



**Australian
Competition &
Consumer
Commission**

Our ref: #55699
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27 August 2014

Mr Alex Vincent

Via email to: foi+request-752-de40391f@righttoknow.org.au

Dear Mr Vincent

Request for access under the *Freedom of Information Act 1982* (Cth)

I refer to your email of 27 August 2014 in which you request access, under the *Freedom of Information Act 1982* (the FOI Act), to the following:

'all documents relating to investigations undertaken by the ACCC into the transmission costs charged by Australian ISPs, and the availability of peering within our telecommunications sector.'

I would also like reports about how our transmission costs compare to those charged overseas and any justification provided by the ISPs about why a discrepancy would exist between the servicing costs paid nationally, and those charged by international ISPs within their countries.'

Timeframe for processing your request

Providing that the documents sought can be reasonably identified, the statutory timeframe for processing your request will commence the date your request was received by the ACCC, being 27 August 2014. This timeframe may be extended by the ACCC where:

- (a) Charges are levied as prescribed by the *Freedom of Information (Fees and Charges) Regulations 1982* (the FOI Regulations) (see Charges below); and/or
- (b) Consultation with third parties is necessary (see Consultation with third parties below).

Charges

If the ACCC decides that you are liable to pay charges in respect of your request, the ACCC will prepare and send you a cost estimate outlining the likely cost of

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processing the request. The statutory timeframe is placed on hold from when this is sent to you.

You will normally be required to either pay a 25% deposit of the estimated charges, or make an application for the waiver of the fees in accordance with the FOI Act.

Once the deposit has been paid (or an agreement reached on a waiver application) the statutory timeframe resumes.

You will be notified of any charges in relation to your request or of a decision as soon as practicable.

Consultation with third parties

The ACCC may be required to consult with other parties (third parties) where information relating to third parties arises in documents sought by your request. The FOI Act prescribes a further 30 days processing time for the ACCC to undertake this consultation. You will be advised as soon as possible of any requirement to consult with a third party.

Decision

An authorised decision maker will then assess the documents to decide if they can be released, or should be exempt from release. You will be notified of a formal decision and your review rights.

Any documents to which access has been granted will be released after the remainder of the assessed charge has been paid. Please note that these charges must be paid even if you no longer require the documents or if no documents are granted.

Publication of documents released under FOI

In accordance with section 11C of the current FOI Act, please be aware that any information released to you in response to your FOI request may be published on the ACCC's website (foi.accc.gov.au). Information relating to your identity or the personal, business, commercial, financial or professional affairs of yourself and others will not be published **if it would be unreasonable to do so**. The ACCC will not publish any exempt information.

Further detail on the FOI Act publication requirements can be found at foi.accc.gov.au.

If you have any questions regarding the above, please contact me on (02) 6243 1244.

Yours sincerely



Sonya Petreski
FOI Administration Assistant
ACCC Legal Group