

4 April 2017

Our reference: LEX 28753

Mr Luke Bacon

By email: [foi+request-3283-a91552e1@righttoknow.org.au](mailto:foi+request-3283-a91552e1@righttoknow.org.au)

Dear Mr Bacon

### **Your Freedom of Information request**

I refer to your request dated 24 March 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**) to the following documents:

'Could you please send through all documents, including correspondence, from the last 2 years (March 2015 - March 24 2017) that refer to the payment methods the Department accepts for FOI requesters to pay charges.

Please exclude from the scope all FOI correspondence between requesters and FOI officers. I am only interested in internal documents; and correspondence between department staff, between staff and ministerial staff, and staff and 3rd parties.'

### **Your request involves too much work for the department**

Your request covers a wide range of documents. We are asking you to revise your request to give us more specific details about the information you are after because of the amount of work involved for the department.

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.

You could consider narrowing the time frame for the documents you seek, as well as removing third party information from the scope of your 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 want. This could help the department find the documents in less time and use fewer resources to process them.

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**

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](mailto:FOI.LEGAL.TEAM@humanservices.gov.au)

**Note:** When you contact us please quote the reference number **FOI LEX 28753**.

Your response will be expected within 14 days of this letter. 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

Jonathon  
Authorised FOI Decision Maker  
Freedom of Information Team  
FOI and Litigation Branch | Legal Services Division  
Department of Human Services

### 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 find and process the documents you asked for. We have more than 230 documents on record, totalling over 1284 pages.

Based on my experience with the type and volume of records you have requested, I estimate it would take more than 347 hours in processing time. This includes looking at all the documents to see if any of the pages might need redactions - that is, possibly deleting some content, for example, where there is private information about another person.

In addition, in processing your request, the department would be required to consult with large number of third parties. The department is required to consult with third parties where it reasonably believes that the individual or business may wish to contend that the requested documents are exempt on personal privacy grounds, or because release of the document would disclose trade secrets or commercially valuable information or may adversely affect their business or financial affairs.

### 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	16 hours
Examine pages for decision making at an average of three minutes per page	64 hours
Time of three minutes per page for about 1,000 pages needing redaction	50 hours
Consult with third parties	194 hours
Write statement of reasons for decision	23 hours
<b>Total</b>	<b>347 hours</b>

### 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.