



15 September 2017

Our reference: LEX 32105

Danielle

Only by email: 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 details of leave arrangements for the FOI Team between January 2017 - present. I do not require personal details.'

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.

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

Note: When you contact us please quote the reference number **FOI LEX 32105**.

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 If no response is received, your matter will be taken as withdrawn.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. 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.

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 details of leave arrangements for the FOI Team between January 2017 - present. I do not require personal details.'

Your request is not sufficiently specific to enable the department to identify the documents you are seeking because you have not advised what you mean by 'details of leave arrangements' and because you have not identified a particular document or documents as being in scope of your request.

Details of leave arrangements

You have asked for 'details of leave arrangements', this description may capture a broad range of information, including, but not limited to, the following:

- dates of leave;
- type of leave (i.e. personal or annual leave);
- whether the leave has been taken, approved or requested;
- whether the leave is to be/was taken at half or full pay; and/or
- the reasons for requesting leave.

Request for access to a document

The FOI Act provides for a right of access to documents. While a valid request for access to documents may be framed by reference to the information contained therein, in this instance, because you have not identified which 'details of leave arrangements' are relevant, I cannot identify the document or documents you are seeking.

Details of leave arrangements, such as those listed above, may appear in a range of documents of the agency such as: emailed requests for leave from staff to their supervisors, leave calendars or leave details as recorded in the departmental personnel management system.

Assistance to revise your request

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

- Please identify the 'details of leave arrangements' that are relevant to your request; and
- Identify the document or documents that are relevant to your request.

Under sections 24AA(1)(b) 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) of the FOI Act (identification of documents).

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 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.