



10 January 2019

Our reference: LEX 41827

Emily Robinson
Right to Know

By email only: foi+request-5206-6c37fbc9@righttoknow.org.au

Dear Ms Robinson

Your Freedom of Information (FOI) request – Consultation

I refer to your request, dated and received by the Department of Human Services (**department**) on 7 January 2019, for access under the *Freedom of Information Act 1982* (**FOI Act**) in the following terms:

I am requesting access to operational information relating to vulnerability indicators current as of the years 2010, 2011, 2012, and 2013.

Consultation – your request gives rise to a practical refusal reason

Currently, your request does not provide sufficient information as is reasonably necessary to enable the department to identify the documents that you are requesting.

I am asking you to revise your request to give me more specific details about the documents you are requesting.

For a more detailed explanation of what this means, see **Attachment A**.

If you decide not to revise your request in order to resolve the issues raised above, I will have to refuse your request on the basis that one or more practical refusal reason still exists.

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 me that you do not want to revise your request.

If you do not do one of these three things during the consultation period, your request will be deemed to have been withdrawn by operation of the FOI Act.

See **Attachment A** for relevant sections of the FOI Act.

We have 30 days to notify you of our decision on your request, however, the time taken to consult with you 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. 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 41827**.

Further assistance

If you have any questions please email FOI.LEGAL.TEAM@humanservices.gov.au

Yours sincerely

Ellen

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



Attachment A

What I took into account

Your request does not provide sufficient information to identify the documents you seek

As your request is currently framed, it does not contain information concerning the documents requested which is reasonably necessary to enable a responsible officer of the department to identify the documents requested.

You have requested:

I am requesting access to operational information relating to vulnerability indicators current as of the years 2010, 2011, 2012, and 2013.

Firstly, the term 'operational information' is broad and requires further specification. The term could be interpreted to be for the following:

- policies;
- guidelines;
- directives; or
- procedures.

Additionally, 'operational information' could be interpreted to be for:

- operational information provided to the department by another department (for example Department of Social Services); or
- operational information created by the department for internal departmental use.

Secondly, the use of the phrase, 'relating to vulnerability indicators' is unclear and does not specify what documents you are requesting. Using the term 'relating to' is open to various interpretations and requires the person conducting searches and the FOI Officer processing the request to determine whether the document is sufficiently connected to be considered within scope.

Thirdly, it is unclear what you have intended 'vulnerability indicators' to mean. This term could be interpreted to mean 'vulnerability indicators' for Child Support, Centrelink or Medicare. For example, 'vulnerability indicators' applied to those receiving a type of Centrelink payment or Child Support customers who may be identified as requiring additional support.

It is also unclear if your reference to 'vulnerability indicators' in your request is used to identify that you are seeking operational information that uses the specific term 'vulnerability indicators' or if this is used as a word to describe the type of operational information that you are seeking. For example, information used to identify those customers who are requiring additional support.

Fourthly, your reference to 'current as of the years 2010, 2011, 2012, and 2013' is unclear and could be interpreted to mean the following:

- operational information that is current today, but was brought into existence in the respective year; or
- operational information that was current in the respective year but may no longer be current.

The use of your term 'current' requires additional explanation. This term 'current' could be referring to the most recent operational information that was implemented in the specified year, or could be referring to all relevant and applicable operational information for that year.

Please note that the unclear terms raised above are not exhaustive and other parts of the request may give rise to one or more practical refusal reasons.

Having regard to the above, I am satisfied that you have not provided such information concerning the documents as is reasonably necessary to enable a responsible officer to identify the documents to which you are seeking access.

Assistance to revise your request

You may wish to consider revising the scope of your request to address the issues raised above, for example:

- additional information to specify the type of document you are requesting; and
- additional information to specify what you mean by the identified terms that are unclear.

Please note that, even if you provide the department with specific information that allows us to identify the documents you are seeking, the request may still give rise to a practical refusal reason if the revised scope remains too broad. You will need to take this into consideration when revising the scope of your request.

The department does not undertake 'part processing' of an FOI request, meaning that, even if some parts of your request were clear, the department cannot process any aspect of your request if part of it remains unclear.

Further assistance

In the first instance, please look at the resources that are publicly available, these may assist you in identifying the documents you are seeking.

Operational Blueprints

Operational Blueprints outline how departmental staff determine and deliver health, social and welfare payments and services on behalf of the Australian Government. You can search the publicly available Operational Blueprints here: <http://operational.humanservices.gov.au/public/home.html>.

I have listed a number of Operational Blueprints to assist you to identify what type of vulnerability documents you are seeking in your request:

- <http://operational.humanservices.gov.au/public/Pages/job-seekers/001-10050000-01.html>

- <http://operational.humanservices.gov.au/public/Pages/payment-delivery/103-01080040-05.html>
- <http://operational.humanservices.gov.au/public/Pages/compliance-and-reviews/110-06090050-01.html>
- <http://operational.humanservices.gov.au/public/Pages/job-seekers/001-02020040-01.html>

The Department of Social Service's Guide to Social Policy Law

If you have not already considered the Department of Social Security's Guide to Social Policy Law (**Guide**). This Guide does provide information about different types of vulnerability indicators for welfare recipients. The Guide is available to access here: <http://guides.dss.gov.au/guide-social-security-law>.

Relevant sections of the *Freedom of Information Act 1982*

Section 15(2)(b) of the FOI Act provides that a request must provide such information as is reasonably necessary to enable a responsible officer to identify the documents sought

Section 24AA(1)(b) of the FOI Act provides that a practical refusal reason exists in relation to an FOI request if the request does not satisfy the requirements of section 15(2)(b) of the FOI Act.

Section 24AB(6) provides 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 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.