



17 February 2023

Oliver Smith

**BY EMAIL:** [foi+request-9591-e873701c@righttoknow.org.au](mailto:foi+request-9591-e873701c@righttoknow.org.au)

**In reply please quote:**

FOI Request: FA 22/11/01096

File Number: FA22/11/01096

Dear Mr Smith

I refer to your email dated 21 November 2022 in which you request access to documents held by the Department of Home Affairs (the Department) under the *Freedom of Information Act 1982* (the FOI Act).

I am writing to inform you that I intend to refuse your request on the grounds that a practical refusal reason exists. However, before I proceed to a final decision, you have an opportunity to revise your request to remove the practical refusal reason. This '*request consultation process*' now provides you with a *consultation period* of 14 days to respond in one of the ways set out below.

**Scope of Request**

You have requested access to the following:

1. *Any agreement, memorandum of understanding or other document evidencing an agreement or understanding between the Department of Home Affairs and any of the following companies namely Meta, Facebook, Twitter, Google (including YouTube, Google Docs or any other Google service) ("Social Media Providers") with respect to any takedown portal, backend access, content removal or censorship, or any similar content removal or moderation or like mechanism provided by any of the Social Media Providers ("Takedown Mechanisms").*
2. *The number of requests or demands from the Department of Home Affairs to any of the Social Media Providers to remove, redact, censor, limit or otherwise prevent, slow or limit the publication, view and reach of any content hosted or otherwise made available on any of the Social Media Providers for the period 1 January 2017 to 15 December 2022.*

**Power to refuse request**

Section 24 of the FOI Act provides that if the Department is satisfied that a practical refusal reason exists in relation to a request, the Department must undertake a consultation process with you, and if, after that consultation process, the Department remains satisfied that the practical refusal reason still exists, the Department may refuse to give you access to the documents subject to the request.

## Practical refusal

A *practical refusal reason* exists if either (or both) of the following applies:

- (a) the work involved in the processing of the request would substantially and unreasonably divert the resources of the Department from its other operations
- (b) the request does not satisfy the requirement in section 15(2)(b) of the FOI Act, which requires you to provide such information concerning the document you are seeking access to, to enable the Department to be able to identify it.

## Reasons for practical refusal

After undertaking searches and consulting with the Procurement and Contracts business area of the Department in relation to your request, I consider that processing the request, would require an unreasonable diversion of the Department's resources.

Over **300 contracts** have been identified as being potentially in scope of your request. Each contact would need to be manually interrogated to identify and extract any documents in scope of your request.

It is estimated that one staff member [APS 6 full time equivalent] would be required to examine 10 contracts per day to identify and extract relevant documents. It would therefore take over **225 hours [or 30 full business days]** of exclusive work to identify documents in scope of your request.

If documents in scope of your request *were* identified, the Department would then need to create a schedule of documents, undertake assessment of any possible exemptions under the FOI Act, and consult internal business areas on each document. I have not included an estimate for this work as the number of contracts in scope of your request is not currently known.

Based on the significant work effort required to identify documents in scope of your request, I am satisfied that continuing to process your request would result in a substantial and significant diversion of resources of the Department as it would significantly impede several business areas' ability to carry out essential operations.

We now seek your assistance in revising the scope in ways which would remove the practical refusal reason.

You may wish to access the [Austender public database of contracts](#) - which contains a listing of the Department's contracts and provides contract periods and values of contracts amongst other information – to identify particular contracts of interest in order to narrow the scope of your request.

## Request Consultation Process

You now have an opportunity to revise your request to enable it to proceed.

Under section 24AB of the FOI Act, you have 14 days, until **close of business 3 March 2023**, to respond to this notice in writing and advise me whether:

- you wish to make a revised request;
- indicate that you do not wish to revise your request; or

- withdraw your request.

**Contact**

Should you wish to revise your request or have any questions in relation to this process you may contact me at [foi@homeaffairs.gov.au](mailto:foi@homeaffairs.gov.au) .

*[Signed electronically]*

Elaine - position number 60097486  
Authorised Decision Maker  
Department of Home Affairs