



18 December 2018

Our reference: 1811001

Richard Smith
Richard Smith foi+request-4932-568e008c@righttoknow.org.au

Dear Mr Smith,

I refer to your email letter of 12 December 2018 relating to the Australian Digital Health Agency's (the **Agency**) decision to issue a notice of intention to refuse your Freedom of Information (**FOI**) request.

Your letter restated the scope of your request as follows:

- a) Documents relating to any investigations, reviews or routine checks undertaken by ADHA (or suppliers or subcontractors of ADHA) to determine if any breaches in security have occurred for any electronic records held, maintained or overseen by the ADHA in the years of 2015, 2016, 2017 and 2018; and*
- b) Documents relating to the procedures currently in use by the ADHA which outline the methods by which the application of updates, upgrades and "patches", both routine and ad-hoc to all hardware used by the ADHA to maintain electronic records are correctly applied and assured; and*
- c) Documents relating to the procedures currently in use by the ADHA which outline the methods by which the application of updates, upgrades and "patches", both routine and ad-hoc to all software used by the ADHA to maintain electronic records are correctly applied and assured; and*
- d) Documents relating to the procedures in use in 2016 by the ADHA which outline the methods by which the application of updates, upgrades and "patches", both routine and ad-hoc to all hardware used by the ADHA to maintain electronic records are correctly applied and assured; and*
- e) Documents relating to the procedures in use in 2016 by the ADHA which outline the methods by which the application of updates, upgrades and "patches", both routine and ad-hoc to all software used by the ADHA to maintain electronic records are correctly applied and assured.*

While the Agency has been able to clearly identify the documents you are seeking, we have advised you that the scope of your request is large and requested you to consider revising the scope of your request to avoid the potential for a practical refusal reason. While you have clarified your initial request, you have not revised the scope of your request and a practical refusal reason still exists in the nature of your request.

I, Bettina McMahon, am an officer authorised under section 23(1) of the Freedom of Information Act 1982 (the **FOI Act**) to make decisions in relation to FOI requests.

I am writing to tell you that I believe that the work involved in processing your request in its current form would substantially and unreasonably divert the resources of this Agency from its other operations due to its broad nature, size and complexity. This is called a 'practical refusal reason' under section 24AA of the FOI Act.

Practical Refusal

Please note that a request for 'documents' concerning a particular subject will likely attract refusal under section 24AA of the FOI Act. It would not be possible for the decision-maker to certify that he or she has located every copy of every single document in the Agency's possession that falls within the scope of the request without conducting a search of every file and all individuals' electronic communication records in the Agency.

The Agency would be required to divert significant resources from its current operations in order to identify, locate and collate the documents held within the Agency. In addition, significant resources would be required to decide whether to grant, refuse or defer access to the large number of documents to which your request relates to grant access to edited copies of such documents. Additional resources would be required to examine the documents, to consult with any person or body in relation to the request, and to make copies, or edited copies, of the documents, and to notify you of any interim or final decision on the request.

Process this request would require a diversion from the Agency's core work functions and activities would result in a significant drain on its resources.

On this basis, I intend to refuse access to the documents you requested.

How the size of the request could be reduced

In order to make the request manageable, I recommend that you consider limiting the scope of the request to final versions of documents, as well as, limiting the time frame of your request to a shorter timeframe. The Agency is not in a position to divert resources to prepare a listing of the documents that could potentially be within scope of the request.

Request consultation process

You now have an opportunity to revise your request to enable it to proceed. Under section 24AB of the FOI Act, you have 14 days from the date of this letter to respond to this notice in writing and advise me whether:

- you wish to make a revised request;
- indicate that you do not wish to revise your request; or
- withdraw your request.

Suspension of processing time.

Please note that s.24AB(8) of the FOI Act provides that the legislated processing time for your request is 'suspended' until you have either:

- revised the request;
- advised that you do not intend to revise the request; or
- withdrawn your request.

In addition, if you do not contact me in writing before the end of the consultation period, your request will be deemed to be withdrawn in accordance with s.24AB(7) of the Act.

Contact officer

If you would like to revise your request or have any questions, the contact officer for your request is Cecilia who can be reached by telephone on (02) 6223 0780 or email at foi@digitalhealth.gov.au.

Yours sincerely

A handwritten signature in blue ink, appearing to read 'B McMahon', with a large, stylized initial 'B'.

Bettina McMahon

Chief Operating Officer