



Australian Government

Department of Communications and the Arts

James Smith
Right to Know
(via email: foi+request-3091-da67056f@righttoknow.org.au)

Dear Mr. Smith

Re: Freedom of Information Request – FOI 23-1617

I refer to your current request for access under the *Freedom of Information Act 1982* (the FOI Act) to:

“...I request the document(s) which describe the data provided to the external organisation(s) responsible for conducting the ballot(s) for all Enterprise Agreements put to staff for a vote.

The scope of this request is limited only to those ballots undertaken for enterprise agreements which were proposed to take effect after 30 June 2014.

The document shall describe the data given to the ballot agent. For example, employee name, employee identification number, employee email address, etc. I exclude the data for specific employees here; I am only after the 'meta-data'....”

Preliminary searches for documents relevant to your request have been completed. The next step is to consider the application of section 29 of the FOI Act, which concerns the charge, if any, for processing your request.

I am authorised under section 23 of the FOI Act to make decisions on the charge for processing your request. I have decided that you are liable to pay a charge. Based on the number of relevant pages, processing time and time taken by the Decision Maker to assess your request (noting that the first five hours are free of charge), our preliminary assessment of the amount of that charge is **\$112.86**. Please note that at this stage in the FOI process, no decision has been made as to whether the information you seek will be released or exempt under the provisions of the FOI Act. My decision relates only to the processing charges.

Your right to contend the charge

Now that we have given you written notice of our preliminary assessment of the amount of the charge for processing your request, under section 29 of the FOI Act, you have 30 days within which to:

- agree to pay the charge;
- contend that the charge has been wrongly assessed, or should be reduced or not imposed; or
- withdraw your request.

Payment of deposit

Should you agree to pay the charge, the *Freedom of Information (Fees & Charges) Regulations* requires that a deposit of 25 per cent of the total charge be paid where the preliminary assessment of the charge exceeds \$100.00. I have calculated the required deposit for your request to be **\$28.21**.

You can make your payment by cheque or money order made payable to 'The Cashier – Department of Communications and the Arts'; or by Direct Debit (see details in attachment).

Should you contend that the charge has been wrongly assessed, or should be reduced or not imposed, you may apply for the Department to waive or reduce the charge. The Department may waive or reduce the charge for any reason, including where:

- the payment of the charge or a part of the charge would cause you financial hardship; or
- the giving of access to documents relevant to your request is in the general public interest or in the interest of a substantial section of the public.

A Departmental decision-maker will take into account any considerations you put forward, and will make a decision on whether the charge should be imposed, and in what amount.

Section 31 of the FOI Act provides that the 30 day period within which we should process your request is suspended until we receive your payment of the deposit for the charge for processing your request, or we decide not to impose a charge. Should you withdraw your request at this stage, no charge will be imposed.

The time you have to respond and what you need to do

If we do not receive your response to this letter within 30 days of its receipt, I will consider that you no longer wish to continue with your request, and I will deem it withdrawn. Should you have any queries, or would like to discuss revising the terms of your request, please contact the Department's FOI Coordinator on telephone (02) 6271 1277 or by email: foi@communications.gov.au.

The FOI Act provides for rights of review of decisions. A copy of the Office of the *Australian Information Commissioner's FOI fact sheet 12 – Your review rights* is attached.

Yours sincerely



Christopher Swain
Legal Director
Office of the General Counsel
2 March 2017



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Payment of FOI Charges: (Deposit / In Full)

For the sum of \$_____ as detailed in the FOI Estimate of Charges letter dated 1 March 2017 (FOI ref: 23-1617)

Payment by Direct Debit

Account Name: Department of Communications and the Arts

BSB No.: 032-729

Account No.: 146537

Please include your surname and 'FOI Ref No:23-1617' in the reference field.

Payment by Cheque or Money Order

Payable to 'The Cashier – Department of Communications and the Arts':

By Post:

FOI Coordinator
Office of the General Counsel
Department of Communications and the Arts
GPO Box 2154
Canberra ACT 2601

By Hand:

38 Sydney Avenue
FORREST ACT 2603