



Australian Government

Department of the Prime Minister and Cabinet

ANDREW FISHER BUILDING
ONE NATIONAL CIRCUIT
BARTON

FOI/2013/025

Mr Jason Wilson
Email: foi+request-64-b57cea6e@righttoknow.org.au

Dear Mr Wilson

I refer to your email of 14 February 2013 in which you made a request to the Department of the Prime Minister and Cabinet (the Department) under the *Freedom of Information Act 1982* (the FOI Act) in the following terms:

I would like information as the total volume of email received by ministerial offices between 1999-2000 and 2011-2012.

I would like email figures on an annual basis.

I would like separate figures on internal email traffic and external or Internet traffic.

If it is possible to differentiate further - for example to give separate figures for different ministerial offices, I would also like those figures.

The authorised decision-maker for your request is Ms Myra Croke, Assistant Secretary, Ministerial Liaison, Communications and Governance Branch.

Ms Croke notes that your request relates to 'the total volume of email received by ministerial offices'. Ms Croke advises that the Department has no role in supporting the email systems of non-PM&C portfolio ministers and therefore does not hold any data relating to the volume of emails received by non-PM&C ministerial offices. ICT services for each ministerial office are supported by the department of state in the relevant portfolio; where a minister has more than one department reporting to them, one of those departments would be take the lead in providing ICT support for the office. Ms Croke believes that it is extremely unlikely that any other department of state would hold data in the form in which you have requested it for the ministerial offices that they supported.

Notice of practical refusal reason

I write to advise you that, subject to possible clarification which would narrow your request, Ms Croke considers that the work involved in processing your request in its current form

would substantially and unreasonably divert the resources of the Department from its other operations. This constitutes a 'practical refusal reason' under section 24AA of the FOI Act. On this basis, Ms Croke intends to refuse access to the documents you have requested.

However, before Ms Croke makes a final decision to refuse the request for a practical refusal reason, you have an opportunity to revise your request. This is called a 'request consultation process' as set out under section 24AB of the FOI Act. You have 14 days to respond to this notice in one of the ways set out below.

Reasons for intention to refuse your request

Ms Croke advises that the Department does not maintain specific records of the data you have requested for current and former PM&C portfolio ministerial offices. Given the nature of your request, Ms Croke has sought the advice of the Department's Information Services Branch (ISB). Obtaining data relevant to your request would require a search and analysis of back-up tapes. ISB has advised Ms Croke that its initial estimate of the time required is a minimum of 600 hours. Further, during the time period of your request the Department has upgraded its computer hardware and software a number of times and these changes could make access to earlier material even more difficult. To access earlier material, the Department would need to source all the required hardware, software and skilled staff. Ms Croke further advises that processing the request is further complicated during the time period of your request by the change of government, many and various changes in ministers (and hence ministerial offices) and machinery of government changes that impacted on the structure of departments of state.

Ms Croke has had regard to the public interest in access to information held by the Department and considers that the public interest in access is outweighed by the competing public interest in the ability of the Department to undertake its ordinary functions without substantial impairment.

Ms Croke acknowledges that the processing of requests for access to documents is a legitimate part of each agency's functions, and that FOI requests may require reallocation of resources within an agency. However, Ms Croke considers that the Department could not reasonably divert resources to assist in processing your request.

Request consultation process

You now have an opportunity to revise your request to enable it to proceed. Revising your request can mean narrowing the scope of the request to make it more manageable or explaining in more detail the specific documents you wish to access.

In providing guidance on removing the practical refusal reason, Ms Croke considers that reducing the period of time in your request is unlikely to narrow your request sufficiently to remove the practical refusal reason.

Before the end of the consultation period, you must do one of the following, in writing:

- withdraw your request;
- make a revised request, noting Ms Croke's view that narrowing the time period of the request is unlikely to remove the practical refusal reasons; or

- tell us that you do not wish to revise your request.

The consultation period runs for 14 days and will start on the day after you receive this notice. I am the relevant person for you to contact for the consultation process.

If you were to revise your request in a way that adequately addresses the practical refusal grounds outlined above, we would recommence processing it. Please note that the time taken to consult with you regarding the scope of your request is not taken into account for the purposes of the initial 30 day time limit for processing your request.

If you do not do one of the three things listed above during the consultation period or you do not consult with me during this period, your request will be taken to have been withdrawn.

Should you wish to discuss any aspect of your request, please contact the Department by email at foi@pmc.gov.au.

Yours sincerely



FOI Adviser
Legal Policy Branch

18 March 2013