



11 May 2017

Our reference: LEX 29020

UD

By email: [foi+request-3356-bb4aca06@righttoknow.org.au](mailto:foi+request-3356-bb4aca06@righttoknow.org.au)

Dear UD,

### **Freedom of Information Request –notification of third party consultation**

I refer to your request, dated and received by the Department of Human Services (the **department**) on 8 April 2017, for access under the *Freedom of Information Act 1982* (the **FOI Act**) to the following:

'I write to request under the Freedom of Information Act all internal communications within the Department relating to the release of personal information about Rhys Cauzzo to The Saturday Paper.'

On 4 May 2017, we consulted with you pursuant to section 24AB of the FOI Act in relation to the scope of your FOI request. On 8 May 2017, you narrowed the scope of your request to:

- \* E-Mail Correspondence, specifically excluding any attachments actually containing the information to be released, and
- \* Ministerial briefs

I also do not want any documents created after March 8'

### **Third party consultation**

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.

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

- contains personal information about another person; and
- it appears that the person or the person's legal representative might reasonably wish to contend that the information is:
  - exempt under section 47F; and
  - giving access to the document would, on balance, be contrary to the public interest for the purposes of subsection 11A(5);

the department must not release the document without first giving the other person, or their legal representative, 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 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.

### **Timeframes for processing your request**

I note that your request was received by the department on 8 April 2017 and that the 30 day statutory period for processing your request commenced from the day after that date. Following the consultation process that we undertook with you pursuant to section 24AB of the FOI Act, the decision date was extended to 12 May 2017.

However, the period for the department to make a decision on your request has now 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. You should therefore expect a decision by 12 June 2017, although this time period may change if a notice of charge is issued.

### **Further assistance**

If you have any questions please email [FOI.LEGAL.TEAM@humanservices.gov.au](mailto:FOI.LEGAL.TEAM@humanservices.gov.au).

Yours sincerely

Jessica  
 Authorised FOI Decision Maker  
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