



Decision and Statement of Reasons issued under the *Freedom of Information Act 1982*

Decision and reason for decision of Ramona (Position Number 62336362), Assistant Director, Information Access Unit, Client Access and Rehabilitation Branch, Department of Veterans' Affairs

Applicant: Mr Arthur Jordan

Date of primary decision: 10 February 2023

FOI reference number (Primary): LEX 55381

Internal review decision date: 20 March 2023

Internal review reference number: LEX 56160

Sent by email: foi+request-9779-0bbd96fe@righttoknow.org.au

Dear Mr Jordan,

Freedom of Information Internal Review Request: LEX 56160

Decision

1. The purpose of this letter is to give you a decision about your request for internal review of the decision made on LEX 55381 under the *Freedom of Information Act 1982* (Cth) (**FOI Act**).
2. I have made a decision to affirm the original decision made by Sharmila (Position Number 62210944), Information Access Officer, Information Access Unit, Client Access Rehabilitation Branch. That decision was to refuse access to the documents within the scope of your request under section 24AA of the FOI Act.

Authority to make decision

3. I, Ramona (Position Number 62336362), Assistant Director, Information Access Unit, Client Access Rehabilitation Branch, am an officer authorised by the Secretary of the Department

to make decisions about access to documents in the possession of the Department in accordance with section 23(1) of the FOI Act.

Summary

4. On 5 January 2023, you made a request for access to documents in the possession of the Department. Your request sought access to:

'...I request all inward facing documents on the combined library of information and knowledge (CLIK)...'

5. On 6 January 2023, the Department acknowledged your request via email.
6. Following a practical refusal consultation period, a decision on your request was due by 13 February 2023.

Practical Refusal Consultation

7. On 25 January 2023, the Department wrote to you providing a notice of intention to refuse your request under section 24AB(2) of the FOI Act as your request was too broad and voluminous to process. You were given an opportunity to consult with the Department to revise your request so as to remove the practical refusal reason.
8. On 25 January 2023, you responded to the formal section 24AB consultation notice expressing your displeasure of not having any informal consultation as recommended in the Department's training procedures. An informal consultation is recommended as a way of assisting an applicant to refine a request as a first step, however, a written consultation notice is required under section 24AB(2) of the FOI Act and the Guidelines issued by the Australian Information Commissioner under section 93A of the FOI Act (**FOI Guidelines**).
9. In response to your email, the Department made contact with you on 31 January 2023 and discussed the practical difficulties and limitations in processing your request. During this call, you advised you would email a revised scope to be considered.
10. On 1 February 2023, you emailed your suggestions to remove the practical refusal reasons as follows:

'...I confirm the contents and make the following suggestions so as to remove a Practical Refusal issue raised by her.'

I have raised the letters contents with various Veterans who live and breath Drupal and know its inner workings and how to use it to its fullest. These are some suggestions which should remove the Practical Refusal reasons.

1. In Reference to the PDF letter and its sections, responses are noted in quote marks.

Sec 11 - The request requires exporting all internal contents to a common acceptable format such as HTML. "The DVA has access via HTML (web base)" It is assumed that the search will encompass CLIK in its entirety. "This could be limited to the DVA, and this should have been the assumed access as it was to the DVA FOI business area not Services Australia."

Sec 20 - A revised request may state "with no limitation on the evidence given at the AAT by Luke Brown, and noting if all your assumptions are correct, a quick and easy way is to set up a user profile so I have any time access to the inward facing CLIK. This would be a username and password."

2. Another option might be to modify the request to specify one document and one document only; the database schema for CLIK.

This will provide us with a list of all tables that are on CLIK without providing the documents.

Once we understand the format of the database, we can then request the contents of a specific table. The table will be the one which holds all the files that are displayed.

From there we can then request the specific files.

If this option doesn't work because it's not hosted on a database, we simply request a sitemap which includes the full details of every page, including those only internally available.

The IT department will be the custodians of this information.

