



2 March 2021

Mr E Ross

BY EMAIL: foi+request-6711-54f44f18@righttoknow.org.au

In reply please quote:

FOI Request: FA 20/09/00647

File Number: OBJ2020/29653

Dear Mr Ross

I refer to your email dated 11 September 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:

Please provide copies of all documents, email correspondences and minutes of discussions between the Department of Home Affairs and the advertising agency TBWA Sri Lanka with respect to the following components of the Zero Chance strategic communication campaign (all available here <<https://zerochance.lk>>):

- the 'Zero Chance Stories' Short Film Competition*
- the six 'unfortunate true stories' video interviews produce in Sinhala and Tamil.*

Reasons for practical refusal

The Department has made a preliminary assessment of the documents that would be captured by your request. A total of 77 documents have been identified as being potentially relevant to your request within a 12 month timeframe.

Each of the documents range in size. The documents consists of communication between the Department and TBWA Sri Lanka with respect to the Zero Chance strategic communication campaign. The 77 documents relevant to your request would consist of an estimate of approximately **1420** pages. This encompasses emails with attachments and single documents.

It has taken the Department approximately **3 hours** to identify and retrieve the relevant documents. It has taken the Department a further **7.5 hours** to collate the documents, including extracting attachments, converting each individual email and any of its attachments into a format that can be considered for decision making purposes under the FOI Act, removing any duplicates and documents that are publicly available and creating a schedule of documents. This schedule is necessary to manage the complexity of the request.

In the event that the Department were to continue to process a request of this nature, it is generally accepted that it takes somewhere between 3 and 5 minutes to review each page to make a decision on access, including the making of any relevant redactions. This would include deciding whether to grant, refuse or defer access to the documents to which your request relates, or to grant access to edited copies of such documents, and includes the resources that would have to be used to examine the documents, make copies, or edited copies, of the documents, and to notify you of a decision on access in your request. I estimate the decision maker would require at least **71 hours**, to review and make a decision on access on this request.

The FOI Guidelines state that before making a decision about release of a document that originated with another agency, that it is good practice to consult with those other relevant agencies¹. As such, the Department will be consulting with the other relevant agencies with whom that correspondence originated, prior to making a decision on access.

As such, I estimate a total of at least **81.5 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.

¹ Paragraph 3,70

Request Consultation Process

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

You may wish to narrow the timeframe of the documents you are seeking access to. For example, specify a timeframe, the specific type of documents you are interested in, consider final thread of emails.

You may also wish to exclude certain material from the scope of your request. For example, draft versions of documents and emails which are clerical in nature and provide very little insight into the Zero Chance campaign.

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 60006174 at foi@homeaffairs.gov.au.

[signed electronically]

Position No. 60006174
Freedom of Information Section
FOI and Records Management Branch
Data Division | Strategy and Law Enforcement Group
Department of Home affairs