

CENTRAL OFFICE

ABS House
45 Benjamin Way
Belconnen ACT 2617

Locked Bag 10
Belconnen ACT 2616

Telephone: (02) 6252 5000
Facsimile: (02) 6251 6009

FOI ref: 201415/11

Ken McLeod

foi+request-871-bf6b22f6@righttoknow.org.au

Dear Ken,

FREEDOM OF INFORMATION REQUEST: ESTIMATE OF CHARGES

I refer to your email of 14 January 2015 in which you sought access to documents under the *Freedom of Information Act 1982* (the Act):

“documentation pertaining to the current 8 month Census and how the participants were chosen. I also make request for documents pertaining to the geographical location's of the current 8 month Census and your Departments reasons for choosing the locations you are currently using.”

It has since been clarified with the ABS FOI contact officer that the ‘current 8 month Census’ is the ABS’ Monthly Population Survey (MPS).

I note that the ABS provides freely available information on its website regarding sample selection. The following information may be relevant to your request:

- *ABS Surveys Charter, 2010* (ABS cat. no. 1008.0) provides a holistic explanation of how the ABS conducts statistical surveys.
- *Information Paper: Labour Force Survey Sample Design, May 2013* (ABS cat. no. 6269.0). The Labour Force Survey is a component of the MPS and this document contains extensive information regarding survey methodology and sample design that will largely reflect that employed for the MPS.

The *Freedom of Information (Fees and Charges) Amendment Regulations 2010* (the Regulations) prescribe that charges can be levied in respect of a request for access to documents. These charges are set out by the Regulations and are for search and retrieval of documents, decision making and provision.

I have decided that you are liable to pay a charge in respect of the processing of your request. I am an authorised decision maker under section 23 of the Act.

My preliminary assessment of the charge is \$210 (see table for detail of charges).

Search and retrieval, tag relevant pages Estimated number of hours required: ten hours	\$150
Decision-making (after deducting first five hours free) <ul style="list-style-type: none"> • examine relevant pages for decision making (includes exempted pages and pages released with deletions) • consulting with other parties • making deletions to exempt material Estimated number of hours required: three hours	\$60
TOTAL COST	\$210

The charges set out above are determined in line with the Regulations to fairly reflect the work involved in processing a request, such as for search and retrieval of documents, decision making and provision of access.

The charges are not indicative of the level of access that may be granted to the documents sought.

The ABS treats documents that are publicly available (for example, documents published on a publicly accessible website) as irrelevant to a FOI request. This means that you will not be provided with publicly available documents under FOI.

In addition, I anticipate that the following exemption scenarios provided by the Act could apply to the documents you seek:

- section 47 – documents may disclose trade secrets or other information having a commercial value that would be, or could reasonably be expected to be, destroyed or diminished if the information were disclosed.
- section 47E – documents could be reasonably expected to have an adverse effect on the proper and efficient conduct of the operations of an agency.
- section 47F – documents would involve the unreasonable disclosure of personal information about any person.
- section 47G – documents could unreasonably affect a person adversely in respect of his or her lawful business or professional affairs.
- Schedule 2, Part II, Division 2 – documents containing information collected under the *Census and Statistics Act 1905*.

The preliminary assessment of the charge for search and retrieval is based on a search of the ABS's electronic records systems and of files held by individuals in areas for which the subject matter contained in the request is potentially of relevance. I estimate that it will take around 18 hours to fulfil your request. The first five hours of decision making time are free of charge. Therefore you will only be charged for three hours of decision making time.

The Regulations prescribe that where a charge is imposed and exceeds \$25.00 but is less than \$100.00, a deposit of \$20.00 may be sought and where the charge exceeds \$100.00, a deposit of up to 25 per cent of the estimated charges may be sought. Based on the preliminary estimate of charges for your request which is \$210, you will be required to pay a deposit of \$52.50.

I note that, given the nature of the documents you seek, it is anticipated that a large number of documents in scope of your request will be subject to exemptions under the Act, which may result in the ABS refusing you access to the documents.

