



6 May 2019

Aathavan

**BY EMAIL:** [foi+request-5369-ac6bd0c3@righttoknow.org.au](mailto:foi+request-5369-ac6bd0c3@righttoknow.org.au)

**In reply please quote:**

FOI Request: FA 19/04/00707

File Number: OBJ2019/23093

Dear Aathavan

I refer to your email dated 10 April 2019 in which you request access to documents held by the Department of Home Affairs (the Department) under the *Freedom of Information Act 1982* (the FOI Act).

I am writing to tell you that I intend to refuse your request on the basis that a practical refusal reason exists. However, before I make a final decision to do this, you have an opportunity to revise your request to remove the practical refusal reason. This is called a '*request consultation process*'. You have 14 days to respond to this notice in one of the ways set out below.

**Scope of Request**

You have requested access to the following:

*Electronic copies of all the printed advertising material (for example posters and pamphlets) created for the campaigns designed to dissuade offshore people smuggling (or asylum seekers) since 2013.*

**Power to refuse request**

Section 24 of the FOI Act provides that if the Department is satisfied that a practical refusal reason exists in relation to a request, the Department must undertake a consultation process with you, and if, after that consultation process, the Department remains satisfied that the practical refusal reason still exists, the Department may refuse to give you access to the documents subject to the request.

**Practical refusal**

A *practical refusal reason* exists if either (or both) of the following applies:

- (a) the work involved in the processing of the request would substantially and unreasonably divert the resources of the Department from its other operations
- (b) the request does not satisfy the requirement in section 15(2)(b) of the FOI Act, which requires you to provide such information concerning the document you are seeking access to, to enable the Department to be able to identify it.

## Reasons for practical refusal

You have requested access to documents created across a period of in excess of 6 years. Your request captures all electronic copies of printed advertising material, including flyers, brochures, posters, fact sheets, billboards and storyboards.

The business that is responsible for the documents you have requested has advised that it holds in excess of 108 unique products that would be captured by your request. This does not include translated versions of the same product in up to 16 languages. Each product is also held in both low and high resolution versions.

As such, it is estimated that up to 1,720 documents would be captured by your request.

In the event that it would take a bare minimum of one minute to identify, locate, retrieve each of these documents, it would take the Department an estimated minimum of 29 hours simply to obtain copies of each of these documents for assessment by a delegated decision maker. This time does not take into account that some of the materials that would be captured by your request are held by the Department's Contracted Service Providers, some of whom are located overseas. As such, the time required to retrieve documents would be in excess of one minute per document, and I consider the estimate of **40 hours** to search and retrieve documents relevant to your request to be a more accurate estimate.

Once each document has been retrieved it would require assessment by a delegated decision maker, who would be required to review each document and make a decision on access under the provisions of the FOI Act. Again, on the basis that it would take the decision maker an average of one minute per document to assess the entirety of that document, and make a decision on access to that document, it would take at least **29 hours** to also make a decision on access to those documents.

As such, my conservative estimate is that it would take the Department in excess of **69 hours** to process your request, including the search and retrieval of and the making of a decision on access to, the documents that are captured by your request. This equates to 9.2 working days, which is in excess of two working weeks.

The Department would be required to divert significant resources from its current operations in order to undertake those tasks. This diversion would result in a significant drain on the resources of the business areas within the agency that would be required to process this request, and would have an adverse effect on the ability of the Department to carry out its normal functions and operational activities.

## Request Consultation Process

You now have an opportunity to revise your request to enable it to proceed.

You may wish, for example, to reduce the scope of your request to one version (in a single language in either high or low resolution) of each product that would be captured by your request. You may also wish to consider reducing the time frame of your request – noting that across a six year period, in excess of 108 unique products have been created.

Under section 24AB of the FOI Act, you have 14 days 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.

If you do not do one of the three things listed above during the consultation period (14 days) or you do not consult the contact person listed below during this period, your request will be taken to have been withdrawn in accordance with section 24AB(7) of the FOI Act.

### **Contact**

Should you wish to revise your request or have any questions in relation to this process, please do not hesitate to contact Alison Smith at [foi@homeaffairs.gov.au](mailto:foi@homeaffairs.gov.au).



Alison Smith  
Assistant Director | Freedom of Information Section  
FOI and Records Management Branch  
Productivity and Compliance Division | Corporate and Enabling Group  
Department of Home Affairs