

National Library of Australia

2 November 2021

Mr Albert Frankaland

Via email: foi+request-7942-af321688@righttoknow.org.au

Dear Mr Frankaland

Initial Decision Letter – Your Freedom of Information Request

I refer to your email of 8 October 2021 to the National Library of Australia (NLA), seeking access to documents under the Freedom of Information Act 1983 (FOI Act).

1. Your request

I confirm your request, as it currently stands, is for:

Details of all correspondence received via the Contact Trove Support webform (<https://trove.nla.gov.au/contact-trove-support>) since June 2020 relating to positive feedback relating to the Trove version update in June, 2020, and negative feedback relating to the Trove version update in June, 2020.

2. Material taken into account

In making my initial decision, I have had regard to the following:

- The term of your request
- The documents to which you have sought access
- Relevant provisions of the FOI Act
- Advice from NLA staff with responsibility for matters relating to the documents to which you have sought access.
- The Australian Information Commissioner's guidelines on FOI, Part 3, Version 1.7, June 2020 (OAIC Guidelines): <https://www.oaic.gov.au/freedom-of-information/foi-guidelines/part-3-processing-and-deciding-on-requests-for-access>

3. Practical Refusal Reason



Parkes Place Canberra ACT 2600 Australia

T +61 2 6262 1111

nla.gov.au ABN 28 346 858 075

I advise that I am satisfied that a practical refusal reason exists in relation to your request, as the work involved in processing your request would substantially and unreasonably divert the resources of the NLA from its other operations: para 24AA(1)(a)(i) of the FOI Act.

a. Documents covered by your request

I advise that your request is framed broadly, as it covers 'details of *all* correspondence received via the Contact Trove Support webform' since June 2020 relating to feedback relating to the Trove version update in June, 2020.

The NLA received over 3000 communications via the Contact Trove Support webform since June 2020, most of which contain feedback (both positive and negative) on the Trove version update in June, 2020 (the Trove Modernisation Project). These communications will all need to be reviewed to identify which parts of them fall under the scope of your request, i.e. documents/parts of documents that provide feedback.

b. Identifying, locating and collating the documents in scope

I note that it would require significant time for NLA staff within the Collaboration Branch (particularly the Trove Partnership Section) to identify, locate and collate all documents covered by your request. I further note that if time was spent identifying, locating and collating these documents, the Branch's current workplan activities would be jeopardised, which include:

- Responding to enquiries from the Partner organisations that contribute content to Trove or seek to partner with the National Library to digitise content
- Responding to enquiries from the Trove end-user community
- Preparing and disseminating training materials, newsletters and webinars to the Trove Partner community
- Administering the Community Heritage Grant program

c. Deciding to grant, refuse or defer access

Once documents falling within the scope of your request have been identified, located and collated, they are provided to the FOI Officer, who will need to review every single document to assess whether any information contained within those documents may be conditionally exempted under the FOI Act, e.g. under s 47F for personal privacy.

Given that the NLA is a comparatively small Commonwealth agency with limited resources, the NLA has one FOI Officer, who is also the NLA's sole legal advisor. The FOI Officer role only represents a small portion of their workplan. In addition to dealing with FOI requests, the legal advisor role involves giving in-house legal advice, managing external legal matters, providing briefing to the NLA Council on legal matters, progressing legal instruments for the NLA (for example, Accountable Authority Instructions under the *Public Governance, Performance and Accountability Act 2013*).

Given the very substantial number of documents, reviewing the documents would require a significant allocation of time by the NLA FOI officer. This means that their other responsibilities will not be able to be fulfilled, which will negatively impact on the NLA's current workplan.

d. Preparation of the decision and documents

If a decision is made to exempt part of a document where it falls under a conditional exemption, a decision letter must be provided explaining reasons of the decision, and the documents must be prepared for release. These involve:

- reading again each document
- identifying parts that needs exemption
- drafting the decision
- preparing edited copies of the documents for release including making redactions

e. Notifying you of the final decision and providing documents

I note that this step, in and of itself, does not involve significant work. However, due to the volume of the documents, it may not be possible to arrange access via email. If that is the case, time would be spent arranging an alternative method, for example, requesting a mailing address from you, verifying your identify matches the person who emailed from the Right to Know website email address.

4. Request consultation process

I advise the FOI Act sets out a consultation process where a practical refusal reason exists. The purpose of this process is to allow you the opportunity to revise your request should you wish. The NLA will assist you in revising the scope of your request.

As per the notice provided to you in accordance with subsection 24AB(2), the consultation period is 14 days after the date you are given the notice, during which you may contact the specified contact person.

Your request will be taken to have been withdrawn, if, by the end of the consultation period, you have not:

- contacted the specified contact person, or
- indicated that you wish to:
 - withdraw the request, or
 - make a revised request, or
 - not revise the request.

5. Timeframe for providing you with our decision

The usual timeframe for processing an FOI request is 30 days after the day on which the request is received. As your request was received on 8 October 2021, that period ends on 7 November 2021.

However, as we have now in the required consultation process, the 14 day consultation period is disregarded in working out the 30 day period. If a revised request is agreed such that the practical refusal reason no longer exists, Library staff will negotiate additional time with you to provide you with the final decision letter.

6. Other information

For your information and consideration, as an alternative to providing you with the vast number of documents under the FOI Act, the NLA proposes in due course to provide a summary of the feedback the NLA received on the Trove Modernisation Project from members of the public, to be provided to you and published on the NLA website for public access.

7. Contact

If you have any queries regarding any matters discussed above or throughout the consultation process, please contact Angie Piao at foi@nla.gov.au.

Yours sincerely



Peter Matheson
Director, Governance