



4 May 2017

Our reference: LEX 29020

UD

By email: foi+request-3356-bb4aca06@righttoknow.org.au

Dear UD

Your Freedom of Information request

I refer to your request dated 8 April 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:

'all internal communications within the Department relating to the release of personal information about Rhys Cauzzo to The Saturday Paper.'

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.

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.

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 29020**.

Your response is expected by **18 May 2017**. If no response is received, your request will be taken as withdrawn.

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

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 conduct extensive searches to find and process the documents you asked for. Based on our preliminary estimates, there are more than 70 documents totalling over 563 pages that are relevant to your request. With the type and volume of documents you want, it is estimated that it would take more than 60 hours to process your request.

Due to the sensitive nature of many of the documents you require, it would take a significant amount of time for the department to review the materials which may be in scope, examine each page to see if any of the pages might need redactions, make a decision on the documents and write a statement of reasons for the decision.

Furthermore, the documents contain information concerning the business, commercial or financial affairs of organisations and personal information about third parties. Consequently, the department is required to consult under sections 27 and 27A of the FOI Act before making a decision on the release of those documents. This will require further time to process your request.

You may consider revising the scope of request by indicating:

- specific categories of documents that you are seeking e.g. email correspondence, Ministerial Briefs;
- a specific date range; and/or,
- any other details which will help reduce the scope of your request.

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.