



20 August 2019

Our reference: LEX 46187

Mr Justin Warren  
Right to Know

By email only: [foi+request-5538-6e966511@righttoknow.org.au](mailto:foi+request-5538-6e966511@righttoknow.org.au)

Dear Mr Warren

### **Freedom of Information Request – Charges and Third Party Consultation Notice**

I refer to your request, received by the Department of Human Services (**department**) via email on 29 July 2019. You have requested access to the following document under the *Freedom of Information Act 1982 (FOI Act)*:

I request a copy of the Privacy Impact Assessment reference number 21987 titled "DHS Response to the Independent Review of Health Providers' Access to Medicare Card Numbers" as listed on the department's Privacy Impact Assessment Register.

#### *Third-party consultation – business documents*

As your request covers a document which contains business information, the department is required to consult with the affected businesses (under section 27 of the FOI Act) before making a decision on the release of those documents.

The consultation mechanism under section 27 of the FOI Act applies when the department considers that the person, organisation or proprietor of the undertaking may wish to contend that the requested document is exempt from release because the document would disclose trade secrets or business information.

The department will take into account any comments we receive from the business. However, the final decision about whether to grant you access to the documents you requested rests with this department.

For this reason the period for processing your request has been extended by 30 days in order to allow the department time to consult with the business (section 15(6) of the FOI Act).

However, I have also decided that you are liable to pay a charge for the processing of your request, and so the processing period for your request has been suspended. The date a decision is due to be notified to you by will depend on the action you take in relation to your liability to pay the charge.



## Preliminary Assessment of the Charge

In accordance with section 29 of the FOI Act and regulation 9 of the *Freedom of Information (Charges) Regulations 2019*, I have decided that you are liable to pay a charge for the processing of your request.

I am advised that the department holds one document, comprising 40 pages that is relevant to your request.

My preliminary assessment of that charge is **\$106.15** calculated as follows:

Search and retrieval time: 0.97 hours, at \$15.00 per hour	\$14.55
Decision-making time, (*after deduction of 5 hours): 3.58 hours, at \$20.00 per hour	\$91.60

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<b>TOTAL</b>	<b>\$106.15</b>
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\*The FOI Act provides that the first five hours of decision-making time are free of charge and this is reflected in the calculation.

Please note that the payment of the charge does not guarantee access to the requested document, in full or in part.

## Required Action

If you would like the department to continue processing your request, you must notify the department in writing within 30 days of receiving this notice that you:

- a) agree to pay the charge; or
- b) wish to contend that the charge:
  - i. has been wrongly addressed; or
  - ii. should be reduced or not imposed; or
  - iii. both.

Alternatively, you may wish to withdraw your request for access.

If you do not provide a written response in accordance with one of options a) or b) above within 30 days of receiving this notice, your request will be taken to have been withdrawn under section 29(2) of the FOI Act.

Further information on options a) and b) are set out below.

### Option a) – pay the charge

As the charge exceeds \$100, you are required to pay the charge in full, or a 25% deposit, being **\$26.55**, within 30 days of receiving this notice.

You may select from one of the following payment methods:

1. Online payment via Government EasyPay – go to [ippayments.com.au/access/index.aspx?a=85987733](http://ippayments.com.au/access/index.aspx?a=85987733) and enter the relevant details.



You will need your FOI LEX reference number, **46187**; or

2. Cheque made out to the Collector of Public Monies and posted to Freedom of Information, Department of Human Services, PO Box 7820, Canberra BC, ACT 2601; or
3. Money order made out to the Collector of Public Monies and posted to Freedom of Information, Department of Human Services, PO Box 7820, Canberra BC, ACT 2601.

### **Option b) – seek reduction or non-imposition of the charge**

You may contend that the charge has been wrongly assessed, or should be reduced or not imposed. Section 29(5) of the FOI Act provides that, in deciding whether to reduce or not to impose a charge, the decision-maker must take into account any relevant reasons, including whether payment of the charge, or part of it, would cause you financial hardship, and whether the giving of access to the documents is in the general public interest or in the interest of a substantial section of the public.

If you wish to contend that the charge has been wrongly assessed or should be reduced or not imposed, please set out your reasons and the evidence in support of your reasons as clearly as possible. If you believe that payment of the charge would cause you financial hardship, please provide sufficient details of your financial circumstances to enable the decision-maker to make a well-informed decision in this regard.

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

### **Address for correspondence**

Please send all correspondence regarding your FOI request to me at the following address:

Freedom of Information Team  
Department of Human Services  
PO Box 7820  
CANBERRA ACT 2601

Or by email to: [FOI.LEGAL.TEAM@humanservices.gov.au](mailto:FOI.LEGAL.TEAM@humanservices.gov.au)

### **Publication of information in the FOI disclosure log**

Information released under the FOI Act may be published in a disclosure log on the department's website. Section 11C of the FOI Act requires this publication, subject to certain exceptions, including where publication of personal, business, professional or commercial information would be unreasonable.

### **Further assistance**



If you have any questions please email: [FOI.LEGAL.TEAM@humanservices.gov.au](mailto:FOI.LEGAL.TEAM@humanservices.gov.au)

Kind regards

**Kaitlin**

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