Freedom of Information (FOI)

Under Freedom of Information (FOI), customers have the right (with limited exceptions) to access information or documents held by the Department of Human Services. Access to a range of information/documents is available or can be provided to customers without a formal FOI request.

This page provides links to eReference materials that explain the role of Customer Service Officers (CSOs) when a customer requests access to information or documents. They are for use by all Department of Human Services staff.

Note: The links in the following table go to the Centrelink eReference site.

<table>
<thead>
<tr>
<th>Topic</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>Customer wants to access personal information</td>
<td>Explains how customers can access their own information outside an FOI request, helping customers make an FOI request if necessary, and what to do when an FOI request is lodged.</td>
</tr>
<tr>
<td>Customer wants to access non-personal information</td>
<td>Explains how customers can access, under the Information Publication Scheme, information about the department and what it does, helping customers make an FOI request if necessary, and what to do when an FOI request is lodged.</td>
</tr>
</tbody>
</table>
The Department of Human Services has a number of administrative access processes in place that allow for access to information. All staff must assist a person to access information and/or documents where the secrecy provisions of the appropriate legislation and/or the Privacy Act 1988 allow.

A person should not be asked to complete a Freedom of Information (FOI) request where the information and/or documents can be routinely provided through the department’s administrative access schemes.

Under the Freedom of Information Act 1982 (FOI Act), a person has the right (with limited exceptions) to access information or documents held by the department.

Information Publication Scheme (IPS)

Under the IPS, the Department of Human Services is required to publish on its website information about the department and what it does, including operational information.

The FOI Disclosure Log on the website contains documents previously released under FOI.

Freedom of Information Act requests

Under the FOI Act, every person can ask to:

- access documents held by the department, including documents containing personal information about them, and
- amend or annotate documents containing their personal information held by the department if it is incomplete, out of date, incorrect or misleading.

Role of all staff

Staff are to advise a person how they can access information held by the department. In many cases the information may be available online, or can be provided to a person at point of contact where the secrecy provisions and Privacy Act 1988 allow.

The FOI Act places an obligation on all staff to provide reasonable assistance to a person to make an FOI request. Where information access schemes do not allow disclosure, the person should be advised why the information cannot be provided at point of contact. Staff should advise a person how to lodge a valid FOI request if it is required.

Role of line areas

Each line area has nominated an FOI single point of contact person, responsible for the retrieval of documents falling within the scope of an FOI request and the identification of any sensitivity in relation to the disclosure of documents. They are also responsible for updating a customer record with details of the FOI request and outcome.
- Role of FOI Team - FOI requests Read more...

All FOI requests are referred to the FOI Team for assessment (formal release). The FOI Team will also provide advice to staff about the FOI Act.

The FOI Team will liaise with a person about their FOI request if necessary, and provide a decision on requests lodged under the FOI Act.

- Time limits Read more...

There are strict FOI time limits for processing FOI requests, and for requesting and processing internal reviews of FOI decisions.

- Reviews, appeals, and complaints Read more...

If an FOI applicant is not happy with an FOI decision, they may ask for the decision to be reviewed internally by the department, or they may ask the Australian Information Commissioner to review the decision.

If an FOI decision has been reviewed by the Australian Information Commissioner, the FOI applicant can then ask the Administrative Appeals Tribunal (AAT) to review the decision.

An FOI applicant may complain to the Australian Information Commissioner if they have concerns about the handling of their FOI request. Complaints must be made in writing or online.

Extra contains links to FOI information on the Human Services Website and the Office of the Australian Information Commissioner website.

Contents

Initial contact by a person requesting access to information or documents

Other related links

Accepting and disclosing information
This page contains links to information about Freedom of Information (FOI).

Human Services Website, Freedom of information

Office of the Australian Information Commissioner website, Freedom of Information
OVERVIEW

This procedure explains what to do when a person lodges a request for documents under the Freedom of Information Act 1982 (the FOI Act).

The Department of Human Services has a number of administrative access processes in place that allow for access to information. All staff must assist a person to access information and/or documents where the secrecy provisions of the appropriate legislation and/or the Privacy Act 1988 allow.

A person should not be asked to complete a Freedom of Information (FOI) request where the information and/or documents can be routinely provided through the department's administrative access schemes.

FOI requests

To request access to a document that cannot be provided in full under information access arrangements, a request must be made in writing under the FOI Act.

If a person lodges an FOI request, it must be immediately forwarded to the FOI Team.

Time limits for processing FOI requests

If a person makes an FOI request, the FOI team must:

- acknowledge the request within 14 days of receipt within the department;
- notify the applicant of a decision on access to the documents within 30 days. This can be extended in certain circumstances (the FOI team will contact the applicant about any extension of time).

