



FOI13/141

13 September 2013

By email only: foi+request-375-0424d68b@righttoknow.org.au

Dear Mr King

Freedom of Information Request no. FOI13/141

I refer to your request under the *Freedom of Information Act 1982* (FOI Act) dated 3 September 2013 for access to interception capability plans (IC plans) of all carriers and nominated carriage service providers given to the Communications Access Coordinator under Part 5-4 of the *Telecommunications (Interception and Access) Act 1979*.

I, Catherine Smith, am an officer authorised under section 23(1) of the FOI Act to make decisions in relation to FOI requests.

I am writing to tell you that I believe that the work involved in processing your request in its current form would substantially and unreasonably divert the resources of this agency from its other operations due to its broad scope and size. This is called a 'practical refusal reason' (section 24AA).

On this basis, I intend to refuse access to the documents you requested. However, before I make a final decision to do this, you have an opportunity to revise your request. This is called a 'request consultation process' as set out under section 24AB of the FOI Act. You have 14 days to respond to this notice in one of the ways set out below.

If you decide to revise your request, the Department will consider that revision in accordance with the FOI Act.

Why I intend to refuse your request

Under section 24AA(2) of the Freedom of Information Act (FOI Act) the agency must have regard to the resources that would have to be used for the following:

- (a) identifying, locating or collating the documents within the filing system of the agency
- (b) 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:
 - i. examining the document; or
 - ii. consulting with any person or body in relation to the request;
- (c) making a copy or an edited copy, of the document
- (d) notifying any interim or final decision on the request.

Part 5-4 of the *Telecommunications (Interception and Access) Act 1979* has been in operation since 2007, with IC plans submitted to the Communications Access Coordination on a yearly basis. I am advised that the ambit of your request covers an estimated 1512 documents. These pages would need to be individually examined by officers of this Department. To complete that task would require in excess of 100 hours, and would constitute a substantial and unreasonable diversion of resources.

Request consultation process

You now have an opportunity to revise your request to enable it to proceed.

Revising your request can mean narrowing the scope of the request to make it more manageable or explaining in more detail the documents you wish to access. For example, by limiting it to a specified date range, our agency may be able to pinpoint the documents more quickly and avoid using excessive resources to process documents you are not interested in.

Before the end of the consultation period, you must do one of the following, in writing:

- withdraw your request
- make a revised request
- tell us that you do not wish to revise your request.

The consultation period runs for 14 days and starts on the day after you receive this notice.

During this period, you are welcome to seek assistance from the contact person I have listed below to revise your request. If you revise your request in a way that adequately addresses the practical refusal grounds outlined above, we will recommence making a FOI determination. (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 do one of the three things listed above during the consultation period or you do not consult the contact person during this period, your request will be taken to have been withdrawn.

Contact officer

If you would like to revise your request or have any questions, please contact Elise Perry by telephone on 6141 3032 or email foi@ag.gov.au.

Yours sincerely



Catherine Smith
Assistant Secretary