



Our ref. 209/2020

Jeremy Cooper-Stout
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Dear Jeremy,

Notice of intention to refuse FOI request - request consultation process

1. Your FOI request, dated 20 September 2020, requested access to:

any documents (including, but not limited to, emails, briefing notes, minutes, letters) sent to the office of Minister Stuart Robert and/or the Prime Minister which refer to Apple or Google's Exposure Notification APIs.
2. This is a notice of an intention to refuse access to the documents you have requested because a practical refusal reason exists under s 24AA(1)(a) of the FOI Act. I am issuing this notice under s 24AB(2) of the FOI Act. This notice is designed to give you notice that a practical refusal reason exists, and provide an opportunity to potentially remedy the reason to allow the application to proceed.
3. The practical refusal reason is that the work involved in processing the request would substantially and unreasonably divert the resources of the DTA from its other operations as specified in s 24AA(1)(a)(i) of the FOI Act (i.e. it may be considered impractical to process this application due to the amount and complexity of the work involved).
4. Your request asks for “any documents” relating to a high-profile policy matter on which there has been considerable engagement and collaboration. This would require us to make extensive searches of our files to be confident we had captured everything. This would exceed the limitations of a simple text search of our records management system and email server. Once we had collected these documents they would need to be reviewed for their possible relevance, and then we would have to undertake the decision making process on all of these documents to determine whether they meet the parameters of your request. We consider this process would be unreasonable.
5. In addition, for the DTA to process this request it would require us to consult with multiple entities to confirm the documents within scope and provide time for those entities to comment and raise any possible objections. We consider this process would be substantial and onerous.

What you should do

6. I am the agency officer with whom you may consult with a view to making the request in a form that would remove the ground for refusal. You can contact me on 02 6120 8541.

7. I will assist you, as far as possible, to revise your request so that the practical refusal reason no longer exists. If you are able to narrow the scope of your request or clarify more particularly the information you are seeking, that may assist. I would be pleased to discuss with you in greater detail how your request might be appropriately further revised.
8. You have 14 days from the date you receive this notice to either:
 - withdraw your request
 - make a revised request
 - indicate you do not wish to revise your request.
9. If you do not respond in one of these ways within 14 days your request will be taken to have been withdrawn pursuant to s 24AB(7) of the FOI Act. If you indicate you do not wish to revise your request, I will proceed to make a decision on whether to refuse your request on resource grounds under s 24(1). If you need more time to respond, please contact me within the 14 day period to discuss your need for an extension of time.
10. Under s 24AB(8) of the FOI Act, the time for processing your FOI request is suspended from the day you receive this notice until the day you do one of the things listed in paragraph 8 above.

Yours sincerely,

Morgan

FOI Officer

Date: 29/09/2019