Extra contains links to information on the Human Services Website, contact details for the FOI team, and links to Child Support eReference.

Other related links

- Authenticating a customer
- Viewing customers' digital images
- Release of an Employment Services Assessment (ESAT)/Job Capacity Assessment (JCA) report to customer
- Accepting and disclosing information

===[/}
Requests lodged under the Freedom of Information Act 1982

**Summary**

Staff are to give a person access to information and/or documents held by the Department of Human Services, where secrecy provisions of appropriate legislation and/or the Privacy Act 1988 allow. If documents cannot be provided, then staff are to help a person make a Freedom of Information (FOI) request if necessary.

### What to do: Determine if information/documents can be provided

Determine if the requested information/documents can be provided to the person.

### What to do: Provide/arrange access

A copy of the document can be provided to a person at point of contact, by post or fax. More detail

Authenticate customer, as appropriate

Record details of release on appropriate customer record for the correct program.

Provide printout/copy to a person if document is available locally. Refer or follow-up request if not available locally.

### What to do: FOI request

Advise a person that a request must be made in writing (email, post or in person) by lodging:

Freedom of Information, I want to access or change document(s) (SI031), or statement or letter. More detail

Requests can be emailed to freedomofinformation@humanservices.gov.au

Requests can be posted to:

- Department of Human Services
  PO Box 7820
  Canberra BC ACT 2610

### What to do: FOI request lodged at a Service Centre

**Centrelink program**

Scan request. See Scanning a document.

**Child Support program**

Scan request.

Refer to the Procedural Instruction (PI) for mail handling. See Extra for a link.

Record in FOI window in CUBA.
**Medicare program**

Scan request and refer to FOI team via email, freedomofinformation@humanservices.gov.au

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<table>
<thead>
<tr>
<th><strong>Hand-off: FOI Team</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td>Email the FOI Team at <a href="mailto:freedomofinformation@humanservices.gov.au">freedomofinformation@humanservices.gov.au</a> if an FOI request has not been forwarded to the FOI Team within 48 hours of lodgement.</td>
</tr>
<tr>
<td><strong>No further Access processing required. Proceed to 'Customer information/obligations' below.</strong></td>
</tr>
</tbody>
</table>

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<table>
<thead>
<tr>
<th><strong>Customer information/obligations</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td>If a person makes an FOI request, the FOI team must:</td>
</tr>
<tr>
<td>acknowledge the request within 14 days of receipt within the department</td>
</tr>
<tr>
<td>notify the applicant of a decision on access to the documents within 30 days. This can be extended in certain circumstances (the FOI team will contact the applicant about any extension of time).</td>
</tr>
</tbody>
</table>

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<table>
<thead>
<tr>
<th><strong>Customer resources</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td>For links to relevant forms, Online Services and information about how a person can request their own information, see <a href="#">Human Services Website, Freedom of information</a></td>
</tr>
</tbody>
</table>
# 104.06220 - Requests lodged under the Freedom of Information Act 1982

<table>
<thead>
<tr>
<th>Step</th>
<th>Action</th>
</tr>
</thead>
</table>
| 1    | Clarify with the person exactly what information or document they want.  
      | This will help to identify whether the document can be provided at point of contact, where the secrecy provisions and/or Privacy Act 1988 allow, or whether an FOI request is required.  
      | If a person wants to access a document on behalf of another person, or they want to change a personal document, go to Step 4. |
| 2    | **Can the information/documents be provided at point of contact?**  
      | If yes, go to Step 3.  
      | If no, go to Step 4. |
| 3    | **Release where secrecy provisions and/or Privacy Act 1988 allow**  
      | A copy of the document can be provided to a person at point of contact, by post or fax (not faxing personal/protected information to customers).  
      | **Authenticate the customer** (proof of identity check)  
      | Record details of request  
      | Centrelink program and Child Support program: Record details of release on customer record as appropriate. |
| 4    | **Help a person make an FOI request**  
      | Advise the person that a request must be made in writing (by email, post or in person) via:  
      | the Freedom of Information - I want to access or change document(s) (S031), or  
      | a statement or letter that:  
      | states the request is made under the FOI Act  
      | provides information about the documents  
      | provides an address for reply.  
      | If a person asks another person to make an FOI request on their behalf, the person needs to provide a specific, written authority to send copies of documents to the person care of the other person, or to allow that person to inspect copies of documents containing information about the person.  
      | Requests can be emailed to:  
      | freedomofinformation@humanservices.gov.au  
      | Requests can be posted to:  
      | Department of Human Services |
| 5 | **FOI request lodged at Service Centre**  
**Centrelink program**  
Scan request. See *Scanning a document.*  
**Child Support program**  
Scan request.  
Refer to the Procedural Instruction (PI) for mail handling. See *Extra* for a link.  
Record in FOI window in CUBA.  
**Medicare program**  
Scan request and refer to FOI team via email,  
freedomofinformation@humanservices.gov.au  
Advise the person that the FOI Team will:  
acknowledge the request within 14 days of receipt within the department  
notify the applicant of a decision on access to the documents within 30 days. This can be extended in certain circumstances (the FOI team will contact the applicant about any extension of time). |
Access to information other than under Freedom of Information (FOI)