The search should take no longer than 15 minutes.

3. A further way to resolve your issues raised is to seek a Table be produced in accordance with Sec. 17 of the FOI Act, specifying the names and/or titles of ALL inward facing documents in CLIK...'

Original Decision

11. On 10 February 2023, the Department made a decision to refuse access to your request under the following provisions of the FOI Act:

- Section 15 - Request for Access
- Section 24AB – Request Consultation Process
- Section 24AA – Practical Refusal Reasons

Internal Review

12. On 16 February 2023, you requested an internal review of the decision in the following terms:

'...I am writing to request an internal review of Department of Veterans' Affairs's handling of my FOI request 'All inward facing documents on the combined library of information and knowledge (CLIK).'

1. The person (Sharmila) who originally handled my FOI request did NOT follow all procedures set out by the DVA (see correspondence herewith) which she admitted to.

2. I set out several suggestions which would assist in removing the refusal issues. One suggestion was NOT even addressed by the person, Sharmila (that relating to evidence, on oath, given to an AAT hearing by Luke Brown of DVA regarding his views of "hiding" documents from Veterans and the public via an "Inward Facing CLIK" and the helpful procedures he would follow if faced with a request such as this. One suggestion was addressed by way of making a conclusion only and NOT listing the evidence or facts to support that conclusion (S. 17 table).

3. The other 2 suggestions were dismissed because of information allegedly provided by an unknown "expert". I had supplied "technical" suggestions of my own which were NOT taken into account. The veracity of ALL the evidence allegedly considered by Sharmila was NOT weighed and reasons given as to why one "experts" evidence was preferred over another's...'

13. As your application was made within 30 days of the original decision being made, the internal review decision is valid.

14. As no extension of time has been applied to process this internal review, a decision on your internal review application is due on 20 March 2023.

Material taken into account

15. In accordance with section 26(1)(a) of the FOI Act, my findings on any material question of fact, the material on which those findings were based and the reasons for my decision to grant partial access to the document follows.

16. I have taken the following material into account in making my decision.

- the terms of your original request made on 5 January 2023 and the original decision made on 10 February 2023;
- the terms of your internal review request made on 16 February 2023;
- advice from the relevant business area and Services Australia;
- the nature and content of CLIK/Drupal;
- Sections 3, 11 and 11A of the FOI Act which give the Australian community a legally enforceable right to obtain access to information held by the Government of the Commonwealth. I have also considered the following provisions of the FOI Act relevant to my decision:
 - Section 15 - Request for Access
 - Section 24AB – Request Consultation Process
 - Section 24AA – Practical Refusal Reasons
 - Section 54C Internal review – decision on internal review
- the FOI Guidelines.

17. A full extract of all FOI Act provisions used to make my decision are provided in **Schedule 2**.

Reasons for decision

18. I have decided to affirm the original decision made on 10 February 2023 to refuse access to the documents within the scope of your request under section 24AA of the FOI Act.

Practical refusal (section 24AA)

19. Section 24AA(1)(A)(i) of the FOI Act provides that a practical refusal reason exists in relation to a FOI request if the work involved in processing the request would substantially and unreasonably divert the resources of the Department from its other operations.

20. Having reviewed the original decision and advice received from the relevant business area and Services Australia, I affirm that the practical refusal reason applicable to your request is that processing your request, as best the Department can understand the terms, is likely to result in a substantial and unreasonable diversion of the Department's resources from its other operations (section 24AA(1)(a) of the FOI Act).

