



8 March 2017

Our reference: LEX 27960

Mr Justin Warren

By email: foi+request-3180-243da4f1@righttoknow.org.au

Dear Mr Warren

Your Freedom of Information request

I refer to your request, dated 1 March 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 documents:

'I request a copy of all Public Interest Certificates (PICs) granted by the Secretary (or their delegate) under section 208 of the Social Security (Administration) Act 1999 (the SSA Act) in the period from 1 June 2016 to 1 March 2017, inclusive.

... Rather than all certificates granted under section 208 of the SSA Act, by Public Interest Certificate I refer to those certificates granted under section 208 subsection 1 (a) of the SSA Act'.

Practical refusal reason

Your request captures a very large number of documents. Because of the amount of work involved for the department, we are asking you to revise your request to give us more specific details about the information you are seeking.

If you decide not to make any revisions 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 narrow the size of your original request and submit a revised request.

Within the next 14-days 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 14 day 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 more specific about what documents you actually want. This could help the department find the documents in less time and use fewer resources to process them. You could also consider narrowing the timeframe of your request.

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.

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:

- 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 27960**.

Your response will be expected by **22 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.

Yours sincerely

Authorised FOI Decision Maker
Freedom of Information Team
FOI and Litigation Branch | Legal Services Division
Department of Human Services
FOI.LEGAL.TEAM@humanservices.gov.au

What I took into account

Because of the amount of work involved for the department, under sections 24AA(1)(a)(i), 24 and 24AA(2) of the FOI Act I intend to refuse your FOI request as a 'practical refusal reason' exists. Under the Act, the practical refusal reason is that processing your request 'would substantially and unreasonably divert the resources' of this agency.

To process your request the department would have to do extensive searches to retrieve and process the documents you asked for. Preliminary searches indicate that the department holds approximately 14737 documents relevant to your request.

Based on my experience with the type and volume of records you want, I estimate it would take more than 1500 hours in processing time. This includes assessing the documents to see if any pages might require redaction - that is, possibly blanking out some content. Redactions may be applied, for example, where there is private information about another person.

Amount of time to process your request

I have calculated the number of hours it would take to process your request in full.

Search for and retrieve documents	737 hours
Examine pages for decision making at an average of one minute per page	245 hours
Time of two minutes per page for about 14737 pages needing redaction	491 hours
Consult with third parties at a time of 2 hours per third party	100 hours
Write statement of reasons for decision and schedule the documents	10 hours
Total	1583 hours

Relevant sections of the *Freedom of Information Act 1982*

Section 24AA(1)(a)(i) of the FOI Act provides that a practical refusal reason exists in relation to a FOI request if the work involved in processing the request would substantially and unreasonably divert the resources of the department from its other operations.

Section 24AA(2) of the FOI Act sets out certain factors which the department must consider when determining whether providing access in relation to a request would substantially and unreasonably divert the department's resources. The department must specifically have regard to the resources that would have to be used for:

- identifying, locating or collating the documents within the department's filing system;
- deciding whether to grant, refuse or defer access to a document to which the request relates, or to grant access to an edited copy of such a document, including resources

that would have to be used for examining the document or consulting in relation to the request;

- making a copy, or an edited copy, of the document, and
- notifying any interim or final decision on the request.

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(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.