



Australian Government

Department of Communications and the Arts

Mr Jackson Gothe-Snape

(via email: <mailto:foi+request-3777-a0bc98fd@righttoknow.org.au>)

Dear Mr Gothe-Snape

Freedom of Information Request 19-1718

Notice of intention to refuse

1. I refer to your email dated 22 August 2017, seeking access under the *Freedom of Information Act 1982 (FOI Act)* to:

“...an itemised summary of all trips booked with your travel provider for 2016-17 in a spreadsheet format ...”

2. I am writing pursuant to subsection 24AB(2) of the FOI Act to notify you of my intention, as an authorised decision-maker under section 23 of the FOI Act, to refuse your FOI request on the basis that I am satisfied that a practical refusal reason under subsection 24AA(1) exists.

Reasons for my intention

3. In making my decision I have had regard to:
- your email of 22 August 2017;
 - provisions of the FOI Act and case law considering those provisions;
 - the *Information Commissioner's FOI Guidelines* issued under section 93A of the FOI Act;
 - the Department's *FOI Policy*; and
 - information and advice from the departmental officer responsible for the processing of FOI requests.

Relevant law

4. Subsection 24AA(1) of the FOI Act states that a practical refusal reason exists in relation to a request for a document if either (or both) of the following applies:

- the work involved in processing the request would substantially and unreasonably divert the resources of the agency from its other operations;
- the request does not satisfy the requirement in paragraph 15(2)(b) (that paragraph provides that in making a FOI request, the request must provide such information concerning the document as is reasonably necessary to enable a responsible officer of the agency to identify it).

5. Your request, in its current form, captures a large volume and range of documents and poses processing difficulties. It would require the Department to identify all documents relating to the subject matter of, and containing information on, all trips booked with the Department's travel provider for 2016-17. This would capture all travel taken by Departmental employees booked during the period and the reference to “travel provider” is very broad and extends to all

Departmental travel and transport service providers (potentially including taxi providers). In addition, processing of the request would require a responsible officer to review and tag each document to determine whether the document is within scope and to undertake an analysis of information contained within the documents.

6. At the time of your FOI request, there was not a document in spreadsheet form which satisfies the terms of your request. As currently formulated, processing your request would necessitate the Department compiling information in a new document in the specific form requested (spreadsheet). It is not possible to generate an itemised report from a database and prepare an itemised summary without undertaking the steps outlined above, as the task is not able to be satisfied by the automatic generation of a report. Therefore, even if the requirements of paragraph 15(2)(b) were met, the FOI Act does not oblige the Department to create a new document to satisfy an FOI request (section 17).

Consultation process

7. In accordance with subsection 24AB(2)(e), the consultation period during which you may consult with the Department's FOI Coordinator to revise the scope of your request is 14 days after the day you are given this notice. Accordingly, your response is due by **4 October 2017**.

8. Before the end of the consultation period, you must:

- make a revised request;
- withdraw the request; or
- indicate that you do not wish to revise the request.

9. Please note, if you do not take this opportunity to consult, in accordance with paragraph 24AB(7)(a), your request will be taken to have been withdrawn under subsection 24AB(6). In order to provide you with information to assist you to revise your request, you may wish to consider:

- providing a specific description of the information sought and confining your request to documents relating to the precise kind of information sought. For example, providing additional details about the types of travel, employees and kind of information that you are interested; and/or
- reframing the request such that it captures documents already in existence and would not require the creation of new documents by the Department.

10. Furthermore, as advised in the Department's email to you of 16 August 2017, if the information you seek relates to Ministerial travel, as previously advised, under the FOI Act Ministers and agencies are treated as separate agencies. We advise that you refer to publicly available information on the Department of Finance website, and note that the Independent Parliamentary Expenses Authority (IPEA), is the entity responsible for processing Parliamentary travel expenses and allowances requests. If you are seeking further information on Ministerial travel, we advise that your request be directed to the IPEA.

11. The Department's FOI Coordinator (phone (02) 6271 1277), is available to provide you, so far as is reasonably practicable, with any information to assist you in amending your request under the FOI Act. Any submissions should be sent in writing either by email to (foi@communications.gov.au) or by ordinary post:

FOI Coordinator
Department of Communications and the Arts
GPO Box 2154
CANBERRA ACT 2601

12. Attached is a copy of sections 24, 24AA and 24AB of the FOI Act for your information.

Yours sincerely

A handwritten signature in dark ink, consisting of a large, stylized 'C' followed by a smaller 'W' or similar flourish.

Legal Director
Position Number 11070
Office of the General Counsel

20 September 2017