



Australian Government

Department of Health
Therapeutic Goods Administration

TRIM Ref: D21-2782536

Ms Lucy Lovich

Email: foi+request-7376-90c427d5@righttoknow.org.au

Dear Ms Lovich,

FREEDOM OF INFORMATION REQUEST FOI
Request Consultation Process

I refer to your request dated 3 June 2021 under the *Freedom of Information Act 1982* (the *FOI Act*) for access to the following documents:

"Document which shows the number of FOI requests over 30 days old that relate to COVID19 between 1 February 2020 to today."

Decision Maker

I am the Therapeutic Goods Administration (TGA) officer authorised to make a decision on your request under the FOI Act.

Requirement to undertake a request consultation process

Under paragraph 24(1)(a) of the FOI Act, as a decision maker I must consult you if I am satisfied that a "practical refusal reason" exists in relation to your request. A practical refusal reason exists if a request does not satisfy the requirements of paragraph 15(2)(b) (identification of documents).

Paragraph 15(2)(b) states that a request for access must provide such information concerning the document as is reasonably necessary to enable a responsible officer of an agency to identify it.

On 21 June 2021, the TGA FOI team wrote to you seeking clarification of the scope of your request. Specifically, you were provided with information relating to the timeframes associated with processing FOI requests, and an explanation as to the circumstances where an FOI request may not be finalised within a 30-day period. The TGA did not receive a response from you and therefore it remains unclear which documents you seek access to.

A copy of the sections of the FOI Act that set out the consultation process (sections 24, 24AA and 24AB) is at **Attachment A**.

In coming to a view that a practical refusal reason exists in relation to your request, I have had regard to the following:

- the correspondence from you dated 3 June 2021, including the terms of the FOI request;
- discussions with the relevant line area surrounding the scope of your request; and
- our correspondence to you dated 21 June 2021, seeking scope clarification to which no response was received.

Notification of request consultation process

I am notifying you of my intention to refuse your request.

I am satisfied that your request does not meet the requirements of Section 15 of the FOI Act as the scope of your request does not allow the TGA to identify the documents you seek access to.

Before deciding to refuse access to documents, I am required under paragraph 24(1)(a) of the FOI Act to undertake a request consultation process in accordance with section 24AB of the FOI Act and provide you with the opportunity to refine the scope of your request.

Accordingly, you are now afforded fourteen (14) calendar days from your receipt of this letter in which to contact the TGA to discuss a revision of the scope of your request.

Before the end of the 14-day consultation period, you must do one of the following:

- withdraw your request;
- make a revised request; or
- indicate that you do not wish to revise your request.

You may wish to consider the following suggestion to revise the scope of your FOI request (please note that this is a suggestion only and does not guarantee the practical refusal reason will no longer exist):

“Document which shows the number of FOI requests over 30 days old where a decision was not made within the legislated timeframe (known as a deemed refusal decision under section 15AC of the FOI Act) that relate to COVID19 between 1 February 2020 and today.”

If you have not contacted the TGA within 14 days of receiving this letter to do one of the above or consulted the TGA to discuss revising its scope, your request is taken to have been withdrawn.

If you wish to refine the scope of your request, you may contact the FOI team on (02) 6289 4630 or at TGA.FOI@tga.gov.au.

Please note that if you indicate that you do not wish to revise your request or revise your request in such a way to enable a responsible officer of an agency to identify it, I may refuse your request under paragraph 24(1)(b) of the FOI Act.

Yours sincerely

Authorised and electronically signed by

Clair Hammami
Director
Regulatory Engagement, Education and Planning Branch
Therapeutic Goods Administration
1 July 2021