



20 December 2018

Our ref: FOI-1811001

Mr Richard Smith
Via right-to-know website
foi+request-4932-568e008c@righttoknow.org.au

Dear Mr Smith,

Charges Notice under Section 29 of the Freedom of Information Act 1982

I refer to your request for access to documents under the *Freedom of Information Act 1982* (the **FOI Act**), as follows:

- 'a) Documents relating to any investigations, reviews or routine checks undertaken by the 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 period 1 July 2016 to 2 November 2018 inclusive; and*
- b) Documents relating to the final version of procedures currently in use as at 2 November 2018 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 health records are correctly applied and assured; and*
- c) Documents relating to the final version of procedures currently in use as at 2 November 2018 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 health records are correctly applied and assured; and*
- d) Documents relating to the final version of procedures in use as at 1 July 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 health records are correctly applied and assured; and*
- e) Documents relating to the final version of procedures in use as at 1 July 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 health records are correctly applied and assured.'*

I am writing to advise you of my decision that you are liable to pay a charge in respect of the processing of your request.

I, Kathryn Dolan, am an officer authorised under section 23(1) of the FOI Act to make decisions in relation to FOI requests.

In accordance with section 29 of the FOI Act and the *Freedom of Information Charges Regulations 1982*, my preliminary assessment of the charge you are liable to pay is \$8,851.85.

Basis for my preliminary assessment of the charge

I have assessed the work the Australian Digital Health Agency would need to do to process your request and have calculated a breakdown of charges, provided in detail at **Attachment A**.

Your right to contend the charge

Under the FOI Act, you have the right to contend that the charge:

- has been wrongly assessed;
- should be reduced; or
- should not be imposed.

In deciding whether a charge should be reduced or not imposed, the decision-maker in our agency must take into account:

- whether payment of the charge, or part of it, would cause you financial hardship;
- whether giving access to the documents is in the general public interest or in the interest of a substantial section of the public; and
- any other relevant matter.

Payment of a deposit

As the charge exceeds \$100, a 25 per cent deposit of \$2,212.96 is payable to progress the request.

The deposit is not refundable except in some limited circumstances, for example, if the Agency fails to make a decision on your request within the statutory time limit. The charges may be refundable in part if the final charge is less than the deposit paid.

The Agency can accept Electronic Funds Transfer (EFT, and is preferred), money order or cheque payments.

If you choose to pay by EFT, please contact the FOI Unit directly to receive bank account information (note: the Agency will not provide this information on public websites).

Email: FOI@digitalhealth.gov.au
Phone: (02) 6223 0780

If you choose to pay by cheque (personal or bank) or money order it should be made payable to the Australian Digital Health Agency, quote the Reference FOI-1811001, and sent to the following address:

FOI Unit
Australian Digital Health Agency
Scarborough House
Level 7, 1 Atlantic Street
Woden ACT 2606

The time you have to respond and what you need to do

You have 30 days to respond in writing to this notice. We therefore expect a response from you by close of business 19 January 2019. By that date, you must do one of the following things in writing:

- agree to pay the charge (this will mean that you will not be entitled to access the requested documents until the full charge is paid);
- contend that the charge has been wrongly assessed, or should be reduced or not imposed and explain your reasons; or
- withdraw your request.

Please send your response to the Agency's FOI mailbox, FOI@digitalhealth.gov.au, quoting reference number FOI-1811001.

If you do not provide us with a written response by 19 January 2019, your request will be taken to have been withdrawn.

The period for processing your request is suspended from the day that you receive this notice and resumes on either the day you pay the charge (in full or the required deposit) or the day on which this agency makes a decision not to impose a charge.

Questions about this notice

If you have any questions or wish to discuss this notice with us, please contact the Agency's FOI unit:

Email: FOI@digitalhealth.gov.au
Phone: (02) 6223 0780

Yours sincerely



Gary Lilley

For and on behalf of Kathryn Dolan

Authorised Decision-Maker

Attachment A: **Assessment of Charges**

Attachment A: Assessment of Charges

Detailed breakdown of assessment of charges for FOI request 1811001:

Document estimate	
Number of relevant documents	42
Number of relevant pages (or other size descriptor)	2324

PROCESSING CHARGES		
Search and retrieval		
Task	Time (hours)	Cost @ \$15/hr
Search and retrieval of relevant electronic and registry files	1.33	\$20.00
Search and retrieval of relevant pages in file	6.00	\$90.00
Preparation of schedule of documents	2.10	\$31.50
A. Search and retrieval subtotal	9.43	\$141.50
Decision making		
Task	Time (hours)	Cost @ \$20/hr
Examination of documents	193.67	\$3,873.33
Consultation with third parties	147.00	\$2,940.00
Preparation of documents for release	41.67	\$833.33
Preparation of access decision third parties	40.18	\$803.68
Preparation of notice of access decision	18.00	\$360.00
Decision making subtotal (before deduction of 5 hours)	440.52	\$8,810.35
B. Decision making subtotal (after deduction of first 5 hours free)	435.52	\$8710.35

ACCESS AND DELIVERY CHARGES		
Transcription (\$4.40/page)	0	\$0
Photocopy (\$0.10/page)	0	\$0
Other copies (\$4.40/page)	0	\$0
		Cost

Electronic production (actual cost)	0	\$0
Replay [replaying of sound or film] (actual cost)	0	\$0
Delivery (actual cost)	0	\$0
	Time	Cost
Inspection (@ \$6.25 per half hour)	0	\$0
C. Access and delivery charges subtotal	0	\$0

ESTIMATED TOTALS AND DEPOSIT	
ESTIMATED TOTAL (total of A, B and C)	\$8,851.85
REQUIRED DEPOSIT	\$2,212.96