



Our Ref: LS5105 ~ file 14/667

Mr Sam Silvester

By email to foi+request-715-eff61704@righttoknow.org.au

Dear Mr Silvester

Re Your FOI Request No. LS5105 for documentation for operation, backup and disaster recovery of EasyCount Software

I refer to your email dated 18 July 2014 3:30 p.m. in which you request ('FOI Request') for access to documents relating to operation, backup and disaster recovery of EasyCount Software under the [Freedom of Information Act 1982](#).

- 2 I have two purposes in writing to you. First, I write to acknowledge receipt of your FOI Request and indicate how it will be processed. Second, I write to bring to your attention a practical refusal reason that applies to your FOI Request.

ACKNOWLEDGEMENT OF FOI REQUEST AND HOW IT WILL BE PROCESSED

- 3 I have taken your request to be for:

- Documentation relating to the operation and data entry procedures for the EasyCount Senate vote counting software and any associated systems.
- Documentation relating to the backup procedure for the EasyCount Senate vote counting software and any associated systems.
- Disaster recovery plans and procedures for the EasyCount Senate vote counting software and any associated systems.

- 4 We received your request on 18 July 2014 and the 30 day statutory period for processing your request commenced from the day after that date. You should therefore expect a decision from us by 18 August 2014. The period of 30 days may be extended if we need to consult third parties, impose a charge or for other reasons. We will advise you if this happens.

- 5 You will be notified of any charges in relation to your request as soon as possible, before we process any requested documents or impose a final charge.
- 6 Please note that information released under the FOI Act may later be published online on our disclosure log at http://www.aec.gov.au/About_AEC/foi/foi.htm, subject to certain exceptions. (For example, personal information will not be published where this would be unreasonable.)

PRACTICAL REFUSAL REASON

Intention to refuse your FOI Request

- 7 I, Michael Ross, Acting Chief Legal Officer of the Australian Electoral Commission ('AEC'), am an officer authorised under section 23(1) of the FOI Act to make decisions in relation to FOI requests.
- 8 I am writing to tell you that I believe that the work involved in processing your request in its current form would substantially and unreasonably divert the resources of the AEC from its other operations due to its size, complexity, broad scope and vagueness. This is called a 'practical refusal reason' (section 24AA).
- 9 On this basis, I intend to refuse access to the documents you requested. However, before I make a final decision to do this, you have an opportunity to revise your request. This is called a 'request consultation process' as set out under section 24AB of the FOI Act. You have 14 days to respond to this notice in one of the ways set out below.

Why I intend to refuse your FOI Request

- 10 I decided that a practical refusal reason exists because you require the AEC to retrieve the specified class of documentation for any 'associated systems' in relation to the EasyCount Software without specifying a criterion by which the AEC may know what is required for each class of documentation.

Request consultation process

- 11 You now have an opportunity to revise your request to enable it to proceed.
- 12 Revising your request can mean narrowing the scope of the request to make it more manageable or explaining in more detail the documents you wish to access. For example, by providing more specific information about exactly what documents you are interested in, our agency will be able to pinpoint the documents more quickly and avoid using excessive resources to process documents you are not interested in.
- 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
 - (c) tell us that you do not wish to revise your request.
- 14 The consultation period runs for 14 days and starts on the day after you receive this notice.

- 15 During this period, you are welcome to seek assistance from the contact person I have listed below to revise your request. 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.)
- 16 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.
- 17 If you would like to revise your request or have any questions, the contact officer for your request is Owen Jones, Senior Lawyer whose contact details are below.

CONTACT ARRANGEMENTS

- 18 We will contact you using the email address that you provided. Please advise if you would prefer us to use an alternative means of contact. If you have any questions, please me. My contact details are:

Telephone: 02 6271 4742
Fax: 02 6293 7657
Email: michael.ross@aec.gov.au

Yours sincerely



Michael Ross
Acting Chief Legal Officer

8 August 2014

