



Australian Government
Attorney-General's Department

FOI14/195; 14/12403

19 November 2014

Mr Geordie Guy

Sent via email: foi+request-764-f22c7119@righttoknow.org.au

Dear Mr Guy

Freedom of Information Request no. FOI14/195

The purpose of this letter is to give you a decision about access to documents that you requested under the *Freedom of Information Act 1982* (FOI Act).

Summary

I, Douglas Rutherford, am an officer authorised under section 23(1) of the FOI Act to make decisions in relation to FOI requests.

On 17 September 2014 you requested access to documents relating to copyright. Specifically you sought access to:

'copies of all individual submissions to the recent Online Copyright Infringement consultation, submissions for which closed on the 1st of September 2014.'

On 16 October 2014, the Department advised you of its intention to refuse your request under section 24 of the FOI Act on the basis that the work involved in processing your request in its current form would substantially and unreasonably divert the resources of the Department from its other operations due to its size. The Department commenced a request consultation process with you in accordance with section 24AB of the FOI Act.

On 29 October 2014, you requested that the Department extend the request consultation period for an additional 14 days. On the same day, the Department agreed to extend the request consultation period.

On 3 November 2014, you advised the Department that you were interested in options other than revising the scope of your request and asked whether the Department intended on making the submissions publicly available as part of its standard operations. On 7 November 2014, the Department advised you that it understood that some of the submissions would be made publicly available and invited you to withdraw your request.

On 13 November 2014, the Department wrote to you and outlined three options in relation to your request: withdraw your FOI request and agree to have the matter processed administratively; revise the scope of your request; or await the Department's decision to refuse your request under section 24 of the FOI Act. The Department requested that you provide a response by 14 November 2014.

Decision and reasons for decision

As you have not advised the Department of your preferred option, I am writing to advise you of my decision to refuse your request under section 24 of the FOI Act.

Material taken into account

I have taken the following material into account in making my decision:

- the content of the documents that fall within the scope of your request
- the FOI Act (specifically section 24)
- the guidelines issued by the Australian Information Commissioner under section 93A of the FOI Act

The schedule indicates each document to which access is refused. My reasons for refusing access are given below.

Power to refuse request — diversion of resources etc. (s 24)

Section 24 of the FOI Act provides:

- (1) If an agency or Minister is satisfied, when dealing with a request for a document, that a practical refusal reason exists in relation to the request (see section 24AA), the agency or Minister:*
- (a) must undertake a request consultation process (see section 24AB); and*
- (b) if, after the request consultation process, the agency or Minister is satisfied that the practical refusal reason still exists—the agency or Minister may refuse to give access to the document in accordance with the request.*

I have decided that a practical refusal reason still exists because of the large number of documents falling within the scope of your request. I have identified approximately 630 individual submissions to the Online Copyright Infringement public consultation and estimate that it will take approximately 81 hours to process your request, including review and editing of the documents and preparation of a statement of reasons and schedule of documents.

At the time of lodging a submission, those interested in doing so were able to specify whether they agreed to their submission being published, agreed to it being published but with their name removed or did not agree to the submission being published. The Department has published a small number of submissions, predominantly from organisations, however, due to the large number of submissions received from individuals, the Department does not intend to publish any further individual submissions and this information will not be made publicly available.

I am satisfied that the processing of such a large number of documents containing personal information of individuals, many of whom have not consented to the disclosure of their personal information, and the estimated processing time of 81 hours would be a substantial and unreasonable diversion of the Department's resources from its other operations.

Accordingly, I am refusing you access to the documents sought under section 24 of the FOI Act.

Your review rights

If you are dissatisfied with my decision, you may apply for internal review or Information Commissioner review of the decision. We encourage you to seek internal review as a first step as it may provide a more rapid resolution of your concerns.

Internal review

Under section 54 of the FOI Act, you may apply in writing to the Attorney-General's Department for an internal review of my decision. The internal review application must be made within 30 days of the date of this letter, and be lodged in one of the following ways:

email: foi@ag.gov.au
post: Freedom of Information and Privacy Section
Office of Corporate Counsel,
Attorney-General's Department,
3-5 National Circuit
Barton, ACT 2600

Where possible please attach reasons why you believe review of the decision is necessary. The internal review will be carried out by another officer within 30 days.]

Information Commissioner review

Under section 54L of the FOI Act, you may apply to the Australian Information Commissioner to review my decision. An application for review by the Information Commissioner must be made in writing within 60 days of the date of this letter, and be lodged in one of the following ways:

online: <https://forms.business.gov.au/aba/oaic/foi-review/>
email: enquiries@oaic.gov.au
post: GPO Box 2999, Canberra ACT 2601
in person: Level 3, 175 Pitt Street, Sydney NSW

More information about Information Commissioner review is available on the Office of the Australian Information Commissioner website. Go to <http://www.oaic.gov.au/freedom-of-information/foi-reviews>.

Questions about this decision

If you wish to discuss this decision, please contact Jo Burley on 02 6141 6666 or by email foi@ag.gov.au.

Yours sincerely



Douglas Rutherford
Acting Assistant Secretary

