



Australian Government
**Department of Industry, Science,
Energy and Resources**

Our ref: 67295

Harry Witherspoon

By email: foi+request-6809-b8ade383@righttoknow.org.au

Dear Harry Witherspoon

Freedom of Information Act – Notice of intention to refuse

I refer to your request received by the Department of Industry, Science, Energy and Resources (the department) on 17 October 2020, in which you sought access under the *Freedom of Information Act 1982* (the FOI Act) to the following:

I would like to see the date, time, destination number, call duration and (where available) geographical origin of all telephone calls made by Regional Incubator Facilitator Daniel Smith from his telephone number (0419 817 671) to any department telephone number from 1/11/2018 until 22/11/2018 inclusively and from 28/10/2019 until 15/12/2019 inclusively.

Under subsection 24(1) of the FOI Act, I am satisfied that a practical refusal reason exists in relation to this request. The practical refusal reason is that the work involved in processing the request would substantially and unreasonably divert the resources of the department from its other operations.

My view is based on a conservative estimate that over 38 hours of search and retrieval time is required to deal with this request. I also wish to advise that there are over 4000 pages of landline call details (for each billing month) to then conduct searches through to identify the relevant information. There are additional areas where searches have not been completed which are likely to have additional relevant documents and therefore the total number of relevant documents is likely to be higher than the estimate.

In accordance with section 24(1)(a) and 24AB of the FOI Act, I am writing to provide you with written notice that I intend to refuse your request on the grounds that a practical refusal reason exists and to initiate a request consultation process in accordance with section 24AB of the FOI Act.

Request consultation process

Before I make a decision to refuse your request under section 24(1)(b) of the FOI Act, I would like to provide you with the opportunity to revise the scope of your request so that a 'practical refusal reason' no longer exists. Although it is your responsibility to suggest ways that your request may be revised and narrowed, you may consider limiting your request to particular topics or particular timeframes.

Further, you may wish to consider the following suggestions to revise the scope of your FOI request (please note that these are suggestions only and do not guarantee the practical refusal reason/s will no longer exist):

- Consider identifying specific documents that the department may hold and not general information which may exist within the department

Should you wish to revise your request, you must do so **within 14 days** after the day you are given this notice (unless extended by agreement with the department). If you are unable to meet this deadline

and wish to arrange an extension of time in which to consider this matter, or would like to discuss how you could best revise the scope of the request, please contact the FOI team by email at FOI@industry.gov.au.

Under subsection 24AB(6) of the FOI Act, you must, before the end of the 14-day consultation period, do one of the following by written notice to the department:

- a) withdraw the request;
- b) make a revised request; or
- c) indicate that you do not wish to revise the request.

Please note that under subsection 24AB(7), the request is taken to have been withdrawn at the end of the 14 day consultation period if:

- (a) the applicant does not consult the contact person during the consultation period in accordance with this notice; or
- (b) the applicant does not do one of the things mentioned in subsection(6) before the end of the consultation period.

In accordance with subsection 24AB(8) of the FOI Act, the 14-day consultation period is to be disregarded in calculating the processing period for the request.

Your written response should be addressed to:

FOI Coordinator
Department of Industry, Science, Energy and Resources
GPO Box 2013
CANBERRA ACT 2601

Or by email to: FOI@industry.gov.au

Should you wish to discuss this matter further, please contact the FOI team by email at FOI@industry.gov.au.

Yours sincerely



Heather Davidson
A/g Senior FOI Officer
Legal, Audit & Assurance

12 November 2020