Within 30 days of receipt of this notice you are required to either:

- pay the charge; or
 - pay a deposit with the remainder to be paid prior to receipt of documentation, or
 - contend that the charge
 - has been wrongly assessed, or
 - should be reduced, or
 - not imposed, or both; or
 - withdraw your request.
- } You should give
} full reasons for so
} contending

Options for payment are attached.

You may contend that the charge has been wrongly assessed, or should be reduced or not imposed. In deciding whether to reduce or not to impose a charge, the decision maker has discretion to consider reduction or remission of charges for any reason, including the following reasons:

- the payment of the fee or a part of the fee would cause financial hardship to the applicant or person on whose behalf the application was made; or
- the giving of access is in the general public interest or in the interest of a substantial section of the public.

If you wish to contest the charges, you should give full reasons for doing so.

If you fail to notify the ABS in a manner mentioned above within 30 days of receipt of this notice it will be taken that you have withdrawn your request.

The ABS considers the names, email addresses and other contact details of public service officers to be irrelevant to an FOI request. These details will not be released pursuant to section 22 of the Act. Where relevant, the ABS will provide the designations (for example, Analyst, Senior Adviser, Manager) of authors and addressees of documents in the schedule of documents accompanying the decision letter so that their relative seniority is known. You have not been charged for any redactions to documents required as a result of this practice.

In accordance with section 31 of the Act, the 30 day limit for processing your request is suspended from the day that you receive this notice and resumes on either the day you pay the charge (in full or the required deposit) or the day on which this agency makes a decision not to impose a charge.

The ABS publishes all documents disclosed in response to FOI requests (other than personal or business information that would be unreasonable to publish) on the ABS website at the same time as the applicant receives the response. This is consistent with the arrangements established by section 11C of the Act, which formally commenced operation on 1 May 2011.

If you have any queries on this matter please contact the ABS FOI Contact Officer, at freedomofinformation@abs.gov.au or on (02) 6252 7203.

Yours sincerely,



Lewis Conn
Assistant Statistician
Office of the Statistician and External Engagement
Australian Bureau of Statistics

27 January 2015

RIGHTS OF REVIEW, WHERE CHARGES IMPOSED

INFORMATION ON RIGHTS OF REVIEW

1. APPLICATION FOR INTERNAL REVIEW OF DECISION

Section 54 of the Freedom of Information Act gives you the right to apply for an internal review of the decision to impose a charge for documents in accordance with your request.

Application for a review of the decision must be made in writing within 30 days of receipt of this letter.

No particular form is required but it would assist the decision-maker if you could set out in the application the grounds on which you consider that the decision should be reviewed.

Application for a review of the decision should be addressed to:

ABS FOI Contact Officer
Audit, Policy and Parliamentary Liaison Section
Australian Bureau of Statistics
Locked Bag 10
BELCONNEN ACT 2617

OR

2. APPLICATION TO AUSTRALIAN INFORMATION COMMISSIONER (INFORMATION COMMISSIONER) FOR REVIEW OF DECISION

Section 54L of the Act gives you the right to seek a review of the decision from the Information Commissioner. An application for review must be made within 60 days of receiving the decision.

Applications for review must be in writing and must:

- give details of how notices must be sent to you; and
- include a copy of the notice of decision.

You should send your application for review to:

The Information Commissioner
Office of the Information Commissioner
GPO Box 5218
SYDNEY NSW 2001

AND/OR

3. COMPLAINTS TO THE INFORMATION COMMISSIONER

Section 70 of the Act provides that a person may complain to the Information Commissioner about action taken by an agency in the exercise of powers or the performance of functions under the Act.

A complaint to the Information Commissioner must be in writing and identify the agency the complaint is about. It should be directed to the following address:

The Information Commissioner
Office of the Information Commissioner
GPO Box 5218
SYDNEY NSW 2001

The Information Commissioner may decline to investigate the complaint in a number of circumstances, including that you did not exercise your right to ask the agency, the Information Commissioner, a court or tribunal to review the decision.