



20 April 2018

Our reference: LEX 34976

Mr David Brown

Only by email: [foi+request-4380-37ad534d@righttoknow.org.au](mailto:foi+request-4380-37ad534d@righttoknow.org.au)

Dear Mr Brown

### **Freedom of Information Request - Third Party Consultation**

I refer to your request, dated 16 February 2018, and received by the Department of Human Services (**department**) on that same date, for access under the *Freedom of Information Act 1982* (**FOI Act**) to the following:

'...all the documents published on AusTender website under RFT 1000401959 in relation to the Systems integrator panel for the WPIT program. The RFT was issued on 1 August 2016.'

#### *Third-party consultation - business documents*

Section 27 of the FOI Act provides that if a request is made to an agency for access to a document containing business information of a person, organisation or undertaking, and it appears to the agency that the person, organisation or undertaking might reasonably wish to make a contention that the document is exempt under section 47 (trade secrets etc), or section 47G (business information) of the FOI Act, then the agency must not decide to give access to the document unless the person, organisation or undertaking concerned is given a reasonable opportunity to make submissions in support of the exemption contention, if it is reasonably practicable to do so.

Section 15(6) of the FOI Act provides that the period for processing a request is extended by 30 days to meet the requirements of section 27 of the FOI Act.

Your request covers documents which contain business information concerning the business, commercial or financial affairs of an organisation, or a person's business or professional affairs. Accordingly, section 27 of the FOI Act applies, in that the department is required to consult with the person or organisation concerned before making a decision on the release of those documents.

The department will take into account any comments we receive from the person or organisation. However, the final decision on whether to grant access to the documents requested rests with the department.

#### *Extension of time to process the request*

In accordance with section 15(6) of the FOI Act, the period for processing your request has been extended by 30 days in order to allow the department time to consult with that person or organisation. The processing period for this request will now end on **31 May 2018**.

**Further assistance**

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

Yours sincerely

**Isabella**

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