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Email: FOI@csiro.au

10 August 2017

Our ref: **FOI 2017/20**

Mr Tweedale  
Via Email: foirequest-3719-f471eadf@righttoknow.org.au

Dear Mr Tweedale,

**Notice of intention to refuse FOI request - request consultation process under s 24AB(2) of the Freedom of Information Act 1982 (Cth) ("FOI Act")**

I refer to your request of **12 July 2017**, under which you sought access under the *Freedom of Information Act 1982* (FOI Act) to:

- (1). *Any documents detailing the software programming languages used by particular projects or initiatives of CSIRO.*
- (2). *Any documents listing or mentioning software programs or libraries developed by or in conjunction with CSIRO, the source code of which has been made publicly available (whether or not the code was released under a recognised Free Software or Open Source license).*

*I recognise that it may be necessary to redact or omit documents in relation to projects that have not been publicly announced. This is acceptable, but in the event that this occurs, I further request:*

- (3). *Any documents detailing the number of projects (and if possible the languages they are using) removed from the scope of part (1) of this request due to the project not having been publicly announced, including documents produced during the execution of this request.*

*I recognise that it may be necessary to redact or omit documents in relation to publicly announced projects of a highly sensitive nature. This is acceptable, but in the event that this occurs, I further request:*

- (4). *Any documents listing the names of the projects removed from the scope of part (1) of this request due to the project being of a highly sensitive nature, including documents produced during the execution of this request.*

This is a notice of an intention to refuse access to the documents you have requested because a practical refusal reason exists under s 24(1) of the FOI Act. I am issuing this notice under s 24AB(2) of the FOI Act.

The practical refusal reason is that the work involved in processing the request would substantially and unreasonably divert the resources of CSIRO from its other operations as specified in s 24AA(1)(a)(i) of the FOI Act.

**Request is substantial**

Following initial search and retrieval results there are approximately **and at least** 5000 documents relevant to your request. CSIRO has already spent 5 hours on searches including extensive meetings with CSIRO's Information Officers' records, noting only 1 CSIRO Officer has provided documents (there are at least 8 other Officers with relevant documents). I note, I will also need to consult with potential relevant third parties. This consultation will likely take 2 hours, per third party.

I therefore estimate that there are at least 6000 documents, even removing/allowing for significant duplication, which would result in an estimated 180 hours being undertaken to process your request. This includes the consideration of the material to confirm its status as exempt or releasable; including internal consultation with the CSIRO Officers involved. Coupled with the search time and potential consultation, this would result in a total estimate of at least 200 hours to process your request. I am satisfied that the diversion of resources is substantial.

### **Request is unreasonable**

For the purpose of providing you with this notice, I have considered that the substantial resource burden would be unreasonable having regard to:

- the need to ensure that other FOI applicants are afforded an opportunity to have their requests dealt with in a timely way;
- the public interest in not diverting officers involved in the subject matter of the request away from performing their usual duties for an excessive duration and;
- the time already invested by CSIRO the search and retrieval process.

### **What you should do**

I am the agency officer with whom you may consult with a view to making the request in a form that would remove the ground for refusal. You can contact me via email, [FOI@csiro.au](mailto:FOI@csiro.au), should you wish to discuss how to revise your request.

However, I will assist you, as far as possible, to revise your request so that the practical refusal reason no longer exists.

For example, you could limit the scope of your request to:

*(i) a list of software programming languages used by [a specified part of CSIRO e.g. CSIRO IM&T] or specific project.*

Or, alternatively, any other specific subject matter (without referencing all document) or date range.

You have 14 days from the date you receive this notice to either:

- withdraw your request
- make a revised request
- indicate you do not wish to revise your request.

If you do not respond in one of these ways within 14 days your request will be taken to have been withdrawn pursuant to s 24AB(7) of the FOI Act. If you indicate you do not wish to revise your request, I will proceed to make a decision on whether to refuse your request on resource grounds under s 24(1). If you need more time to respond, please contact me within the 14 day period to discuss your need for an extension of time.

Under s 24AB(8) of the FOI Act, the time for processing your FOI request is suspended from the day you receive this notice until the day you do one of the things listed in above paragraph.

Kind regards,

Beth Maloney  
Legal Counsel  
CSIRO