



2 May 2017

Our reference: LEX 28922

Mr Bill Tarte

By email: foi+request-3337-5dc192ae@righttoknow.org.au

Dear Mr Tarte,

Freedom of Information Request – Charges and third party notification

I refer to your request, dated and received by the Department of Human Services (the **department**) on 3 April 2017, for access under the *Freedom of Information Act 1982* (the **FOI Act**) to the following:

I request access to a copy of any privacy impact assessments held by DHS Programme Advice and Privacy Branch as referred to in my previous request here by Thomas:

<https://www.righttoknow.org.au/request/3191/response/8981/attach/html/4/LEX%2028087%20Decision%20Decision%20final.pdf.html>. If any PIA's were provided in a combined report, I request access only to that part of the report relating to the PIA'.

Liability to pay charges

You have requested documents in relation to Privacy Impact Assessments. This information is not your personal information.

Preliminary Assessment of the Charge

In accordance with section 29 of the FOI Act, I have decided that you are liable to pay a charge for the processing of your request. Please note that the payment of a charge does not guarantee access to documents, redacted or otherwise.

My preliminary assessment of that charge is \$1,128.95 calculated as follows:

Search and retrieval time: 12.57 hours, at \$15.00 per hour:	\$188.55
Decision-making time (*after deduction of 5 hours): 47.02 hours, at \$20.00 per hour	\$940.40

TOTAL

\$1,128.95

*The FOI Act provides that the first five hours of decision-making time are free of charge and this is reflected in the calculation.

I am advised that the department has in its possession 13 documents with 482 pages relevant to your request.

Required Action

If you would like the department to continue processing your request, you must notify the department in writing within 30 days of receiving this notice that you:

- a) agree to pay the charge;
- b) wish to contend that the charge:
 - i. has been wrongly assessed; or
 - ii. should be reduced or not imposed; or
 - iii. both
- c) withdraw the request for access.

If you do not provide a written response in accordance with one of Options A, B or C above within 30 days of receiving this notice, your request will be taken to have been withdrawn under section 29(2) of the FOI Act.

Alternatively you may wish to refine the scope of your FOI request. If you would like to discuss this please contact me for assistance.

Further information on options A, B and C is set out below.

Option A - pay the charge

As the charge exceeds \$25, you are required to pay a deposit of \$282.24 within 30 days of receiving this notice. You may, of course, elect to pay the charge in full at this point.

The amount due should be paid by cheque or money order made out to the Collector of Public Monies. Please quote the reference number FOI LEX 28922 with your payment and send it to:

Freedom of Information team
Department of Human Services
PO Box 7820
CANBERRA ACT 2610

Should you elect to pay the charge, please email FOI.Legal.Team@humanservices.gov.au once you have posted your cheque or money order to advise us of your payment.

Option B - seek reduction or non-imposition of the charge

You may contend that the charge has been wrongly assessed, or should be reduced or not imposed. Section 29(5) of the FOI Act provides that, in deciding whether to reduce or not to impose a charge, the decision-maker must take into account any relevant reasons, including whether payment of the charge, or part of it, would cause your organisation financial hardship, and whether the giving of access to the documents is in the general public interest or in the interest of a substantial section of the public.

If you wish to contend that the charge has been wrongly assessed or should be reduced or not imposed, please set out your reasons and the evidence in support of your reasons as clearly as possible. If you believe that payment of the charge would cause your organisation financial hardship, please provide sufficient details of your financial circumstances to enable the decision-maker to make a well-informed decision in this regard.

Option C - withdraw your request

If you wish to withdraw your request you may do so in writing.

Time limits for processing your request

Section 31 of the FOI Act provides that where a notice is sent to an applicant regarding the payment of a charge in respect of a request, the time limit for processing the request is suspended from the date the notice is received until either:

- (a) the day following payment of the charge (in full or the required deposit); or
- (b) if applicable, the day following the notification to the applicant of a decision not to impose the charge.

Address for correspondence

Please send all correspondence regarding your FOI request to me at the following address:

Freedom of Information team
Department of Human Services
PO Box 7820
CANBERRA ACT 2610

Or by email to FOI.LEGAL.TEAM@humanservices.gov.au

Publication of information in the FOI disclosure log

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

Third-party consultation – business documents

Section 27 of the FOI Act provides, among other things, that where a request is made for access to a document that:

- contains information about an organisation's commercial or financial affairs (business information); and
- it appears that the organisation might reasonably wish to contend that the business information is:
 - exempt under section 47 of the FOI Act; or
 - conditionally exempt under section 47G of the FOI Act and giving access to the document would, on balance, be contrary to the public interest;

the department must not release the document without first giving the organisation a reasonable opportunity to make a submission in support of the contention. The department must consider any submission that it receives.

Searches have identified that your request covers documents that contain information

concerning the business, commercial or financial affairs of organisations. Consequently, the department is required to consult under section 27 of the FOI Act before making a decision on the release of those documents.

Timeframes for processing your request

I note that your request was received by the department on 3 April 2017 and that the 30 day statutory period for processing your request commenced from the day after that date.

This statutory period has been extended by 30 days under section 15(6) of the FOI Act in order to allow the department time to consult with third parties.

Further assistance

If you have any questions please email FOI.LEGAL.TEAM@humanservices.gov.au.

Yours sincerely

Jessica
Authorised FOI Decision Maker
Freedom of Information Team
FOI and Litigation Branch Legal Services Division
Department of Human Services
Email: FOI.Legal.Team@humanservices.gov.au