



2 June 2020

John Smith
via: foi+request-6368-aede2853@righttoknow.org.au

Dear Mr Smith,

Freedom of Information Request – Acknowledgement (our reference: 20/2480)

Thank you for your request for documents under the [Freedom of Information Act 1982 \(Vic.\)](#) (the FOI Act), received by the University of Melbourne (the University) on 1 June 2020 , in which you seek access to:

I would like to know under FOI the identities of the members of the selection panel, for the tender awarded to the architects of the New Student Precinct project; mentioned here:

<https://www.alumni.unimelb.edu.au/architects-named-new-student-precinct>

Additionally, I am requesting the approximate dollar amount spent by the the university on this project, as at the date of this email. (The article mentioned a \$229M figure, and I would like to know how much of that budget has yet been spent.)

For an FOI request to be valid under Section 17 of the FOI Act, it must satisfy three criteria:

- 1) The request must be in writing;
- 2) The request must be accompanied by the necessary fee, which is currently **AUD\$29.60**; and
- 3) The request must be sufficiently clear to enable us to undertake a search for relevant documents.

Your request clearly meets the first criterion.

FOI APPLICATION FEE

If you are unable to pay the fee on the basis of hardship, please state your reasons in writing and provide any evidence that you believe supports your claim (e.g. health care card, pensioner card). You will be informed as to whether your hardship claim is accepted or not.

SUFFICIENTLY CLEAR TERMS

The third criterion requires us to determine whether your request is sufficiently clear to enable us to undertake searches for the relevant documents. Once we have had an opportunity to consider your request in detail, we may need to contact you for further clarification of the terms of your request.

You should also note that requests under the FOI Act must be for documents which are in the possession of the University and does not cover the generation of new information at the request of applicants.

PROCESS AND TIMEFRAMES

The statutory timeframe for a decision on a request made subject to the FOI Act is **30 days from the date a valid request is made**, however, this may be impacted by several considerations under the Act.

Third Parties

The documents you seek access to are likely to contain information which will require consultation with third parties in relation to any personal information contained in the documents, subject to section 33 of the FOI Act. In this case **the timeframe for a decision on your request will be automatically extended by 15 days**.

Under section 33 of the FOI Act, "information relating to the personal affairs of any person" includes information that identifies any person or discloses their address or location; or from which any person's identity, address or location can reasonably be determined. The University has an obligation to notify, where practicable, individuals whose personal affairs information it is considering releasing. Personal affairs information can be exempted if it is considered unreasonable to release.

If a decision is made to release personal affairs information of third parties, and those individuals do not consent, they have 60 days to appeal the decision with the Victorian Civil and Administrative Tribunal (VCAT). Even though a decision may be made to release the material, it must be withheld for 60 days pending the expiry of the appeal period, and if no appeals are lodged.

If you are not seeking access to this type of material, then please advise me and the information will be removed from the pages as 'irrelevant material' before being provided to you.

Businesses and commercial entities are also entitled to appeal decisions. If the documents you are requesting contain business, commercial or financial information, consultation must be conducted in accordance with section 34 of the Act. Consultation is required to gain the views of each entity regarding any commercial disadvantage which might occur if the information was to be released.

If an entity objects to the release of the information and the University makes a decision to disclose, the entity then has the right to refer the matter to VCAT for review and has 60 days to do so. Until the 60 days expires, and it is determined that there have not been any appeals lodged, the documents cannot be provided to the FOI applicant.

Should consultation be required, and the legislative timeframe be extended by 15 days, you will be notified of this in writing.

Removal of Exempt or Irrelevant Material

Section 25 of the FOI Act provides that exempt and irrelevant material may be deleted (usually referred to as a redaction) from documents provided to the applicant if:

- i. *It is practicable to do so, and*
- ii. *The applicant indicates that they want access to such documents (i.e. with the necessary redactions).*

Please advise if you are willing to accept documents with exempt and irrelevant material deleted, or whether you insist on receiving unedited documents.

Access Charges

Under section 22 of the FOI Act and under the *Freedom of Information (Access Charges) Regulations 2014*, access charges are applicable to FOI requests.

A summary of the charges is as follows:

ITEM No.	SERVICE CHARGED FOR	SERVICE DESCRIPTION	CHARGE
1.	Search Fees	If the request relates to a document other than a document in relation to which a charge is applicable under item 7—a charge in respect of the search time.	AUD\$22.20 per hour or part thereof
4.	Providing copy of document other than black and white photocopy	If— (a) the request relates to a document other than a document in relation to which a charge is applicable under item 3; and (b) access is given in the form of provision of a copy of the document—a charge in respect of providing the copy to the applicant.	The reasonable costs incurred by the agency in providing the copy.

Under section 22(4) of the FOI Act, if it is estimated that the charges may exceed AUD\$50.00, a deposit of AUD\$25.00 is required (if the calculated charge does not exceed AUD\$100.00) before the request is further processed. If the calculated amount will exceed AUD\$100.00, the required deposit amount is 50% of the charge. Documents are not provided until the applicable charges are paid in full.

Decision Making

Please note that this letter does not imply that documents will be released to you. If documents are identified as relevant to your request, they will be assessed in accordance with the FOI Act and a decision made as to whether any exemptions apply.

Further information regarding the FOI process can be found here: <https://ovic.vic.gov.au/freedom-of-information/what-is-freedom-of-information/>

Kind regards,
FOI Coordinator