



15 September 2017

Our reference: LEX 32086

Danielle  
Only by email: [foi+request-4090-31b320f4@righttoknow.org.au](mailto:foi+request-4090-31b320f4@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 day, for access under the *Freedom of Information Act 1982* (the **FOI Act**) to the following documents:

'Can I please request the case notes of the FOI Team for all FOI requests involving Right To Know this year (to date). This includes notes made by Jessica, Jack, Stacey and Bruce.'

I have identified that your request does not meet the requirements in section 15(2)(b) of the FOI Act because, it is not sufficiently specific to enable the department to reasonably identify the documents you are seeking. Therefore, the processing of your request would generate an unreasonable diversion of resources for the department.

Please provide more specific details about the documents in scope of your request. If you decide not to give this information, 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.

## 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**.

Your response will be expected within two weeks of the date of this notice. If no response is received, your matter will be taken as withdrawn.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-4090-31b320f4@righttoknow.org.au](mailto:foi+request-4090-31b320f4@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

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

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

You requested access under the *Freedom of Information Act 1982* (the FOI Act) to the following documents:

'Can I please request the case notes of the FOI Team for all FOI requests involving Right To Know this year (to date). This includes notes made by Jessica, Jack, Stacey and Bruce.'

Because your request does not have sufficient specificity to enable the department to reasonably identify the documents you are seeking, I have considered that processing your request, in its current form, would generate an unreasonable diversion of resources for the department.

#### *Requests from Right to Know received since 1 January 2017*

Since 1 January 2017, the department has responded to approximately 90 inquiries regarding the FOI Act and requests made under the FOI Act, that originated from the Right to Know website, including substantive access decisions and internal review decisions.

#### *FOI officers involved in processing an FOI request*

The processing of an FOI request involves a number of members of the FOI team including registration officers, the substantive decision-maker and a quality assurance officer. Any one or more of the FOI officers involved in the request may make notes in respect of it. The scope of your current request would include 'case notes' made by any member of the FOI team who had involvement in the processing of a request.

#### *Meaning of case notes*

The department is not reasonably able to identify what you mean by 'case notes' because you have not identified what you consider to be a 'case note' or provided a definition of 'case notes'. Notes could be made, as above, by a number of officers for a range of purposes including, but not limited to, recording key dates in the processing such as when a decision was notified, considering reasons for the application of certain exemptions under the FOI Act or for administrative purposes. As such, it is likely that each request will contain a range of material, and in relation to some complex requests, a large volume of material, that could be described as a 'case note'.

### **Assistance to revise your request**

To assist you to revise your request please consider making one or more of the following revisions to the scope of your request:

- Provide a more limited time period for the documents in scope of your request; and/or
- Identify the type of requests/decisions that are in scope of your request, i.e. the original request and access decision or internal review requests and decisions; and/or
- Identify what you mean, specifically, by the phrase 'case notes'.

To process your request the department would have to do extensive searches to find and process the documents you asked for and I am satisfied that your request would take a significant period of time to complete. Based on my experience with the type and volume of records you want, I have considered the terms of your request and have determined that there is manifest voluminosity associated with the identification and processing of the documents you have requested.

Under sections 24AA(1)(a)(i), 24AA(1)(b), 24AA(2) and 24 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 your request does not satisfy the requirements in paragraph 15(2)(b) (identification of documents) and processing your current request 'would substantially and unreasonably divert the resources' of this agency.

### **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 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 15(2)(b) of the FOI Act provides that a request must provide such information as is reasonably necessary to enable the agency to identify the documents that are being requested.

### *Effect of this notice*

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 subsection (6) before the end of the consultation period.