Request is substantial

21. Under section 24AA(2) of the FOI Act, the Department must have regard to the resources that would have to be used for:
- identifying, locating or collating the documents within the filing system of the agency;
 - deciding whether to grant, refuse or defer access to a document to which the request relates, or to grant access to an edited copy of such a document (including resources that would have to be used for examining the document or consulting with any person or body in relation to the request);
 - making a copy or an edited copy, of the document; and
 - notifying any interim or final decision on the request.
22. As outlined in paragraph 3.117 of the FOI Guidelines, other matters may be relevant in deciding if a practical refusal reason exists, such as the staffing resources available to an agency for FOI processing, whether the processing can only be undertaken by one or more specialist officers in an agency who have competing responsibilities, the impact that processing may have on other work in an agency including FOI processing, and whether there is a significant public interest in the documents requested.
23. The information you have requested, under either suggested option, requires retrieval from the Department's Consolidated Library of Information and Knowledge (CLIK)/Drupal, which contains legislative, policy and reference material used internally by Departmental staff in providing service to its clients. It is a web-based platform arranged into a number of libraries each containing information specific to that library, covering a wide range of topics across the Department's portfolio. It therefore contains a significant amount of information.
24. In your revised scope, you referred to information being provided by 'unknown experts'. As previously advised, under a shared services arrangement, Services Australia provides technical support to the Department for CLIK. Therefore, the relevant business area within the Department (Shared Services & Technology Branch) reached out to Services Australia regarding the request. As such, the advice relied on in determining whether processing the request would be manageable, came from the relevant business areas within the

Department and Services Australia, having the required background knowledge and management of use of CLIK within the Department.

25. Under your revised scope, you suggested four options to refine the scope of your request. I have addressed each option in turn below.

Option 1 – User Profile

26. The first suggested option is to set up a user profile so that you have access to the inward-facing CLIK. As advised in the decision letter dated 10 February 2023, setting up a user profile for access to CLIK is done through the Department’s Human Resources (HR) system under an existing profile, e.g. current staff members of the Department have an existing profile in the HR system and can therefore get a CLIK user profile set up and gain access to CLIK. The department is not able to add an external party on to the Department’s HR system. I agree with the original advice that this option is not feasible or appropriate.
27. Under the first suggested option, you also noted that “...it is assumed that the search will encompass CLIK in its entirety. ‘This could be limited to the DVA, and this should have been the assumed access as it was to the DVA FOI business area not Services Australia’...” The inward-facing CLIK in scope of your request relates to the Department of Veterans’ Affairs content. However, as previously advised, Services Australia provides technical support to the Department for CLIK – this is why they have been consulted in relation to this request as your request involves extracting the information out of the system.

Option 2 – Database Schema

28. The second suggested option is to modify the request to specify one document – the database schema for CLIK. The relevant business area advised that extracting and creating a list of “tables” from CLIK attracts similar practical difficulties and limitations as creating and extracting all documents/information out of the inward-facing CLIK system. As advised, there are currently no tools available to Services Australia to identify and extract the requested information. Therefore, Services Australia would still need to explore extra modules for Drupal 7 to experiment with the export function, test it, and implement it in Prod, which would take a significant amount of time. Further, content verification processes and access control issues will need to be considered and addressed, and business areas who drafted or contributed to content will be required to validate the extracted information and provide approvals before consideration of release of any list of tables.

Option 3 - Sitemap

29. In terms of providing a sitemap which includes the full details of every page including those only internally available, the business area advised that the search for the sitemap would

take longer than the suggested 15 minutes as the Department currently does not have visibility and use of a tool within CLIK that could perform this task. It will also take time to investigate what information could be included in a sitemap, and it is difficult to estimate how long it would take to set-up or generate a sitemap.

Option 4 – Section 17 Table

30. The final suggested option is to produce a table in accordance with section 17 of the FOI Act, specifying the names and/or titles of all inward facing documents in CLIK. Subject to section 17(1)(c)(i) of the FOI Act, the original decision-maker held that the Department was not in a position to create a written document, via the use of a computer or other equipment that is ordinarily available to the Department for the purposes of retrieving or collating stored information. Furthermore, subject to section 17(2) of the FOI Act, the decision-maker decided that to do so would substantially and unreasonably divert the resources of the Department from its other operations.
31. I have considered and affirm the decision that the Department is not able to produce the table to provide the information you are seeking, considering the issues raised previously, including the time required to investigate options to generate the table, extract the relevant information to create the table, and have it reviewed for consideration of release.

