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4 November 2020

foi+request-6707-2b7da997@righttoknow.org.au

**BY EMAIL: foi+request-6707-2b7da997@righttoknow.org.au**

**In reply please quote:**

FOI Request: FA 20/09/01326

File Number: OBJ2020/30947

Dear JS

I refer to your email dated 11 September 2020 in which you request access to documents held by the Minister for Home Affairs (the Department) under the *Freedom of Information Act 1982* (the FOI Act).

# Scope of Request

You have requested access to the following:

I seek access to documents concerning or relating to the FOI disclosure log maintained by the Department of Home Affairs. The period of the request is December 2017 to the date of this request.

The Department emailed you on 15 September 2020 to advise you that a previously finalised request had released a set of documents providing information about the publication of the disclosure log from 1 Jan 2018, available on the Home Affairs website disclosure log. You advised by email on 24 September that these documents do not meet the scope of your request.

The Department of Home Affairs has also accepted transfer of two requests from the Department of Prime Minister and Cabinet on 1 October 2020, one made to the Department of Prime Minister and Cabinet and one made to the Minister for the Public Service. These transfers were accepted on the basis that the scope of your request closely relates to Home Affairs functions.

On 13 October 2020 the Department of Home Affairs contacted you to confirm whether the duplicate requests accepted on transfer would be withdrawn. You advised that your initial request FA 20/09/01326 should be transferred to the Minister for Home Affairs. The request for transfer of this request has not been accepted.

All three requests have the same scope. Given that the subject matter of the three requests is substantially the same, the Department may treat the requests as a single request under section 24(2)(b) of the FOI Act.

I am writing to tell you that your request is not valid for the purposes of section 15(2)(b) of the FOI Act, and to provide you with an opportunity to revise your request so that it is a valid request. 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:

### the work involved in the processing of the request would substantially and unreasonably divert the resources of the Department from its other operations

### 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.

# Reasons for practical refusal

I do not consider that your request satisfies the requirements of section 15(2)(b) of the FOI Act.

In order for your request to be valid for the purposes of the FOI Act, it must provide such information concerning the documents that you are seeking access to, as is reasonably necessary to enable the Department to identify the documents.

Given the broad nature of the activities undertaken by the Department, I do not consider that you have provided a reasonable description of the documents to which you are seeking access to.

As such, I am satisfied that your request is not valid and a practical refusal reason exists in this request. You have not provided sufficient information concerning the document you are seeking to access, to enable the Department to be able to identify it.

**Request Consultation Process**

To enable the Department to consider your request for access under the FOI Act, the Department will require sufficient information concerning the specific existing documents you are seeking access to, so as to enable the Department to identify those documents.

You do not necessarily need to be able to identify the exact document you are seeking, but you need to provide the Department with sufficient information to enable us to identify it. Given the very broad nature of the functions that this Department has responsibility for, at a very minimum, we will require advice as to which business areas might hold the documents you are seeking to access. A copy of the Department’s organisation chart is available on the Department’s website [here](https://www.homeaffairs.gov.au/about-us-subsite/files/home-affairs-org-structure.pdf) which may assist you with this.

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

As part of this practical refusal consultation, 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, the Department will take no further action with your request.

# Contact

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

Anna

Position no: 60099816

Freedom of Information Section

FOI and Records Management Branch

Data Division | Corporate and Enabling Group

Department of Home Affairs