

24 September 2021  
Ms Eliza Sorensen

**By email:** [foi+request-7871-d1f3ecbc@righttoknow.org.au](mailto:foi+request-7871-d1f3ecbc@righttoknow.org.au)

Dear Ms Eliza Sorensen,

We are writing in relation to the *Freedom of Information Act 1982* (FOI Act) request you made to the eSafety Commissioner (eSafety) on 17 September 2021 (FOI request).

We would like to discuss and seek further information about your request.

The wording of your FOI request is for:

'the following from August 13 2021 until the date the eSafety Commissioner responds to this FOI Request.

Any emails and correspondence from the E-Safety commissioner or final documents that contain the following phrases:

"Apple CSAM", "CSAM detection", "Child abuse scanner", "On-device matching", "On-device matching process", "NCMEC", "Thorn", "Regulation, here we come!"

I understand the specified time period for your request is documents between 13 August 2021 and the date of response.

Our concern with your request is the time period in which you are seeking documentation. The time period for your request cannot include future dates. Therefore, we are seeking to clarify the time period in order to move forward with your request.

#### Practical refusal reason

As you may know, an agency may refuse a request under the FOI Act if a practical refusal reason exists. A practical refusal reason exists if:

- in the case of an agency, the work involved in processing the request would substantially and unreasonably divert the resources of the agency from its other operations (section 24AA(1)(a)(i)), or
- a request does not sufficiently identify the requested documents (section 24AA(1)(b)).

Under section 24 of the FOI Act, if an agency believes they may need to refuse access to a request, they are to request a consultation process with the applicant. The consultation period runs for 14 days. Under section 24AB(8), the consultation period is to be disregarded in working out the 30 day period for processing an FOI request under section 15(5)(b).

Pursuant to section 24 of the FOI Act, we may need to refuse your request. We would therefore like to consult with you and assist you to revise your request so that a practical refusal reason does not exist.

#### Suggested scope

In order to assist us process your request, we have suggested a possible refinement of scope, which we confirm is a scope we can process.

It is suggested that the scope be refined to documents within the time period of 13 August 2021 and 17 September 2021, (the date the FOI request was received).

The terms of your request will stay the same:

'Any emails and correspondence from the E-Safety commissioner or final documents that contain the following phrases:

"Apple CSAM", "CSAM detection", "Child abuse scanner", "On-device matching", "On-device matching process", "NCMEC", "Thorn", "Regulation, here we come!"

Please let us know if you agree with the above refined request and we will begin to process your request.

We would welcome the opportunity to discuss your FOI request with you. Please contact the FOI Coordinator at [FOI@esafety.gov.au](mailto:FOI@esafety.gov.au) to determine a time when you are available to discuss.

Kind regards,

FOI Coordinator

eSafety Commissioner