



15 September 2017

Our reference: LEX 31395

Mr Justin Warren
By email only: foi+request-4028-158bf13f@righttoknow.org.au

Dear Mr Warren

Freedom of Information Request - Charges

I refer to your revised request, dated 5 September 2017 and received by the Department of Human Services (the **department**) on the same date, for access under the *Freedom of Information Act 1982* (the **FOI Act**) to the following:

I am requesting documents that a reasonable person would consider to be outputs of fulfilling the contracts.

Documents specified in the contracts as Deliverables would fall within the scope, but the actual contract document itself would not.

Other documents that a reasonable person would consider as analogous to a Deliverable, even though not explicitly specified as such, would also fall within the scope.

For Contract 1, this would be reports or similar documents that provide the findings of Data61 in its "retrospective analysis of the design and implementation of the OCS that was in use at the time by DHS, and suggested possible improvements to the system."

For Contract 2, this would be reports or similar documents that provide the technical "advice provided by Data61 [in] addressing how to construct and validate data-driven models and make decisions under uncertainty".

For Contract 3, this would also be reports or similar documents that provide the technical "advice provided by Data61 [in] addressing how to construct and validate data-driven models and make decisions under uncertainty".

Preliminary Assessment of the Charge

I am advised that the department has in its possession three documents with 97 pages relevant to your request.

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 \$255.10 calculated as follows:

Search and retrieval time: 2.9 hours, at \$15.00 per hour:	\$43.50
Decision-making time (*after deduction of 5 hours): 10.58 hours, at \$20.00 per hour	\$211.60
TOTAL	\$255.10

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

Please note that the payment of the charge does not guarantee access to unredacted documents, or access to the documents within scope at all.

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;
- b) wish to contend that the charge:
 - i. has been wrongly assessed; or
 - ii. should be reduced or not imposed; or
 - iii. both
- 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 section 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 \$100, you are required to pay a deposit of \$63.78, being 25% of the assessed charge, within 30 days of receiving this notice. You may, of course, elect to pay the charge in full at this point.

The amount due should be paid by cheque or money order made out to the Collector of Public Monies. Please quote the reference number FOI LEX 31395 with your payment.

Should you elect to pay the charge please email FOI.Legal.Team@humanservices.gov.au once you have posted your cheque or money order to advise us of your payment.

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. Section 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 your organisation 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 your organisation 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.

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:

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

Address for correspondence

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

FOI Legal Team
Department of Human Services
PO Box 7820
CANBERRA ACT 2610

Or by email to FOI.LEGAL.TEAM@humanservices.gov.au

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.

Further assistance

If you have any questions please email FOI.LEGAL.TEAM@humanservices.gov.au.

Yours sincerely

Jack

Authorised FOI Decision Maker
Freedom of Information Team
FOI and Litigation Branch Legal Services Division
Department of Human Services