



28 July 2014

Mr Geordie Guy
By email: foi+request-672-4e47a173@righttoknow.org.au

Our reference: LEX 9353

Dear Mr Guy,

Your Freedom of Information request

1. I refer to the request that you have made for access to the following under the *Freedom of Information Act 1982* (Cth) (FOI Act):

“a copy of the source code for the MyGov web application”.

2. I am an officer authorised under subsection 23(1) of the FOI Act to make decisions in relation to FOI requests.
3. I am writing to notify you of my intention to refuse your FOI request on the basis that a practical refusal reason exists, as defined under section 24AA of the FOI Act. I consider that the work involved in processing your request would substantially and unreasonably divert the resources of this agency.
4. Before I make a final decision to refuse your request, you have an opportunity to engage in a ‘request consultation process’ as set out under section 24AB of the FOI Act. This process enables you to revise and narrow the scope of your request. You have **14 days** to respond to this notice in one of the ways set out below.

Why I intend to refuse your request

5. Subparagraph 24AA(1)(a)(i) of the FOI Act provides that a practical refusal reason exists in relation to a FOI request if the work involved in processing the request would substantially and unreasonably divert the resources of the department from its other operations.
6. Subsection 24AA(2) of the FOI Act sets out certain factors which the department must consider when determining whether providing access in relation to a request would substantially and unreasonably divert the department’s resources. The department must specifically have regard to the resources that would have to be used for:

- a) identifying, locating or collating the documents within the department's filing system;
 - b) deciding whether to grant, refuse or defer access to a document to which the request relates, or to grant access to an edited copy of such a document, including resources that would have to be used for examining the document or consulting in relation to the request;
 - c) making a copy, or an edited copy, of the document; and
 - d) notifying any interim or final decision on the request.
7. In order to assess the work that would be involved in processing your request, I have undertaken preliminary consultations with the department's Online Services Branch. I have been advised that the source code that you have requested is stored in a code repository in electronic form only, with the total code base consisting of numerous lines of code.
 8. While I understand that it may be possible to reproduce the code in written form, this would amount to in excess of 20,000 pages of material falling within the scope of your request.
 9. A decision-maker could not uniformly apply a decision on access to the code in its entirety. As a result, all pages of material would need to be considered carefully in order to properly make a decision on access. Given the volume and complexity of the material being considered and the range of sensitivities associated with the potential disclosure of this information, I consider that the time required for decision-making would be substantial and would require significant input from subject matter experts. This does not take into account third party consultation, which I understand may also be required if this request were to be processed.
 10. As well as involving a substantial diversion of the department's resources, I also consider that directing those resources to processing your request in its current form would be unreasonable on the basis that making a decision on the code you seek would require department staff to consider sensitivities contained in voluminous material which would detract from their day to day responsibilities.
 11. For the reasons outlined above, I have decided that a practical refusal reason exists under subparagraph 24AA(1)(a)(i) of the FOI Act in relation to your request, as the work involved in processing your request would substantially and unreasonably divert the resources of the department.

Request consultation process

12. You now have an opportunity to revise your request to enable it to proceed. Engaging in the 'request consultation process' under section 24AB of the FOI Act can mean narrowing the scope of the request to make it more manageable or explaining in more detail the documents you wish to access.
13. Before the end of the consultation period you must do one of the following, in writing:
 - a) withdraw your request
 - b) make a revised request, or
 - c) indicate that you do not wish to revise the request.
14. The consultation period runs for **14 days** and starts on the day after you receive this notice.

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

Contact officer

16. I am the contact officer for this request.

17. During the consultation period you are welcome to seek assistance. If you revise your request in a way that adequately addresses the practical refusal grounds outlined above, we will recommence processing it (Please note that the time taken to consult you regarding the scope of your request is not taken into account for the purposes of the 30 day time limit for processing your request).

18. If you would like to revise your request or have any questions, you can contact me by writing to the following address:

FOI Legal Team
FOI and Information Release Branch
Department of Human Services
PO Box 7788
Canberra Mail Centre ACT 2610

19. Alternatively, you can send an email to FOI.Legal.Team@humanservices.gov.au.

20. **If you do not contact the department within this period, your FOI request will be taken to have been withdrawn under section 24AB(7) and will not be dealt with any further.**

Yours sincerely

Julian Russell
Government Lawyer
FOI and Information Release Branch
Legal Services Division
Department of Human Services