



James Smith

By email: foi+request-3985-3703b988@righttoknow.org.au

Dear Mr Smith

I refer to your request received by the Department of Education and Training (the department) on 8 August 2017 for access under the *Freedom of Information Act 1982* (FOI Act) to:

the ten most recent instances where an employee has sought information, advice, guidance, or opinion on their social media use in a private capacity.

I limit the scope of documents to:

- the original request from the employee*
- the agency/department's response*
- any follow-up questions and response*
- only those sent to a relevant HR / conduct / social media (or similar) team (rather than managers across all areas of the organisation)*
- where the original request was created in the last 2 years.*

Preliminary Assessment of the Charge

In accordance with section 29 of the FOI Act, I have decided that you are liable to pay a charge for the processing of your request. My preliminary assessment of that charge is \$73.00, calculated as follows:

Search and retrieval time: 3 hours at \$15.00 per hour:	45.00
Decision-making time: 6.4 hours minus the first 5 hours* at \$20.00 per hour:	28.00
TOTAL	\$73.00

*The FOI Act provides that the first five hours of decision-making time are free of charge and this is reflected in the calculation.

I am advised that the department has in its possession approximately 19 pages of material relevant to your request. I am advised that it has taken three hours to locate and retrieve those documents, and estimate that it will take an additional 6.4 hours to examine the documents and prepare a decision on access.

Required Action

If you would like the department to continue processing your request, you must notify the department in writing within 30 days of receiving this notice that you:

- A. agree to pay the charge (or the required deposit) and pay it;
- B. contend that the charge:
 - (i) has been wrongly assessed; or
 - (ii) should be reduced or not imposed; or

- (iii) both; or
 C. withdraw the request for access.

If you do not provide a written response in accordance with one of Options A, B or C above within 30 days of receiving this notice, your request will be taken to have been withdrawn under subsection 29(2) of the FOI Act.

Alternatively, you may wish to refine the scope of your FOI request. If you would like to discuss this please contact me for assistance.

Further information on options A, B and C is set out below.

Option A – pay the charge

As the charge exceeds \$25 but is less than \$100, you are required to pay a deposit of \$20 within 30 days of receiving this notice. You may, of course, elect to pay the charge in full at this point.

The amount due can be paid by cheque or money order made out to the Collector of Public Monies— Education, or by credit card. If you'd like to pay by credit card, please fill out the attached authorisation form and send it back to us.

Please note, the charge is a fee for the *processing* of your request, not a payment for documents. Payment of the charge in full (or deposit) does not guarantee you access to any or all of the documents you have requested. As your request is being processed, the release of documents will be considered by the decision-maker in accordance with the provisions of the FOI Act.

Option B – seek reduction or non-imposition of the charge

You may contend that the charge has been wrongly assessed, or should be reduced or not imposed. Subsection 29(5) of the FOI Act provides that, in deciding whether to reduce or not to impose a charge, the decision-maker must take into account any relevant reasons, including whether payment of the charge, or part of it, would cause you financial hardship, and whether the giving of access to the documents is in the general public interest or in the interest of a substantial section of the public.

If you wish to contend that the charge has been wrongly assessed or should be reduced or not imposed, please set out your reasons and the evidence in support of your reasons as clearly as possible. If you believe that payment of the charge would cause you financial hardship, please provide sufficient details of your financial circumstances to enable the decision-maker to make a well-informed decision in this regard.

Option C – withdraw your request

If you wish to withdraw your request you may do so in writing.

Third Party Consultation

Your request covers documents which contain personal information about an individual. Under section 27A of the FOI Act, if it appears to the department that the individual might reasonably wish to contend that the documents are conditionally exempt under section 47F and access to the documents would, on balance, be contrary to the public interest, the department must give the individual a reasonable opportunity to make such a submission in support of the contention.

Time limits for processing your request

Section 31 of the FOI Act provides that where a notice is sent to an applicant regarding the payment of a

charge in respect of a request, the time limit for processing the request is suspended from the date the notice is received until either:

- the day following payment of the charge (in full or the required deposit); or
- if applicable, the day following the notification to the applicant of a decision not to impose the charge.

In addition, given that consultation with third parties is required, subsection 15(6) of the FOI Act extends the standard statutory 30-day time limit for processing requests by another 30 days.

Publication of information in the FOI disclosure log

Information released under the FOI Act may be published in a disclosure log on the department's website. Section 11C of the FOI Act requires this publication, subject to certain exceptions, including where publication of personal, business, professional or commercial information would be unreasonable.

Address for correspondence

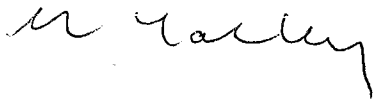
Please send all correspondence regarding your FOI request to me at the following address:

Mark Yabsley
Schools, Child Care and Corporate Legal Branch
Department of Education
LOC: C50MA10
GPO Box 9880
CANBERRA ACT 2601

or by email to foi@education.gov.au.

Please contact me on (02) 6240 3704 or Emily Virtue on (02) 6240 8953 if you would like to discuss this matter.

Yours sincerely



Mark Yabsley
Senior Government Lawyer
Schools, Child Care and Corporate Legal Branch

25 August 2017

Credit Card Authorisation

About this form

You have advised the Department of Education and Training that you would like to pay the charge imposed for the processing of your freedom of information (FOI) request by credit card. This form collects the details required from you in order to process that payment by credit card. Please ensure all fields have been filled in correctly.

Part 1: Applicant Details

Name:

Contact number:

Part 2: Credit Card Details

I authorise the Department of Education to debit my credit card in the amount of: \$

Cardholder's Name (please print name in capital letters):

Credit Card Number:

Credit Card Type (Diner's Card not accepted):

Credit Card Expiry Date:

Card Holders Signature:

Date:

Privacy Statement

The personal information collected on this form is collected by the Department of Education and Training for the purposes of administering payment of the charge imposed for processing your freedom of information request. The information collected will not be disclosed unless authorised or required by law.