included in your original request.

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 26182**.

Your response will be expected by 2 March 2017. If no response is received, your matter will be taken as withdrawn.

Your Address

The FOI Act requires that you provide us with an address which we can send notices to. You have advised your email address is: foi+request-2995-6659a80e@righttoknow.org.au. We will send all notices and correspondence to this address. Please advise us as soon as possible if you wish correspondence to be sent to another address or if your address changes. If you do not advise us of changes to your address, correspondence and notices will continue to be sent to the address specified above.

Disclosure Log

Please note that information released under FOI Act may be published in a disclosure log on the department's website. Section 11C of the FOI Act requires this publication, however it is subject to certain exceptions, including where publication of personal, business, professional or commercial information would be unreasonable.

Exclusion of junior departmental employee details

The department is working towards ensuring that all employees have a choice about whether they provide their full name, personal logon identifiers and direct contact details in response to public enquiries. Where such details are included in the scope of a request, this may add to processing time and applicable charges as it may be necessary to consider whether the details are exempt under the FOI Act. On this basis, unless you tell us otherwise, we will assume that these details are out of scope of your request and they will be redacted under section 22 of the FOI Act.

Further assistance

If you have any questions please email 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:

I would like to know the retention period of the following documents/information held by the department. The information submitted by Newstart and Austudy applicants when making a claim. These include:

1. online or paper application form
 2. fortnightly income declarations/asset updates
 3. All other supporting documentation to process the claim such as proof of citizenship, lease, bank statements, detailed income asset forms, rent certificates, employment termination certificate.
- Please indicate retention periods for the above info both in paper as well as electronic format including primary as well as secondary copies'. [sic]

Your request does not provide enough information for the department to identify the documents you are seeking. I am not able to reasonably identify what documents you want because I do not understand what you mean by: ***“retention period(s) of ...following documents/information held by the department...”*** (emphasis added).

Your request does not name particular documents but rather asks questions. To assist you in reformulating your request certain publically available resources may provide useful background information. The department and the National Archives of Australia have developed Records Authorities to set out the requirements for keeping and destroying records for the core business areas across the department. *The Department of Human Services, Payment and Service Delivery Management Records Authority* can be accessed at <http://www.naa.gov.au/naaresources/ra/2011-00714998.pdf>.

Please provide more 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.

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 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.