



25 June 2020

Mr E Ross

BY EMAIL: foi+request-6376-03f30526@righttoknow.org.au

In reply please quote:

FOI Request: FA 20/06/00253

File Number: OBJ2020/18661

Dear Mr Ross

I refer to your email dated 4 June 2020 in which you request access to documents held by the Department of Home Affairs (the Department) under the *Freedom of Information Act 1982* (the FOI Act).

I am writing to tell you that I intend to refuse your request on the basis that a practical refusal reason exists. However, before I make a final decision to do this, you have an opportunity to revise your request to remove the practical refusal reason. This is called a '*request consultation process*'. You have 14 days to respond to this notice in one of the ways set out below.

Power to refuse request

Section 24 of the FOI Act provides that if the Department is satisfied that a practical refusal reason exists in relation to a request, the Department must undertake a consultation process with you, and if, after that consultation process, the Department remains satisfied that the practical refusal reason still exists, the Department may refuse to give you access to the documents subject to the request.

Practical refusal

A *practical refusal reason* exists if either (or both) of the following applies:

- (a) the work involved in the processing of the request would substantially and unreasonably divert the resources of the Department from its other operations
- (b) the request does not satisfy the requirement in section 15(2)(b) of the FOI Act, which requires you to provide such information concerning the document you are seeking access to, to enable the Department to be able to identify it.

Scope of Request

You have requested access to the following:

All 'Individualised Assessment Obligations File Notes', 'Individualised Assessment Protection File Notes' and other documents that have been written for the individualised assessments undertaken when persons travelling by boat from Sri Lanka in an attempt to reach Australia have been intercepted and interviewed at sea.

Reasons for practical refusal

The Department has made a preliminary assessment of the documents that would be captured by your request.

The Department has identified 500 documents that may be captured by your request. This assessment results from a search of the Department's electronic systems.

Whilst the Department has identified that it holds 500 potentially relevant documents in its electronic systems, it would take the Department an average of 30 seconds per document to actually search for and retrieve each of those relevant documents. As such, I estimate that it would take the Department an estimated **4 hours** to search for, identify and retrieve the 500 potentially relevant documents from its electronic systems.

In the event that all these documents would actually be relevant to your request, based on an average of 1 minute per document, a further **8 hours** would be required to collate and create a schedule of the 500 potentially relevant documents. This would include the retrieval of any emails which incorporate attachments and the collation of those attachments.

In the event that the Department was to continue to process your request, a decision would need to be made on access to those documents. Based on an estimate that each document is at least five pages in length, and that the decision maker would require at least three minutes to review and assess each page for relevant exemptions, I estimate that it would take at least **125 hours** to complete a decision on access to the documents potentially identified as being relevant to your request.

As such, a minimum total estimated time of **137 hours** would be required to process this request.

I am satisfied that the Department would be required to divert significant resources from its current operations in order to identify, locate and collate the documents held within the Department, and to make a decision on access to those documents. This diversion would result in a significant drain on the resources of the area within the Department that would be required to process this request.

I consider that this would result in this request imposing both a substantial and an unreasonable diversion of resources of the Department from its other operations and that a practical refusal reason exists in relation to this request.

Request Consultation Process

You now have an opportunity to revise your request to enable it to proceed.

I note that you have not provided a timeframe around your request. It may assist to reduce the scope of your request to a specific timeframe, for example, the previous six months.

I also note that the nature of the documents you are seeking to access have the potential to contain significant amounts of personal information. This would result in careful consideration being given to each document to ensure that the Department's obligations in relation to personal privacy were met. This would increase the time required to assess each document.

You may wish to consider if there was another form of document that would satisfy your request which would not necessary contain the personal information of private individuals.

Under section 24AB of the FOI Act, you have 14 days to do one of the following:

- withdraw your request;
- make a revised request;
- indicate that you do not wish to revise your request.

If you do not do one of the three things listed above during the consultation period (14 days) or you do not consult the contact person listed below during this period, your request will be taken to have been withdrawn in accordance with section 24AB(7) of the FOI Act.

Contact

Should you wish to revise your request or have any questions in relation to this process, please do not hesitate to contact me at foi@homeaffairs.gov.au.

Alison Smith
FOI Officer | Freedom of Information Section
FOI and Records Management Branch
Data Division | Corporate and Enabling Group
Department of Home Affairs