



20 February 2015

Ben Fairless

Our reference: LEX 12258

By email: foi+request-913-cddaef94@righttoknow.org.au

Dear Mr Fairless

Your Freedom of Information Request - Charges

1. I refer to your request dated 13 February 2015 and received by the Department of Human Services (the **department**) on the same date, for access under the *Freedom of Information Act 1982* (the **FOI Act**) to the following:

- '101.08800 Freedom of Information (FOI)
- 104.06200 Freedom of Information (FOI)
- 104.06250 Disclosing information to third parties
- 104.06270 Disclosing information to a nominee'

Liability to pay charges

- 2. In the departmental letter to you, dated 13 February 2015, we advised you that there is no charge payable for providing a person with their own personal information. You have requested historical procedure guides, which are not publically available and because they are historical are not considered operational information that the department must publish.
- 3. In accordance with section 29 of the FOI Act, I have decided that you are liable to pay a charge for the processing of your request.

Preliminary Assessment of the Charge

- 4. I am advised that the department has in its possession 3 documents with 36 pages relevant to your request.
- 5. My preliminary assessment of that charge is \$16.00 calculated as follows:

Search and retrieval time: 1.07 hours, at \$15.00 per hour:	\$16.00
Decision-making time (*after deduction of 5 hours): 4.93 hours, at \$20.00 per hour	\$0.00
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TOTAL	\$16.00

*The FOI Act provides that the first five hours of decision-making time are free of charge and this is reflected in the calculation.



Required Action

6. If you would like the department to continue processing your request, you must notify the department in writing within 30 days of receiving this notice that you:
 - a) agree to pay the charge;
 - b) wish to contend that the charge:
 - i. has been wrongly assessed; or
 - ii. should be reduced or not imposed; or
 - iii. both
 - c) withdraw the request for access.
7. If you do not provide a written response in accordance with one of Options A, B or C above within 30 days of receiving this notice, your request will be taken to have been withdrawn under section 29(2) of the FOI Act.
8. Alternatively you may wish to refine the scope of your FOI request. If you would like to discuss this please contact me for assistance.
9. Further information on options A, B and C is set out below.

Option A - pay the charge

10. The amount due should be paid by cheque or money order made out to the Collector of Public Monies. Please quote the reference number FOI LEX 12258 with your payment and send to:

Freedom of Information team
Department of Human Services
PO Box 7820
CANBERRA ACT 2601
11. Should you elect to pay the charge please email FOI.Legal.Team@Humanservices.gov.au once you have posted your cheque or money order to advise us of your payment.

Option B - seek reduction or non-imposition of the charge

12. You may contend that the charge has been wrongly assessed, or should be reduced or not imposed. Section 29(5) of the FOI Act provides that, in deciding whether to reduce or not to impose a charge, the decision-maker must take into account any relevant reasons, including whether payment of the charge, or part of it, would cause your organisation financial hardship, and whether the giving of access to the documents is in the general public interest or in the interest of a substantial section of the public.
13. If you wish to contend that the charge has been wrongly assessed or should be reduced or not imposed, please set out your reasons and the evidence in support of your reasons as clearly as possible. If you believe that payment of the charge would cause your organisation financial hardship, please provide sufficient details of your financial circumstances to enable the decision-maker to make a well-informed decision in this regard.

Option C - withdraw your request

14. If you wish to withdraw your request you may do so in writing.

Time limits for processing your request

15. Section 31 of the FOI Act provides that where a notice is sent to an applicant regarding the payment of a charge in respect of a request, the time limit for processing the request is suspended from the date the notice is received until either:

- (a) the day following payment of the charge (in full or the required deposit); or
- (b) if applicable, the day following the notification to the applicant of a decision not to impose the charge.

Address for correspondence

16. Please send all correspondence regarding your FOI request to me at the following address:

Freedom of Information team
Department of Human Services
PO Box 7820
CANBERRA ACT 2601

Or by email to FOI.Legal.Team@Humanservices.gov.au.

17. Should you have any enquiries concerning this matter, please contact me. If you are phoning long-distance, you may reverse the charges.

Publication of information in the FOI disclosure log

18. Information released under the FOI Act may be published in a disclosure log on the department's website. Section 11C of the FOI Act requires this publication, subject to certain exceptions, including where publication of personal, business, professional or commercial information would be unreasonable.

19. Should you have any enquiries concerning this matter, please contact me. If you are phoning long-distance, you may reverse the charges.

Yours sincerely

FOI Delegate
FOI and Information Release Branch
Department of Human Services