



Australian Government

Department of Finance

Reference: FOI17/96
Contact: FOI Team
Telephone: (02) 6215 1783
e-mail: foi@finance.gov.au

Alan Cole
Right To Know

via email: foi+request-3717-6bcd770f@righttoknow.org.au

Dear Mr Cole,

Freedom of Information Request – FOI 17/96

Thank you for your email to the Department of Finance (Finance) in which you sought access to the following documents under the *Freedom of Information Act 1982* (FOI Act).

- 1. Current list of all staff in the prime minister's office including specific titles and roles e.g not just adviser. i.e media assistant, economic advance staff, executive assistant etc. If you plan to withhold names then just the position titles.*
- 2. Organisational chart of the prime minister's office.*

The statutory period for processing your request commences from the day after Finance received your request. Your request was received by Finance on 11 July 2017.

The purpose of this letter is to provide you with a notice, under subsection 24AB(2) of the FOI Act, which outlines Deesiree Kauflin's (FOI Decision Maker) intention to refuse your request. This is because the work involved in processing the request has been estimated to substantially and unreasonably divert the resources of the agency from its other operations.

Informal consultation around the scope of the request

Prior to issuing this notice, Finance has informally attempted to work with you to either clarify or revise the scope of the request. In particular, Finance has outlined the information held, how it is held as well as sought further information from you, to better understand the documents required by you.

Finance previously suggested that a table, with staff names redacted, may be provided to you. This would satisfy your original request and be consistent with previous documents released to you, most recently in FOI 15/129 where you made a request in alignment with point 1. However, this suggestion was not accepted and on 25 July 2017 you broadened the scope of your request, asking for staff names or otherwise a formal decision as to why they were withheld:

... My request was for the list of staff and this document you link too does not name them or the current number of staff at July 2017. So if you intend to refuse information listing public servants working for a government body I would like an official response to why you are withholding that information which I may appeal.

Finance sought to clarify if this was a revision of scope and received the following response from you on 9 August 2017:

Yes I am asking for staff names for the ministerial staff I only did not reply sooner as I know you will already refuse this as it's the type of information you do not like to release it to the public.

Resources available to process your request

In considering your request, Finance acknowledges that the processing of requests for access to documents is a legitimate part of each agency's functions and FOI requests may require reallocation of resources within an agency. However, the FOI Act recognises that Finance may refuse a request if the work involved in processing the request would substantially and unreasonably divert the resources of the agency from its other operations.

Why the department intends to refuse your request

In your request and in alignment with your revisions made on 25 July 2017 and confirmed on 9 August 2017, you sought documents relating to:

- 1. Current list of all staff in the prime minister's office including specific titles and roles e.g not just adviser. i.e media assistant, economic advance staff, executive assistant etc. including a list of staff, or otherwise an official response to why you are withholding that information which I may appeal*
- 2. Organisational chart of the prime minister's office.*

Ms Kauflin has decided that a practical refusal reason exists because the time it would take to process your request would substantially and unreasonably divert the resources of the agency. In particular, the department has considered the time it would take to:

- decide 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 with any person or body in relation to the request)
- to notify any interim or final decision on the request.

The department conducted an initial search of both its paper and electronic files. One file was identified as relevant to your request. Based on a sample of documents, Ms Kauflin has concluded that it would take in excess of 54 hours to process your request. This estimate is as a result of the requirement to consult each individual staff member in the Prime Minister's Office, seeking their approval to release their names.

Clarifying the terms of your request

When a request involves a practical refusal reason, an unreasonable diversion of resources, the department, in line with subsection 24(1)(a) of the FOI Act, undertakes a request consultation process. This provides you with an opportunity to clarify the terms and, where appropriate, to refine the scope of your request. It may be that there are specific elements within the request subject-matter that you are particularly interested in that could be isolated

with a view to narrowing the terms of the request. You may consider reducing the types of documents you are requesting.

You now have an opportunity to revise your request to enable it to proceed. The request consultation runs for 14 days after the day you receive this notice. Before the end of the consultation period, you must do one of the following, in writing:

- withdraw your request; or
- revise your request; or
- advise us that you do not wish to revise your request.

Noting the points identified in this notice and prior correspondence, Finance is able to provide an update of the document released under FOI 15/129 with redactions, despite its contents replicating information that is already publicly available (and provided to you).

If you revise your request, in a way that adequately addresses the practical refusal grounds outlined above, we will recommence processing. (Please note that the time taken to consult you regarding the scope of your request is not taken into account for the purposes of the 30 day time limit for processing your request). If you do not complete one of the three options listed above during the consultation period, or you do not consult with the FOI Team during this period, your request will be taken to have been withdrawn.

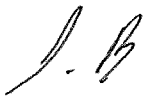
Way Forward

To assist Finance in the processing of your request, could you please consider the scope of your request and Finance's suggestions in regards to refining the request scope.

Please provide a response by **close of business 24 August 2017**.

Please contact the FOI Team on the above contact details if you have any questions in relation to your request.

Yours sincerely



FOI Officer
Legal Services Branch
10 August 2017