Conclusion regarding options

32. Services Australia advised that they would require a minimum of 3-4 weeks to conduct an analysis to prepare a report to see if any of the suggested options can be facilitated and how long the process would take. They advised there are costs associated with researching, developing and implementing an extraction tool for CLIK, and to conduct an analysis to prepare a sitemap or a table with the requested details if either of those options were to be pursued.
33. If the requested database schema, table or sitemap could be extracted and documents created, subsequent tasks for the Department may include (depending on the option):
 - Collating and converting the documents into pdf format for potential redactions;
 - Examining and consulting with relevant business areas within the Department on sensitivities within the documents;
 - Redacting exempt material from the documents as, considering that CLIK is for use by Departmental staff, it is likely the documents contain material that may be considered to be exempt from release under the FOI Act (for example, documents affecting certain operations of agencies under section 47E of the FOI Act, etc.);

- Deciding whether to grant, refuse or defer access; and
- Preparing and notifying a decision/statement of reasons to you.

34. Considering this, and the various limitations discussed, it was concluded that a significant amount of time and resources would be required to process this request for both the Department and Services Australia. I agree with that view and affirm that the request is substantial.

Request is unreasonable

35. I have considered whether the substantial resource burden would be unreasonable considering that the anticipated significant number of hours and resources required to complete the tasks under either option is, at face value, an unreasonable burden for a single FOI request. This is also taking into account the need to process multiple requests at any given time, and the impact such a burden would have on responding to other FOI applicants and for the relevant business area and officers of Services Australia to undertake their designated duties. I have considered the public interest in providing access to information, but conclude that this is outweighed by the competing public interest in both departments performing their ordinary functions, including the processing of other FOI requests.

36. Taking the above considerations into account, I am of the view that the request as it currently stands is also unreasonable.

Summary of Decision

37. After reviewing the original decision, the advice provided by the relevant business area within the Department and Services Australia, I have decided to affirm the original decision to refuse to process your request under section 24 of the FOI Act on the basis that the work involved in processing your request would substantially and unreasonably divert the resources of this agency and that a practical refusal reason therefore exists under section 24 of the FOI Act.

Your rights of review

38. If you are dissatisfied with my decision you may apply for Information Commissioner Review of the decision through the Office of the Australian Information Commissioner (**OAIC**).

OAIC review

39. Under section 54L of the FOI Act, you may apply to the OAIC to review my decision. An application for review by OAIC must be made in writing within 60 days of the date of this letter, and be lodged in one of the following ways:

Online: www.oaic.gov.au
Post: Director of FOI Dispute Resolution
Office of the Australian Information Commissioner
GPO Box 5218, Sydney NSW 2001
Facsimile: (02) 9284 9666
Phone: 1300 363 992
Email: FOIDR@oaic.gov.au

40. More information about your review rights under the FOI Act is available in Fact Sheet 12 published by the OAIC: <https://www.oaic.gov.au/freedom-of-information/reviews-and-complaints/information-commissioner-review/>

Contact us

41. If you wish to discuss this decision, please do not hesitate to contact the Information Access Unit using the following details:

Online: <https://www.dva.gov.au/about-us/overview/reporting/freedom-information/access-information>
Post: Information Access Unit
Department of Veterans' Affairs
GPO Box 9998, Brisbane QLD 4001
Phone: 1800 838 372
Email: Information.Access@dva.gov.au

Yours sincerely,

Ramona (Position Number 62336362)

Assistant Director

Information Access Unit

Client Access and Rehabilitation Branch

Department of Veterans' Affairs

20 March 2023



Schedule of relevant provisions in the FOI Act

3 Objects—general

- (1) The objects of this Act are to give the Australian community access to information held by the Government of the Commonwealth or the Government of Norfolk Island, by:
 - (a) requiring agencies to publish the information; and
 - (b) providing for a right of access to documents.
- (2) The Parliament intends, by these objects, to promote Australia's representative democracy by contributing towards the following:
 - (a) increasing public participation in Government processes, with a view to promoting better informed decision-making;
 - (b) increasing scrutiny, discussion, comment and review of the Government's activities.
- (3) The Parliament also intends, by these objects, to increase recognition that information held by the Government is to be managed for public purposes, and is a national resource.
- (4) The Parliament also intends that functions and powers given by this Act are to be performed and exercised, as far as possible, to facilitate and promote public access to information, promptly and at the lowest reasonable cost.

