

10 March 2021

Dear Eliza,

Thank you for speaking with eSafety staff on the phone on 25 February 2021 to discuss your *Freedom of Information Act 1982 (Cth) (FOI Act)* request of 18 February 2021.

The purpose of that call was to look at how your FOI request might be narrowed so that it can be processed. Thank you for offering to refine your request by narrowing emails to the eSafety Commissioner or final documents.

Unfortunately, the request remains very broad. If it cannot be narrowed further then eSafety may have no choice but to refuse your request on the grounds that the work involved in processing the request would substantially and unreasonably divert the resources of eSafety from its other operations, as specified in section 24AA(1)(a)(i) of the FOI Act.

The 14 day consultation period expired on 5 March 2021, and we will need to make a decision about whether to refuse your request by no later than 6 April 2021.

eSafety wishes to give you every opportunity to make a request we can process, so we are writing to give you some more information and ask you to further consider the terms of your request and see if you can narrow it.

*Why is eSafety concerned it may not be able to process your request?*

The way your request is framed, it will be necessary to conduct searches across a wide range of documents to identify those that may contain the words you have specified. Initial enquiries suggest this may require review of 2100 or more documents to identify those within scope, following which the documents that are identified will each need to be reviewed and a decision made. It is not surprising that there could be a large number of documents, as the terms in your request are terms that relate to the core functions and role of eSafety.

As you can appreciate, reading and considering so many documents will take one or more eSafety staff many hours. Those documents that may be straightforward to review may not provide you with any real information or insight. Other documents may be complex and require close consideration by several eSafety officers. Inevitably because you seek correspondence with 'any other party', a considerable number of documents are also likely to require eSafety to consult third parties.

All of this will require many staff hours, diverting eSafety from its core functions. eSafety is a small agency and its limited resources are currently focused on an important legislative reform process for our governing legislation, which is time sensitive and critical.

*What could you do to narrow the scope of your request?*

eSafety takes its responsibilities under the FOI Act seriously and would like to process your FOI request, if possible. We cannot dictate how you wish to frame it, but the following ideas are some you could consider that might help reduce the scope of the request enough for it to be processed, although eSafety will need to consider anything you suggest and get back to you about whether any revised request can be processed.

Things for you to consider include:

- rather than seeking any email or documents with the words you have specified, making a more descriptive request that is focused on what you are most interested to obtain that might be narrower in scope, and/or
- reducing the number of words you have specified in your request and linking them to a specific subject you are most interested in.

I can continue to assist you, as far as possible, to help revise your request so that the practical refusal reason no longer exists. If you would like to revise your request, please submit a revised request as soon as possible. If you do not wish to revise your request, or you do not get back to eSafety soon, a decision may be made to refuse your request on resource grounds under section 24(1) of the FOI Act.

Please let us know if you have any questions or would like to discuss.

We look forward to hearing from you.

Kind regards,

FOI Coordinator

eSafety Commissioner