



GPO Box 1797 Melbourne 3001
Our ref. MYM 60089
2 April 2013

Mr Ben Grubb

By email to foi+request-61-63577b05@righttoknow.org.au

Dear Mr Grubb

Notice of intention to refuse FOI request

I refer to your FOI request dated 11 February 2013 requesting access to the documents pertaining to the breach of the Tax Agent Portal notified to tax agents on 5th February. Our acknowledgment letter dated 21 February 2013 indicated that the scope of this request was very broad. You agreed to reduce the scope of this request by removing:-

- duplicates,
- not requiring identifiable taxpayer information,
- only requiring final email chains and
- removing purely administrative documents.

We have now identified 296 megabytes of information that fall within the reduced scope of your request. The material is made up of over 1,000 files or documents. I estimate that each document contains three pages so there are over 3,000 pages to be reviewed.

These documents contain information about specific tax agents, taxpayer information and information about our security systems. I note that you have excluded taxpayer information but we would have to edit out this material where it falls within otherwise relevant documents.

This is a notice of an intention to refuse access to documents because a 'practical refusal reason' exists under s 24(1) of the *Freedom of Information Act 1982* (FOI Act). I am issuing this notice under s 24AB(2) of the FOI Act.

The practical refusal reason is that the work involved in processing the request would substantially and unreasonably divert the resources of the Australian Taxation Office (ATO) from its other operations as specified in s 24AA(1)(a)(i) of the FOI Act.

Resources Require to Process the Request

At this stage, I estimate that approximately 25 staff days will be required for an FOI officer to process the request including redacting documents to exclude specific details of tax agents and taxpayers, consulting with our security personnel, preparing a schedule of documents, and preparing a statement of reasons for the decision.

In addition to the FOI resources, appropriately qualified officers will be diverted from their regular duties to review most of these documents for sensitive security information. At this stage I estimate that it will take these officers 10 days to undertake this task. Given the nature of the documents, these are a specialist group so it is their time rather than the rather than the whole office that needs to be taken into account

Taking into account these factors, I consider that a practical refusal reason exists under s 24(1) of the *Freedom of Information Act 1982* (FOI Act).

Next step required

I am the officer with whom you may consult with a view to making the request in a form that would remove the ground for refusal. You can contact me by phone on (03) 9285 1810 or by email at julie.galeotti@ato.gov.au.

To assist you in refining your request, I suggest that limiting your request to the briefing material provided to senior staff members of the office regarding this matter would reduce the scope of your request so that we are able to process it. The briefing material would provide an overview of the matter, eliminate a lot of specific tax agent, taxpayer and security information and reduce the overall size of the request. You would, of course, be able to make future requests for further information and receiving the briefing material may assist you in targeting information that may be required.


In accordance with s24AB(2)(e) and s24AB(6), you have 14 days from the date you receive this notice to either:

- a. withdraw your request
- b. make a revised request, or
- c. indicate that you do not wish to revise the request.

If you do not respond in one of these ways within 14 days the request will be taken to have been withdrawn pursuant to s 24AB(7) of the FOI Act. If you indicate that you do not wish to revise your request, I will proceed to make a decision on whether to refuse the request on resource grounds under s 24(1).

If you need more time to respond, please contact me within the 14 day period to discuss your need for an extension of time.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Julie Galeotti', with a stylized initial 'J'.

Julie Galeotti
Senior Legal Adviser
General Counsel Unit | Legal Services Branch | Law & Practice
Australian Taxation Office