11 Right of access

- (1) Subject to this Act, every person has a legally enforceable right to obtain access in accordance with this Act to:
 - (a) a document of an agency, other than an exempt document; or
 - (b) an official document of a Minister, other than an exempt document.
- (2) Subject to this Act, a person's right of access is not affected by:
 - (a) any reasons the person gives for seeking access; or
 - (b) the agency's or Minister's belief as to what are his or her reasons for seeking access.

11A Access to documents on request

Scope

- (1) This section applies if:
 - (a) a request is made by a person, in accordance with subsection 15(2), to an agency or Minister for access to:
 - (i) a document of the agency; or
 - (ii) an official document of the Minister; and
 - (b) any charge that, under the regulations, is required to be paid before access is given has been paid.
- (2) This section applies subject to this Act.
Note: Other provisions of this Act are relevant to decisions about access to documents, for example the following:
 - (a) section 12 (documents otherwise available);
 - (b) section 13 (documents in national institutions);
 - (c) section 15A (personnel records);
 - (d) section 22 (access to edited copies with exempt or irrelevant matter deleted).

Mandatory access—general rule

- (3) The agency or Minister must give the person access to the document in accordance with this Act, subject to this section.

Exemptions and conditional exemptions

- (4) The agency or Minister is not required by this Act to give the person access to the document at a particular time if, at that time, the document is an exempt document.

Note: Access may be given to an exempt document apart from under this Act, whether or not in response to a request (see section 3A (objects—information or documents otherwise accessible)).

- (5) The agency or Minister must give the person access to the document if it is conditionally exempt at a particular time unless (in the circumstances) access to the document at that time would, on balance, be contrary to the public interest.

Note 1: Division 3 of Part IV provides for when a document is conditionally exempt.

Note 2: A conditionally exempt document is an exempt document if access to the document would, on balance, be contrary to the public interest (see section 31B (exempt documents for the purposes of Part IV)).

Note 3: Section 11B deals with when it is contrary to the public interest to give a person access to the document.

- (6) Despite subsection (5), the agency or Minister is not required to give access to the document at a particular time if, at that time, the document is both:
- (a) a conditionally exempt document; and
 - (b) an exempt document:
 - (i) under Division 2 of Part IV (exemptions); or
 - (ii) within the meaning of paragraph (b) or (c) of the definition of exempt document in subsection 4(1).

15 Requests for access (as related to the requirements for requests)

Persons may request access

- (1) Subject to section 15A, a person who wishes to obtain access to a document of an agency or an official document of a Minister may request access to the document.

Requirements for request

- (2) The request must:
- (a) be in writing; and
 - (aa) state that the request is an application for the purposes of this Act; and
 - (b) provide such information concerning the document as is reasonably necessary to enable a responsible officer of the agency, or the Minister, to identify it; and
 - (c) give details of how notices under this Act may be sent to the applicant (for example, by providing an electronic address to which notices may be sent by electronic communication).
- (2A) The request must be sent to the agency or Minister. The request may be sent in any of the following ways:
- (a) delivery to an officer of the agency, or a member of the staff of the Minister, at the address of any central or regional office of the agency or Minister specified in a current telephone directory;
 - (b) postage by pre-paid post to an address mentioned in paragraph (a);
 - (c) sending by electronic communication to an electronic address specified by the agency or Minister.

