



Australian Government
Department of Health and Ageing

Ms Karen Dearne
Right to Know
foi+request-63-f2bc2d48@righttoknow.org.au

Dear Ms Dearne

Your Freedom of Information Request: No. 175-1213

I refer to your request of 13 February 2013, seeking access to documents under the *Freedom of Information Act 1982* (the Act), relating to:

'a copy of the eHealth Memorandum of Understanding which replaces the National Partnership on eHealth which expired on end of June 2012'.

The Freedom of Information (Fees and Charges) Regulations (the Regulations) prescribes that charges can be levied in respect of a request for access to documents. These charges are set out by the Regulations and are for search and retrieval of documents, decision making and provision of access (for example, copying and postage).

I have decided that you are liable to pay a charge in respect of the processing of your request. I am an authorised decision-maker under section 23 of the FOI Act.

A search and retrieval of documents relevant to your request has been undertaken and a preliminary estimate of charges has been calculated in accordance with the Regulations and is set out in the table below.

Search and retrieval time - including time spent locating relevant files and collating relevant documents contained on those files.	1.02 hours @ \$15.00 per hour	\$15.25
Decision making time - including examining the documents, consulting 8 third parties (2hrs per consultation), considering exemptions, writing the decision and preparing any documents for release.	18.09 hours @ \$20.00 per hour	\$361.72
First 5 hours of decision making time free	5 hours @ \$20.00 per hour	-\$100.00
Photocopies of documents	21 pages	\$2.10
TOTAL		\$279.07

The Regulations allow for the first five hours of decision making time to be made available free of charge. The estimate provided has accounted for that time.

The Regulations prescribe that where a charge is imposed and exceeds \$25.00 but is less than \$100.00, a deposit of \$20.00 may be sought and where the charge exceeds \$100.00, a deposit of up to 25% of the estimated charges may be sought. Based on the preliminary estimate of charges for your request which is \$279.07, I have decided you are required to pay a deposit of \$69.77.

Section 29 of the FOI Act provides that you must notify this Department, in writing, within 30 days of receipt of this notice that you either:

- Agree to pay the charge (in which case you should also forward the deposit);
- or
- Contend that the charge has been wrongly assessed, or should be reduced or not imposed (including where such charges would cause you financial hardship or where you believe access to documents is in the general public interest). You should provide full reasons for so contending;
- or
- Withdraw your request.

If within 30 days of receipt of this notice you have not notified the department in the manner mentioned above, the FOI Act deems that you have withdrawn your request.

The time limit for processing your request is suspended, in accordance with section 31 of the FOI Act, from the date you received this written notice about your charges liability and resumes on either the day you pay the charges or deposit or the day on which the Department makes a decision not to impose a charge.

If you agree to the charges, you will then accept liability for settlement of the debt with the Department upon completion of processing the FOI request as prescribed by section 29 of the FOI Act. Once the agency has processed your FOI request it will determine the actual charges for which you are liable. In the event that the actual charges are less than this estimate, you will only be liable for the lesser amount. If the actual charges are more than this estimate, then you will only be liable for the lesser amount notified in this estimate, unless the Department releases every document to you in full, in which case it may impose the higher actual charges.

Once your FOI request has been processed the outstanding charge amount is a debt created in favour of the Commonwealth and therefore the Department is obliged to pursue recovery of the debt in accordance with the *Financial Management and Accountability Act 1997*.

Should you accept liability for your estimated charge your cheque for the deposit should be made payable to the Department of Health and Ageing and sent to:

FOI Coordinator (MDP 350)
Department of Health and Ageing
GPO Box 9848
CANBERRA ACT 2601

Third Party Consultation

As your request relates to documents which concern third parties, consultation with those third parties will need to occur before making a decision on the release of the document. Subsections 15(6) and 15(7) of the FOI Act provides for an extension of 30 days to the statutory time limit for processing requests in these situations. The time period for processing your request will be extended accordingly.

If you require clarification of any of the matters discussed in this letter you should contact the FOI Unit on (02) 6289 1666.

Yours sincerely



Rod Schreiber
Acting Assistant Secretary
eHealth Strategy and Policy Branch
eHealth Division

7 March 2013