



Administrative Appeals Tribunal

FOI ref: 2020/0048

10 July 2020

Mr John Smith

By email: foi+request-6349-23080a19@righttoknow.org.au

Dear Mr Smith,

Consultation following applicant contention that charge be reduced or not imposed (s 29(8))

I refer to your email of 18 June 2020 in which you requested a waiver of charges pursuant to section 29(5)(a) of the *Freedom of Information Act 1982* (FOI Act), on the grounds of financial hardship and pursuant to section 29(5)(b), on the grounds of public interest.

I also refer to your email of 19 June 2020 in which you requested that the charge estimate be amended to reflect the amount that is to be imposed if deleted or archived emails are to be included.

Deleted and archived emails

The parts of your request that include a request for access to deleted or archived emails are:

6. *Any emails or instant message chat records within the inbox of either Chris Sutton or Sera Clemens that discuss the story: <https://www.michaelwest.com.au/boomers-vs-millennials-the-gig-economy-breaks-enters-the-australian-public-service/> Please include only emails or skype records from the dates 9th & 10th of April inclusive. Please include deleted or archived emails for these two dates.*
7. *The earliest ten emails between AAT senior officer Sera Clemens & the labour hire recruitment firm Launch recruitment pty ltd. Please include deleted or archived emails within this FOI request. Please exclude from these emails, any emails that do not discuss salary or the terms and conditions for the employment of labour hire staff on premises at the AAT.*

The AAT holds both emails and Skype records on our email exchange server. The exchange server also holds deleted or archived emails and Skype records. However, if any emails or records relating to your above request have been deleted or archived, they may be held in either the exchange server or the AAT's backup storage system. Emails and Skype records on the exchange server have a retention period, after which the records can be found in the backup system. If an email is permanently deleted, we can also search for that email in our backup system.

A search of the exchange server is a relatively straight forward exercise. A search of the backup storage system requires monthly backup copies of the mail server to be restored, one copy at a time. Our Tribunal storage system equipment currently allows us to retain one restored backup copy in an online database at the one time.

The AAT's Information Technology section has advised that if any emails or Skype records which may fall within the scope of your request have been deleted, they would need to restore and search one backup copy of the mail server. They have estimated that this would take approximately **3 working days**. This would equate to 22.5 hours of work @ \$15 an hour. Therefore, the total for searching and retrieving this information is \$337.50.

The revised cost of your request now totals **\$1,226** (rounded). As the charge exceeds \$100, a 25% deposit of **\$306** (rounded) will be sought if the charge is imposed.

Until the number and the kind of documents relevant to your request have been identified, I am unable to calculate other additional resources that are necessary to make a decision on access to those documents, make copies or edited copies of them, or notify you of any interim or final decision on the request. This means that the final charge may differ from the estimate if documents within the scope of your request are found.

Waiver on public interest grounds

You have not stated why the fees for the request should be waived on the basis that it is made in the public interest. The AAT does not currently consider your request to concern public interest issues. Please advise if there are any aspects that you would like us to consider.

Section 29(5)(a) of the FOI Act – Financial hardship

Before determining your request for reconsideration of the charge on financial hardship grounds, please provide sufficient details of your financial circumstances to enable the Tribunal to make a well-informed decision in this regard.

Yours sincerely,

Skye M

Authorised FOI Officer (APS 6)

Attachments

FOI 2 – Information about reviews and complaints under the Freedom of Information Act