



16 February 2017

Our reference: LEX 26195

Mr Rodney Malone

By email: [foi+request-2998-ad6a4181@righttoknow.org.au](mailto:foi+request-2998-ad6a4181@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 day 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.

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:

- by phone on the number below - if you are calling long-distance you are welcome to reverse the charges
- 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 26195**.

Your response will be expected by **1 March 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 If no response is received, your matter will be taken as withdrawn.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:

'I would like to retention period of medicare billing (in paper or electronic format) sent by doctors and hospitals when a person opts for bulk billing services when seeing a doctor at a private clinic or at the emergency department of public hospitals.

Is a history being maintained that person in question has been to a particular clinic/hospital and the services sought or is the information deleted once the claim has been processed? Upon expiry of the retention period, is the information archived in any form? Is there any other evidence in any form whether electronic or paper including archived copies that seek to establish when the person has used his medicare card to seek medical assistance? if so their complete retention times.'

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 of medicare billing...***" (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, which set out the requirements for keeping and destroying records for the core business areas across the department. *The National Archives of Australia, Records Authority, Medicare Australia*, contains information about when certain claim forms for health and medical payments can be destroyed. This can be accessed at <http://www.naa.gov.au/naaresources/ra/2009-00181784.pdf>.

In relation to the second part of your request regarding whether there "***Is a history being maintained that person in question has been to a particular clinic/hospital...***" (emphasis added) you may like to refer to the Medicare Online Accounts page on the department's website for information about what information is available to view, download and print through Medicare online services.

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.