17 Requests involving use of computers etc

- (1) Where:
- (a) a request (including a request in relation to which a practical refusal reason exists) is made in accordance with the requirements of subsection 15(2) to an agency;

- (b) It appears from the request that the desire of the applicant is for information that is not available in discrete form in written documents of the agency; and
- (ba) it does not appear from the request that the applicant wishes to be provided with a computer tape or computer disk on which the information is recorded; and
- (c) the agency could produce a written document containing the information in discrete form by:
 - (i) the use of a computer or other equipment that is ordinarily available to the agency for retrieving or collating stored information; or
 - (ii) the making of a transcript from a sound recording held in the agency;

the agency shall deal with the request as if it were a request for access to a written document so produced and containing that information and, for that purpose, this Act applies as if the agency had such a document in its possession.

- (2) An agency is not required to comply with subsection (1) if compliance would substantially and unreasonably divert the resources of the agency from its other operations.

23 Decisions to be made by authorised persons

- (1) Subject to subsection (2), a decision in respect of a request made to an agency may be made, on behalf of the agency, by the responsible Minister or the principal officer of the agency or, subject to the regulations, by an officer of the agency acting within the scope of authority exercisable by him or her in accordance with arrangements approved by the responsible Minister or the principal officer of the agency.
- (2) A decision in respect of a request made to a court, or made to a tribunal, authority or body that is specified in Schedule 1, may be made on behalf of that court, tribunal, authority or body by the principal officer of that court, tribunal, authority or body or, subject to the regulations, by an officer of that court, tribunal, authority or body acting within the scope of authority exercisable by him or her in accordance with arrangements approved by the principal officer of that court, tribunal, authority or body.

24 Power to refuse request--diversion of resources etc.

- (1) If an agency or Minister is satisfied, when dealing with a request for a document, that a practical refusal reason exists in relation to the request (see section 24AA), the agency or Minister:
 - (a) must undertake a request consultation process (see section 24AB); and
 - (b) if, after the request consultation process, the agency or Minister is satisfied that the practical refusal reason still exists--the agency or Minister may refuse to give access to the document in accordance with the request.
- (2) For the purposes of this section, the agency or Minister may treat 2 or more requests as a single request if the agency or Minister is satisfied that:
 - (a) the requests relate to the same document or documents; or
 - (b) the requests relate to documents, the subject matter of which is substantially the same.

24AA When does a practical refusal reason exist?

- (1) For the purposes of section 24, a practical refusal reason exists in relation to a request for a document if either (or both) of the following applies:
 - (a) the work involved in processing the request:
 - (i) in the case of an agency--would substantially and unreasonably divert the resources of the agency from its other operations; or
 - (ii) in the case of a Minister--would substantially and unreasonably interfere with the performance of the Minister's functions;
 - (b) the request does not satisfy the requirement in paragraph 15(2)(b) (identification of documents).

- (2) Subject to subsection (3), but without limiting the matters to which the agency or Minister may have regard, in deciding whether a practical refusal reason exists, the agency or Minister must have regard to the resources that would have to be used for the following:
- (a) identifying, locating or collating the documents within the filing system of the agency, or the office of the Minister;
 - (b) deciding whether to grant, refuse or defer access to a document to which the request relates, or to grant access to an edited copy of such a document, including resources that would have to be used for:
 - (i) examining the document; or
 - (ii) consulting with any person or body in relation to the request;
 - (c) making a copy, or an edited copy, of the document;
 - (d) notifying any interim or final decision on the request.
- (3) In deciding whether a practical refusal reason exists, an agency or Minister must not have regard to:
- (a) any reasons that the applicant gives for requesting access; or
 - (b) the agency's or Minister's belief as to what the applicant's reasons are for requesting access; or
 - (c) any maximum amount, specified in the regulations, payable as a charge for processing a request of that kind.

24AB What is a request consultation process?

Scope

- (1) This section sets out what is a request consultation process for the purposes of section 24.

