



Australian Government
Department of Immigration and Border Protection

6 May 2014

FOI Request FA 14/04/00348
File Number ADF2014/12160

Mr Ben Fairless
Right To Know

Copy sent by email to: foi+request-581-flf3effa@righttoknow.org.au

Dear Mr Fairless

Freedom of Information request – Notice that applicant is liable to pay a charge (s.29)

This letter refers to your request received on 6 April 2014 seeking access under the *Freedom of Information Act 1982* (the Act) as follows:

I request a copy of all documents held by DIBP that either involve, discuss, make mention of or have relevance to, the communications which were initiated from the DIBP's Twitter account (@DIBPAustralia) which are sent to or contain the phrase "@VanessaPowell25"

This request specifically includes, but is not limited to:

- "Direct Messages" sent between any of DIBP's official or unofficial Twitter accounts and @VanessaPowell25*
- Documents created or held by DIBP in relation to the alleged "offensive remark" mentioned in the Tweets from @DIBPAustralia to @VanessaPowell25 on the 4th of April 2014*
- Copies of any complaint made by any employee's, contractors, or anyone associated with DIBP.*

I am writing to advise you of my decision that you are liable to pay a charge for processing this request. I am an officer authorised under s.23(1) of the Act to make decisions in relation to FOI requests, including the decision to impose a charge.

As provided under s.29 of the Act and the *Freedom of Information (Charges) Regulations 1982* (the Regulations), I have undertaken a preliminary assessment of the amount of charges you are liable to pay and have assessed that to be **\$494.95**.

Basis for my preliminary assessment of the charge

I have assessed the work the department would need to do to process your request and have calculated the following breakdown of charges.

people our business

Document estimate

The documents within the scope of your request include email chains, Talking Points and an image of a number of tweets.

I note that some email trails are lengthy. There is also a significant amount of duplication of certain emails in the email trails; however as the email trails are addressed to different recipients, they are, for the purposes of the FOI Act, considered as separate documents.

Number of relevant documents: 49 documents

Number of relevant pages: 191 pages

Processing charges

Search and retrieval		
Task	Time (hours)	Cost @ \$15/hr
Search and retrieval of relevant electronic and registry files	0.17	\$2.50
Search and retrieval of relevant pages in file	0.75	\$11.25
Preparation of schedule of documents	2.45	\$36.75
Search and retrieval subtotal	3.37	\$50.50

Decision making		
Task	Time (hours)	Cost @ \$20/hr
Examination of documents	15.92	\$318.33
Preparation of documents for release	5.25	\$105.00
Consultation with third parties	0.00	\$0.00
Preparation of notice of access decision	6.06	\$121.12
Decision making subtotal (before deduction of 5 free hours)	27.22	\$544.45
Decision making subtotal (after deduction of 5 free hours)	22.22	\$444.45

Estimated totals and deposit	
Estimated total	\$494.95
Deposit required	\$123.74

The time you have to respond and what you need to do

The Act provides you with 30 days to respond, in writing, to this notice, which is **Thursday, 5 June 2014**.

Therefore, by Thursday, 5 June 2014 you must do one of the following things:

- agree to pay the charge;
- contend that the charge has been wrongly assessed, or should be reduced or not imposed and explain your reasons; or
- withdraw your request.

In deciding whether a charge should be reduced or not imposed, s.29(5) of the Act requires me to take into account:

- whether payment of the charge, or part of it, would cause you financial hardship
- whether giving access to the documents is in the general public interest or in the interest of a substantial section of the public
- any other relevant matter.

Please note that if you do not provide a written response by Thursday, 5 June 2014 your request will be taken to have been withdrawn (by you) under s.29(2) of the Act.

Payment

As the charge exceeds \$100, you will be required to pay a deposit equal to 25% of the full charge imposed (**\$123.74**).

The deposit will be refunded if the department fails to make a decision on your request within the statutory time limit. The deposit can be paid by cheque, money order, credit card or Electronic Funds Transfer (EFT).

Cheques and money orders should be made payable to "Collector of Public Monies DIBP" and sent to:

FOI & Privacy Policy Section
Department of Immigration & Border Protection
PO Box 25
BELCONNEN ACT 2616

If you wish to pay by credit card, please fill out the attached credit card authorisation form and forward to FOI & Privacy Policy Section at the above address, or email to foi@immi.gov.au.

If you wish to pay by Electronic Funds Transfer (EFT) the department's bank account details are as follows:

Bank:	CBA
BSB:	062987
Account Number:	10016044
Account Name:	DIBP Official Administered Direct Credit Receipts Account

When making the transfer you will need to quote the number of your request – FA 14/04/00348 - so that your payment can be identified by our Finance area. Failure to do so may result in payments not being identified as FOI related and could result in processing delays.

Please advise FOI when you have made the payment made by direct credit so that we can contact the Finance area and they can issue a receipt. You should also be aware that payments by direct credit are not processed in real time. There is at least a one day delay between somebody paying money into the department's account and notification of the payment via our bank account statement.

Processing period suspended

The period for processing your request is suspended from the day that you are deemed to have been 'notified' of the charge and resumes on:

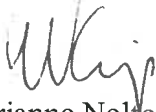
- the day you indicate that you 'agree' to pay the charge or
- the day on which this agency makes a decision not to impose a charge.

You may indicate your agreement to pay the charge by either paying the deposit or paying the charge in full.

Contacting the FOI Section

If you wish to discuss this matter, I can be contacted using the details provided below.

Yours sincerely



Marianne Nolte-Crimp
Authorised FOI Decision Maker
FOI & Privacy Policy Section
Ministerial, Executive & External Accountability Branch
Department of Immigration and Border Protection

Email foi@immi.gov.au