



15 September 2017

Our reference: LEX 32104

Danielle

Only by email: [foi+request-4093-48c40d7c@righttoknow.org.au](mailto:foi+request-4093-48c40d7c@righttoknow.org.au)

Dear Danielle

### Your Freedom of Information request

I refer to your request, dated 15 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 documents:

'Can I please request the instant messenger conversations of the FOI Team from March 2017 - present.'

### Your request gives rise to a practical refusal reason

Your request captures a very large volume of documents. Because of the amount of work involved for the department, we are asking you to revise your request to give us more specific details about the information you are seeking.

If you decide not to make any revisions I will have to refuse your FOI request as a 'practical refusal reason' exists.

For a more detailed explanation of what this means see **Attachment A**.

### How to send us a 'revised request'

Before I make a final decision on your request, you can submit a revised request.

Within the next 14 days (consultation period) 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 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 specific about the documents you are seeking. This could help the department search for and locate documents.

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 32106**.

Your response will be expected by **29 September 2017**. If no response is received, your matter will be taken as withdrawn.

### **Time frames for processing your request**

Your request was received by the department on 15 September 2017 and the 30 day statutory period for processing your request commenced from the day after that date. The period of 30 days may be extended if we need to consult third parties or for other reasons. We will advise you if this happens.

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. On receipt of a revised request the department will advise you of the new due date for your request.

The department will advise you if a charge is payable to process your request and the amount of any such charge as soon as practicable.

### **Your Address**

The FOI Act requires that you provide us with an address which we can send notices to. You have advised your electronic address is [foi+request-4093-48c40d7c@righttoknow.org.au](mailto:foi+request-4093-48c40d7c@righttoknow.org.au). We will send all notices and correspondence to this address. Please advise us as soon as possible if you wish correspondence to be sent to another address or if your address changes. If you do not advise us of changes to your address, correspondence and notices will continue to be sent to the address specified above.

### **Administrative Release of Documents**

The department has administrative access arrangements ('the arrangements') for the release of certain documents without the need for a formal FOI request. Unless you advise us otherwise, in processing your request we may provide you with documents under these arrangements where appropriate. The arrangements do not extend to information or materials of third parties. Where documents are released to you under the arrangements we will advise you in our decision letter.

### **Disclosure Log**

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

### **Exclusion of junior staff details**

The department is working towards ensuring that all staff have a choice about whether they provide their full name, personal logon identifiers and direct contact details in response to public enquiries. Where such details are included in the scope of a request, this may add to processing time and applicable charges as it may be necessary to consider whether the details are exempt under the FOI Act. On this basis, unless you tell us otherwise, we will assume that these details are out of scope of your request and they will be redacted under section 22 of the FOI Act.

### **Further assistance**

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

### **What I took into account**

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

In order to process your request, the department would have to do extensive searches to find and process the documents you are seeking. I am satisfied that your request would divert the resources of the agency for a significant period. I have considered the terms of your request and, based on my experience with the type and volume of records you want, I have determined that the quantity of documents within the scope of your request is of manifest voluminosity. The associated identification and processing of said documents would unreasonably divert the resources of the agency.

Departmental officers use the internal messaging service to communicate daily. The service is used to communicate with fellow FOI officers, as well as other officers within the department, including relevant business areas. You have requested internal messaging for a six month period. Even accounting for one officer engaging in one conversation every work day for the relevant period, there would be in excess 150 conversations for each officer. Extrapolated across the entire FOI Team, there are conceivably thousands of conversations within the scope of your request. You should note, of course, that officers tend to engage in more than one conversation per day.

For the reasons detailed above, you should consider narrowing the time period of your request.

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

Section 24AA(1)(a)(i) of the FOI Act provides that a practical refusal reason exists in relation to a FOI request if the work involved in processing the request would substantially and unreasonably divert the resources of the department from its other operations.

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) of the FOI Act 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 section 24AB(6) of the FOI Act before the end of the consultation period.