



19 September 2017

Our reference: LEX 32158

Danielle

Only by email: foi+request-4100-dd2a0b02@righttoknow.org.au

Dear Danielle

Your Freedom of Information request

I refer to your request, dated 18 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**).

I cannot identify the documents you want and I am asking you to provide specific details about the information you are seeking. If you decide not to provide 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.

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

Note: When you contact us please quote the reference number **FOI LEX 32158**.

Your response will be expected by **3 October 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 If no response is received, your matter will be taken as withdrawn.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 18 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-4100-dd2a0b02@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 documents in relation to all staff movements (including transfers) for the FOI Team from January 2017 - present.'

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.

The department is not reasonably able to identify what you mean by 'staff movements (including transfers)' because you have not identified what you consider to be a staff movement, or provided a definition of 'staff movements'.

While you have noted this includes 'transfers' a number of other activities could also reasonably be considered a 'staff movement', such as departure from the team, branch or department or promotions within the team or branch. Further, the term 'staff movements' also captures a vast array of documents including travel details, desk relocations and office relocations.

You have not identified what information or documents regarding 'staff movements' you are seeking. A number of documents may be captured on the basis of your current request including, for example, documents enabling a transfer or correspondence with recruitment teams, such as the National Graduate Programme team. Additionally, it is not currently clear whether the commencement of new staff is within scope of your request.

The broad scope of your current request captures a large number of documents. For example, the documents potentially meeting the scope of your request for one graduate in the FOI Team would involve all section 25 paperwork, all emails between staff relating to the section 25 transfer including emails between staff about start dates, travel documents for any travel the graduate has undertaken, desk location paperwork and any movements including any paperwork associated with attending seminars outside of the office, calendars showing locations of particular events, meeting invitations for any meetings at a location other than the staff members present location.

Given that the FOI Team comprises of more than 30 members, I consider that your request is manifestly voluminous. I have made this assessment on the basis that for one graduate in the FOI Team between 50-100 pages at a minimum would be captured. Multiplying this by 30 would result in 1500 pages captured in scope of your request, even using the smallest calculation.

Locating, deciding on, and redacting the broad range of documents captured in your request would be an unreasonable diversion of resources for the department. Additionally, many of the documents would require consulting on because they may contain sensitive personal information.

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;

- identify what you mean by 'staff movements';
- identify the specific information you are seeking in relation to staff movements; and
- advise which particular categories of documents you seek.

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)(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.

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.