



22 March 2019

Our reference: LEX 42296

FOI Applicant

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

Dear FOI Applicant

Freedom of Information Request – Reconsideration of Charges

I refer to your original request, dated and received by the Department of Human Services (**department**) on 2 February 2019, made under the Freedom of Information Act 1982 (**FOI Act**), for the following documents:

‘Could you please provide 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/healthprofessionals/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.’*

The department received an email, dated and received on 9 February 2019, revising your original request to (**revised request**):

‘Further to the original request lodged 2 February 2019, I wish to narrow the scope of some of the requested documents. Subsequent to the lodgement of the request, publicly available information makes clear that the ePIP requirement to upload shared health summaries [‘SHS’] to the My Health Record [‘MHR’] system was introduced after the commencement of the ePIP program.

Accordingly, the scope of items 1, 4, 5, 6 are narrowed 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.’

On 13 February 2019, the department notified you that parts 1, 5, 6, and 7 of your request has been transferred to the Department of Health pursuant to section 16 of the FOI Act.

Our department will proceed with processing parts 2, 3 and 4 of your FOI request.

Background

On 20 February 2019, you were notified that you are liable to pay a charge for the processing of your request and that the preliminary assessment of that charge was \$53.37 (**charge**). The charge was calculated as follows:

Document production: 0.25 hours, at \$31.89 per hour	\$7.97
Decision-making (after deduction of 5 hours*): 2.27 hours, at \$20 per hour	\$45.40
TOTAL	\$53.37

*The FOI Act provides that the first five hours of decision-making time are free of charge and this is reflected in the calculation.

On 22 February 2019, you requested a reconsideration of the preliminary assessment of charges.

I have now reconsidered the charge notification to you on 20 February 2019 and have decided in this instance to waive the charge. Please find my decision below.

What I took into account

In reaching my decision on reconsideration of charge, I took into account:

- the department's correspondence dated 20 February 2019, notifying you of the charge;
- your reconsideration request dated 22 February 2019, contending that the charge should not be imposed;
- the document falling within the scope of your request;
- consultations with departmental officers about:
 - the nature of the requested information; and
 - the department's operating environment and functions;
- relevant case law;

- the FOI Act;
- the *Freedom of Information (Charges) Regulations 1982 (Regulations)*; and
- the Guidelines issued by the Australian Information Commissioner under section 93A of the FOI Act (**Guidelines**).

Reconsideration of the Charge

I have reconsidered the preliminary charge that was notified to you on 20 February 2019. The FOI team originally determined that you were liable to pay a charge, in accordance with section 29 of the FOI Act.

I have decided to waive the preliminary charge notified to you on 20 February 2019 in full.

I acknowledge that your reason for seeking reconsideration of the charge is based on whether the document in question is in the general public interest or in the interest of a substantial section of the public.

In accordance with section 29 of the FOI Act, I have reviewed the preliminary estimate of charge and considered the relevant public interest factors.

I am satisfied that the charge calculated above is an accurate reflection of the time spent by the department in producing the document you have requested. However, I have decided, in-line with the 'Public Interest' guidelines and the objects of the FOI Act set out in section 3, that I will not impose a charge in relation to your request.

Time limits for processing your request

Section 31 of the FOI Act provides that where a notice is sent to an Applicant regarding the payment of a charge in respect of a request, the time limit for processing the request is suspended from the date the notice is received until either:

- a) the day following payment of the charge; or
- b) if applicable, the day following the notification to the Applicant of a decision not to impose the charge.

As I have decided not to impose a charge, the processing period for your request recommences from the day you receive this notice.

Accordingly, a final decision on your revised request is due to be notified to you by no later than 3 April 2019.

You can ask for a review of this decision

I have reconsidered the assessment of charge and have decided not to impose a charge. If you disagree with this decision, you can ask for a review. There are two ways you can do this. You can ask for an internal review from within the department, or an external review by the Office of the Australian Information Commissioner. You do not have to pay for reviews of decisions. See **Attachment A** for more information about how to arrange a review.

Further assistance

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

Yours sincerely

Molly

Authorised FOI Decision Maker

Freedom of Information Team

Employment Law and Freedom of Information Branch | Legal Services Division

Department of Human Services



Attachment A

INFORMATION ON RIGHTS OF REVIEW

FREEDOM OF INFORMATION ACT 1982

Asking for a full explanation of a freedom of information (FOI) decision

Before you ask for a formal review of a FOI decision, you can contact us to discuss your request. We will explain the decision to you. This gives you a chance to correct misunderstandings.

Asking for a formal review of a FOI decision

If you still believe a decision is incorrect, the *Freedom of Information Act 1982* (FOI Act) gives you the right to apply for a review of the decision. Under sections 54B and 54N of the FOI Act, you can apply for a review of an FOI decision by:

1. an Internal Review Officer in the Department of Human Services (**department**); and/or
2. the Australian Information Commissioner.

Note 1: There are no fees for these reviews.

Applying for an internal review by an Internal Review Officer

If you apply for internal review, a different decision maker to the departmental delegate who made the original decision will carry out the review. The Internal Review Officer will consider all aspects of the original decision and decide whether it should change. An application for internal review must be:

- made in writing
- made within 30 days of receiving this letter
- sent to the address at the top of the first page of this letter or via email to freedomofinformation@humanservices.gov.au

Note 2: You do not need to fill in a form. However, it is a good idea to set out any relevant submissions you would like the Internal Review Officer to further consider, and your reasons for disagreeing with the decision.

Applying for external review by the Australian Information Commissioner

If you do not agree with the original decision or the internal review decision, you can ask the Australian Information Commissioner to review the decision.

If you do not receive a decision from an Internal Review Officer in the department within 30 days of applying, you can ask the Australian Information Commissioner for a review of the original FOI decision.

You will have 60 days to apply in writing for a review by the Australian Information Commissioner.

You can **lodge your application**:

Online: www.oaic.gov.au

Post: Australian Information Commissioner

GPO Box 5218
SYDNEY NSW 2001

Email: enquiries@oaic.gov.au

Note 3: The Office of the Australian Information Commissioner generally prefers FOI applicants to seek internal review before applying for external review by the Australian Information Commissioner.

Important:

- If you are applying online, the application form the 'Merits Review Form' is available at www.oaic.gov.au.
- If you have one, you should include with your application a copy of the Department of Human Services' decision on your FOI request
- Include your contact details
- Set out your reasons for objecting to the department's decision

Complaints to the Australian Information Commissioner and Commonwealth Ombudsman

Australian Information Commissioner

You may complain to the Australian Information Commissioner concerning action taken by an agency in the exercise of powers or the performance of functions under the FOI Act. There is no fee for making a complaint. A complaint to the Australian Information Commissioner must be made in writing. The Australian Information Commissioner's contact details are:

Telephone: 1300 363 992
Website: www.oaic.gov.au

Commonwealth Ombudsman

You may also complain to the Commonwealth Ombudsman concerning action taken by an agency in the exercise of powers or the performance of functions under the FOI Act. There is no fee for making a complaint. A complaint to the Ombudsman may be made in person, by telephone or in writing. The Commonwealth Ombudsman's contact details are:

Phone: 1300 362 072
Website: www.ombudsman.gov.au

The Commonwealth Ombudsman generally prefers applicants to seek review before complaining about a decision.