



21 September 2017

Our reference: LEX 32086 and 32157

Danielle

Only by email: [foi+request-4090-31b320f4@righttoknow.org.au](mailto:foi+request-4090-31b320f4@righttoknow.org.au) and [foi+request-4099-4009e320@righttoknow.org.au](mailto:foi+request-4099-4009e320@righttoknow.org.au)

Dear Danielle

### Your Freedom of Information request

I refer to your revised request, dated 15 September 2017 and received by the Department of Human Services (the **department**) on the same day (**LEX 32086**), for access to documents under the *Freedom of Information Act 1982* (the **FOI Act**) to the following documents:

'File notes that Jessica and Jack have personally made for any FOI matters that they have worked on from January 2017 - present.'

In addition to this request, I also refer to your request dated, 18 September 2017 and received by the department on the same day (**LEX 32157**), for access to the following documents under the FOI Act:

'Can I please request file notes that Bruce and Stacey have personally made for any FOI matters that they have worked on from January 2017 - present'

I have decided to treat the above two requests as a single request under section 24(2) of the FOI Act (**combined request**) as I am satisfied that the requests relate to documents, the subject matter of which is substantially the same.

### Your request gives rise to practical refusal reasons

I am writing to seek clarification on the documents you are seeking as your request encompasses a large volume of document such that processing it would result in an unreasonable diversion of resources for the department.

We are asking you to revise your request to give us more specific details about the information you are seeking in order to narrow the scope of your request so that it is not too voluminous for the department to process.

If you decide not to make any revisions, I will have to refuse your FOI request as 'practical refusal reasons' exist in relation to it.

For a more detailed explanation of what this means, and guidance on how you can revise your request, see **Attachment A**.

## How to send us a 'revised request'

Before I make a final decision on your request, you can narrow the size of your original request and submit a revised request.

Within the next 14 days, you must do one of the following, in writing:

- withdraw the request;
- make a revised request; or
- tell us that you do not want to revise your request.

If you do not contact us during the 14-day consultation period, we will assume you do not want to continue with your request. See **Attachment A** for relevant sections of the FOI Act.

If you decide to make a revised request, you should be more specific about what documents you actually want. This could help the department find the documents in less time and use fewer resources to process them.

We have 30 days to give you a decision about your request, however the time taken to consult with you now is not included in this 30 day time period.

## Contact officer

I am the contact officer for your request. During the consultation period you are welcome to ask for my help in revising your request and filling out the form. You can contact me:

- in writing to the address at the top of this letter; or
- via email to [FOI.LEGAL.TEAM@humanservices.gov.au](mailto:FOI.LEGAL.TEAM@humanservices.gov.au)

**Note:** When you contact us, please quote the reference number **FOI LEX 32086 and LEX 32157**

Your response will be expected by **COB 4 October 2017**. If no response is received, your request will be taken as withdrawn.

## Further assistance

If you have any questions please email [FOI.LEGAL.TEAM@humanservices.gov.au](mailto:FOI.LEGAL.TEAM@humanservices.gov.au).

Yours sincerely

Chelsea  
Authorised FOI Decision Maker  
Freedom of Information Team  
FOI and Litigation Branch | Legal Services Division  
Department of Human Services  
[FOI.LEGAL.TEAM@humanservices.gov.au](mailto:FOI.LEGAL.TEAM@humanservices.gov.au)

***What you requested***

Your combined request is for the following documents:

'File notes that Jessica and Jack have personally made for any FOI matters that they have worked on from January 2017 - present.

'Can I please request file notes that Bruce and Stacey have personally made for any FOI matters that they have worked on from January 2017 - present'

***Date range for your request***

Your requests were received by the department on 15 and 18 September 2017, respectively. For the purposes of your combined request, I have taken the relevant period to be 1 January 2017 to 18 September 2017.

Please note this time period captures a large volume of documents, as discussed in further detail below, because of the number of documents captured by your combined request, the department has identified that a practical refusal reason applies. In an effort to remove the practical refusal reason, you may wish to consider reducing the time period for the documents in scope of your request.

***Your request may be too large for the department to process***

Because of the amount of work involved for the department to identify all of the documents involving potentially all departmental staff members, under sections 24AA(1)(a)(i), 24 and 24AA(2) of the FOI Act, I intend to refuse your combined request as a 'practical refusal reason' exists. Under the Act, the practical refusal reason is that processing your combined request 'would substantially and unreasonably divert the resources' of this agency.

The department has undertaken a preliminary search for documents and has identified in excess of 3,500 file notes meeting the scope of your combined request. I have calculated, as below, that to process you're request in full, it would take the department in excess of **80 hours**. This estimate includes time to search for and retrieve documents, consider each page and make a decision on each page, consult third parties and prepare a statement of reasons and schedule of documents.

***Amount of time to process your request***

Search for and retrieve documents	2 hours
Examine pages for decision making at an average of 3 minutes per page	32.55 hours
Decision making time, including 2 minutes per page to mark any relevant redactions and 2 hours per third party to be consulted.	41.70 hours
Write statement of reasons for decision	7.5 hours
<b>Total</b>	<b>83.75 hours</b>

### *Assistance to revise your request*

A decision maker may make file notes for a range of purposes during the processing of an FOI request including, but not limited to:

- To identify any relevant exemptions applied in a decision;
- To track key dates in processing including when a decision was notified;
- To indicate that a quality assurance process has been completed in respect of another FOI officer's decision; and
- To record instances of communication with the Applicant.

At this time your request covers all file notes made by particular decision makers in a relevant period. Therefore, you may wish to consider revising the scope of your request to seek a more specific class of file notes.

Alternatively, you may wish to consider revising the time period for the documents in scope of your combined request, in order to remove the practical refusal reason.

### **Relevant sections of the *Freedom of Information Act 1982***

Section 24AA(1)(b) of the FOI Act provides that a practical refusal reason exists in relation to a request for a document if the request does not satisfy the requirement in section 15(2)(b) of the FOI Act.

Section 24AA(2) of the FOI Act sets out certain factors which the department must consider when determining whether providing access in relation to a request would substantially and unreasonably divert the department's resources. The department must specifically have regard to the resources that would have to be used for:

- identifying, locating or collating the documents within the department's filing system;
- 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 examining the document or consulting in relation to the request;
- making a copy, or an edited copy, of the document; and
- notifying any interim or final decision on the request.

Section 24AB(6) says that the applicant must, before the end of the consultation period, do one of the following, by written notice to the agency or Minister:

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

Section 24AB(7) of the FOI Act provides that the request is taken to have been withdrawn under at the end of the consultation period if:

- the applicant does not consult the contact person during the consultation period in accordance with the notice; or

- the applicant does not do one of the things mentioned in subsection (6) before the end of the consultation period.