



2 December, 2022  
FOI ref: FOI 3213

Dale Webster, Right To Know  
By email: [foi+request-9579-b84ec474@righttoknow.org.au](mailto:foi+request-9579-b84ec474@righttoknow.org.au)

Dear Dale Webster

**FREEDOM OF INFORMATION REQUEST – CONSULTATION**

I refer to your request, dated 15 November 2022 to the Treasury, for the following documents under the *Freedom of Information Act 1982 (FOI Act)*:

*I request copies of all documents, including correspondence, held by Treasury pertaining to the management of the Authorised deposit-taking institutions points of presence data by the Australian Prudential Regulation Authority (APRA) from 2021 and 2022.*

I am an authorised decision maker under section 23 of the FOI Act.

I am writing to tell you that I believe that the work involved in processing your request in its current form would substantially and unreasonably divert the resources of this agency from its other operations due to its size and broad scope. This is called a ‘practical refusal reason’ under section 24AA of the FOI Act.

On this basis, I intend to refuse access to the documents you have requested. However, you have an opportunity to revise your request before I make a final decision. This is called a ‘request consultation process’ in section 24AB of the FOI Act.

You have **14 days** to respond to this notice in one of the ways set out below.

***Why I intend to refuse your request***

I decided that a practical refusal reason exists because of the large number of documents which have been identified in response to your request as currently worded. Key word searches (including terms reasonably related to your request) of Treasury’s email system and electronic records have returned over 2800 emails plus attachments and over 220 additional documents in the electronic filing system. These will need to be retrieved and reviewed for relevance to the scope of your request.

Staff have spent over 10 hours undertaking an initial review of a sample set of 15% of documents in the electronic filing system. Based on the sampling, I estimate there are over 80

documents in scope of your request from just the electronic filing system which does not include emails.

Based on the time it took to review a sample set, a conservative estimate is that it will take an average of 2 minutes to review each document (all emails, attachments and other electronic document identified in the search) for relevance to the scope of your request. It will take over an estimated 124 hours to initially review the full set of documents for relevance to the scope of your request. This is in addition to the time that has already been spent locating documents.

Documents identified as falling within scope of your request would then need to be scheduled, reviewed for sensitivities, third party consultations undertaken, documents prepared for release, a decision recorded for each document, and a decision letter prepared. I am satisfied this would place a significant burden on a limited number of Treasury staff and would substantially and unreasonably divert the resources of the Treasury from its other operations.

### ***Request consultation process***

You have an opportunity to revise your request. This might mean narrowing the scope of the request to make it more manageable or explaining in more detail the documents you wish to access. This will assist the Treasury to focus on the documents that you are most interested in, saving time and resources.

Examples of possible revisions include:

- Providing a narrow date range for documents.
- Specifying a document type, such as formal briefing material to a Minister.
- Removing all emails.
- Removing Cabinet material from the scope of your request. Cabinet material is exempt under section 34 of the FOI Act unless it has been officially disclosed.
- Providing more specific details of the information sought. For example, the current scope seeks 'all documents held by Treasury'. This is very broad and is likely to capture significantly more documents than you intended. Such documents are likely to contain repetitive and publicly available information. By contrast, requesting specific information on a specific aspect of the management of the Authorised deposit-taking institutions points of presence data by the Australian Prudential Regulation Authority (APRA) is more focussed and makes it easier to find documents containing information that you want.

More than one revision type may be needed to sufficiently refine the scope of your request. Even if you follow all of the above suggestions, it is still possible that processing the request will involve a substantial and unreasonable diversion of resources.

If you revise your request in a way that adequately addresses the practical refusal grounds outlined above, we will recommence processing it. Please note that the time taken to consult you regarding the scope of your request is not taken into account for the purposes of the 30 day time limit for processing your request.

### ***What you need to do***

**You must contact us within 14 days** from the day after you receive this notice to:

- withdraw your request
- make a revised request
- tell us that you do not wish to revise your request.

You can contact us at by phone on (02) 6263 2800 or by email at [FOI@treasury.gov.au](mailto:FOI@treasury.gov.au). If we do not hear from you within the 14 days, your request will be taken to be withdrawn.

**Questions?**

The Treasury FOI team is available to help you during the consultation period by phone on (02) 6263 2800 or by email to [FOI@treasury.gov.au](mailto:FOI@treasury.gov.au).

Yours sincerely

A handwritten signature in blue ink, appearing to read 'Nghi Luu', is positioned below the 'Yours sincerely' text.

Nghi Luu  
Assistant Secretary  
Capital Markets, Payments and Financial Innovation Branch