Requirement to notify

- (2) The agency or Minister must give the applicant a written notice stating the following:
- (a) an intention to refuse access to a document in accordance with a request;
 - (b) the practical refusal reason;
 - (c) the name of an officer of the agency or member of staff of the Minister (the contact person) with whom the applicant may consult during a period;
 - (d) details of how the applicant may contact the contact person;
 - (e) that the period (the consultation period) during which the applicant may consult with the contact person is 14 days after the day the applicant is given the notice.

Assistance to revise request

- (3) If the applicant contacts the contact person during the consultation period in accordance with the notice, the agency or Minister must take reasonable steps to assist the applicant to revise the request so that the practical refusal reason no longer exists.
- (4) For the purposes of subsection (3), reasonable steps includes the following:
- (a) giving the applicant a reasonable opportunity to consult with the contact person;
 - (b) providing the applicant with any information that would assist the applicant to revise the request.

Extension of consultation period

- (5) The contact person may, with the applicant's agreement, extend the consultation period by written notice to the applicant.

Outcome of request consultation process

- (6) The applicant must, before the end of the consultation period, do one of the following, by written notice to the agency or Minister:
- (a) withdraw the request;
 - (b) make a revised request;
 - (c) indicate that the applicant does not wish to revise the request.

- (7) The request is taken to have been withdrawn under subsection (6) at the end of the consultation period if:
- (a) the applicant does not consult the contact person during the consultation period in accordance with the notice; or
 - (b) the applicant does not do one of the things mentioned in subsection (6) before the end of the consultation period.

Consultation period to be disregarded in calculating processing period

- (8) The period starting on the day an applicant is given a notice under subsection (2) and ending on the day the applicant does one of the things mentioned in paragraph (6)(b) or (c) is to be disregarded in working out the 30 day period mentioned in paragraph 15(5)(b).

Note: Paragraph 15(5)(b) requires that an agency or Minister take all reasonable steps to notify an applicant of a decision on the applicant's request within 30 days after the request is made.

No more than one request consultation process required

- (9) To avoid doubt, this section only obliges the agency or Minister to undertake a request consultation process once for any particular request.

26 Reasons and other particulars of decisions to be given

- (1) Where, in relation to a request, a decision is made relating to a refusal to grant access to a document in accordance with the request or deferring provision of access to a document, the decision-maker shall cause the applicant to be given notice in writing of the decision, and the notice shall:
- (a) state the findings on any material questions of fact, referring to the material on which those findings were based, and state the reasons for the decision; and
 - (aa) in the case of a decision to refuse to give access to a conditionally exempt document—include in those reasons the public interest factors taken into account in making the decision; and

Note: Access must generally be given to a conditionally exempt document unless it would be contrary to the public interest (see section 11A).

- (b) where the decision relates to a document of an agency, state the name and designation of the person giving the decision; and
 - (c) give to the applicant appropriate information concerning:
 - (i) his or her rights with respect to review of the decision;
 - (ii) his or her rights to make a complaint to the Information Commissioner in relation to the decision; and
 - (iii) the procedure for the exercise of the rights referred to in subparagraphs (i) and (ii); including (where applicable) particulars of the manner in which an application for internal review (Part VI) and IC review (Part VII) may be made.
- (1A) Section 13 of the Administrative Decisions (Judicial Review) Act 1977 does not apply to a decision referred to in subsection (1).
- (2) A notice under this section is not required to contain any matter that is of such a nature that its inclusion in a document of an agency would cause that document to be an exempt document. (see section 11A).

54C Internal Review – decision on internal review

Scope

- (1) This section applies if an application for internal review of an access refusal decision or an access grant decision (the original decision) is made in accordance with this Part.

Decision

- (2) The agency must, as soon as practicable, arrange for a person (other than the person who made the original decision) to review the decision.

- (3) The person must make a fresh decision on behalf of the agency within 30 days after the day on which the application was received by, or on behalf of, the agency.

Notice of decision

- (4) Section 26 extends to a decision made under this section.