



Australian Government
Department of Health

Department Reference: FOI 1031

FOI Applicant
Right to Know

Via email: foi+request-5243-1375e4b9@righttoknow.org.au

Dear FOI Applicant

**REQUEST CONSULTATION NOTICE UNDER SECTION 24AB
OF THE FREEDOM OF INFORMATION ACT 1982**

I refer to your request of 2 February 2019 to the Department of Human Services (DHS) which was partially transferred to the Department of Health (Department), for access under the *Freedom of Information Act 1982* (FOI Act), to the following:

“documents that include the information that relates to the Practice Incentives Program eHealth Incentive Program [‘ePIP’] as per this webpage:

<https://www.humanservices.gov.au/organisations/health-professionals/enablers/ehealth-incentive/47761>

- 1. What date did this program commence?*
- 2. How many GP practices are currently participating in the ePIP program (as of 2 February 2019)?*
- 3. A list, current of 2 February 2019, of all GP practices participating in the ePIP program.*
- 4. From the commencement of the ePIP program until 2 February 2019, how many GP practices have participated in the ePIP program?*
- 5. Briefing notes, or summaries, or audits relating to the effectiveness of the ePIP program.*
- 6. The total sum of all payments made under the ePIP program.*
- 7. The total number of shared health summaries uploaded to My Health Record, by virtue of the ePIP program.”*

On 11 February 2019 DHS advised the Department that you had narrowed the scope of items 1, 4, 5, 6 of your request as follows:

"1. What date did the ePIP eligibility requirement for participating practices to upload SHS for a minimum of 0.5% of the practice's standardised whole patient equivalent become mandatory [the commencement date]?"

4. From the commencement date until 2 February 2019, how many GP practices have participated in the ePIP program?"

5. Briefing notes, or summaries, or audits relating to the effectiveness of the ePIP program after the commencement date.

6. The total sum of all payments made under the ePIP program from the commencement date."

The scope of the other documents requested at items 2, 3 and 7 remain unchanged. The Department has accepted transfer of items 1 5, 6 and 7. DHS will respond to items 2, 3 and 4 separately.

I am writing to notify you that the Department is unable to process your request as currently framed, and to set out a process for you to consider revising your request so that it can be processed.

Practical refusal reason

I have considered the scope of your narrowed request of 2 January 2019. I am satisfied, for the reasons set out below, that the request does not provide such information concerning the document as is reasonably necessary to enable a responsible officer of the Department, to identify it (the 'practical refusal reason') (s 24AA(1)(b) of the FOI Act).

Request does not sufficiently identify documents

A formal requirement of making an FOI request is that the request must provide such information as is reasonably necessary to enable a responsible officer of the agency to identify the document that is requested (s 15(2)(b) of the FOI Act).

Item 5 of your request is for "Briefing notes, or summaries, or audits relating to the effectiveness of the ePIP program after the commencement date." The Department is unable to interpret the wording "relating to the effectiveness of the ePIP program after the commencement date" as this is quite broad.

For the Department to discharge it's duty under the FOI Act to conduct 'reasonable searches' it needs to be able to identify the information an Applicant is seeking. Without further clarification on what this item means the Department is unable to process this request.

On this basis, I am satisfied that a practical refusal reasons exists for the purposes of paragraph 24AA(1)(b) of the FOI Act.

Request consultation process

Before I can make a decision to refuse access to the documents on the basis of the practical refusal reason, the FOI Act requires me to undertake a request consultation process which gives you an opportunity to revise your request (s 24(1)(a) & s 24AB).

This letter constitutes a written notice in accordance with s 24AB(2) of the FOI Act giving you a 14-day period to consult with the Department about the terms of your request. The

consultation period during which you can consult the below contact person is **14 days** commencing after today and ending on **7 March 2019**.

Contact person

The contact person whom you may consult is the Department's FOI Coordinator who can be contacted by telephone on (02) 6289 1666 or by email at FOI@health.gov.au

What you need to do

Under s 24AB(6) of the FOI Act, you have 14 days from the date of this notice, to notify the Department, in writing, that you either:

- (a) Withdraw your request;
- (b) Make a revised request;
- (c) Indicate that you do not wish to revise the request.

Under s 24AB(7), your request will have been taken to be withdrawn if you neither contact the Department's FOI Coordinator during the 14 days nor do any of the things mentioned above at (a), (b) and (c) before the consultation period ends.

How you could revise your request

In considering whether and how to revise your request, please consider:

- clarifying what is meant by 'effectiveness of the ePIP program';
- restricting the time period over which you seek documents to; or
- excluding duplicates, draft documents, or internal correspondence from your request.

Relevant provisions of the FOI Act

The FOI Act, including the provisions referred to in this letter, can be accessed from the Federal Register of Legislation website:

<https://www.legislation.gov.au/Details/C2019C00055>

Yours sincerely



Brian Kelleher

Assistant Secretary

Portfolio Service and Design Branch

21 February 2019