Guide to Social Security law, 1.3.3. Privacy & Confidentiality

Family Assistance Guide, 1.4.2. Privacy & Confidentiality

Paid Parental Leave Guide, 1.3.2.40. Recording, Access & Alteration of Information

Child Support Guide, 6.6.2. Gaining access to documents

Access under FOI

Policy guidelines are available on the Office of the Australian Information Commissioner (OAIC) website in the Guidelines issued by the Australian Information Commissioner under s 93A of the Freedom of Information Act 1982. Click on the links below to access the relevant information.

Freedom of information guidelines, Part 3.28, Processing requests for access, The formal requirements of an FOI access request


===
104.06220 - Requests lodged under the Freedom of Information Act 1982

Links to the Comlaw site now point to a 'Series' page which lists all available historical versions. Select 'Current' and then navigate to the appropriate legislative reference(s) listed below.

Access to information other than under the Freedom of Information (FOI) Act

*Comlaw, Privacy Act 1988, Information Privacy Principle 6, Access to records containing personal information*

*Comlaw, Privacy Act 1988, Information Privacy Principle 7, Alteration of records containing personal information*

Access under FOI Act

*Comlaw, Freedom of Information Act 1982, Part III - Access to documents*
This page contains links to information about Freedom of Information, Online Services and relevant forms. It also contains links to contact details for the Freedom of Information (FOI) Team, Procedural Instructions on Child Support call recordings and mail handling procedures, and CUBA Help. These links are not available to the public.

For information about how Freedom of Information, see Human Services Website, Freedom of Information

For information about FOI, publications and resources, see Office of the Australian Information Commissioner website, Freedom of information

Online Services

Centrelink Online Services
Child Support Online Services
Medicare Online Services

Forms

The following links are not available to the public.

Online forms, Freedom of Information - I want to access or change document(s) (SI031)

FOI Team contact details

FOI Contacts

Procedural Instruction (PI)

These links go to Child Support eReference:

PI - Call Recording - Access and Reporting
PI - Mail Handling

CUBA Help

This link goes to Child Support eReference:

CUBA Help, FOI Window
104.06300 - Initial contact by a person requesting access to information or documents

OVERVIEW

Staff are to provide advice to a person about how they can access information held by the Department of Human Services. Access to a range of information/documents is available or can be provided to a person without a formal Freedom of Information (FOI) request.

Personal information

Staff can provide copies of certain documents to a person without the need for the person to make an FOI request in writing, e.g. documents the person provided.

A written FOI request is required if a person wants a document that cannot be released in full in line with the secrecy provisions and Privacy Act 1988 requirements. These FOI requests are processed by the FOI Team.

Non-personal information

Under the Information Publication Scheme (IPS), the department is required to publish a range of information on its website about the department and the payments and services it delivers.

To request access to other information or documents, an FOI request is required in writing. These requests are processed by the FOI Team.

Contents

- Requests lodged under the Freedom of Information Act 1982
- A person wants to access non-personal information

===!
104.06310 - A person wants to access non-personal information

OVERVIEW

This procedure explains how to help a person access non-personal information or documents held by the Department of Human Services. This is information about the department and the payments and services it delivers.

Information Publication Scheme (IPS)

Under the IPS, the department is required to publish a range of information on its website, including:

- **IPS Plan**
  - who we are, e.g. organisation structure, statutory appointments
  - what we do, e.g. payments and services we deliver, service commitments, priorities and key strategies, legislation administered, policy consultation, government initiatives
  - operational information (eReference procedures)
  - publications and resources, e.g. annual reports, budget, finance, facts and figures, reports and responses to parliament

- **Freedom of Information (FOI) Disclosure Log** (documents released under FOI since 2010).

If a person cannot access an IPS document, they can request a hard copy via the IPS Coordinator.

FOI requests

To request access to non-personal information not published under the IPS, a request must be made in writing. These must be forwarded to the FOI Team.

If a person makes an FOI request, the FOI Team must:

- acknowledge the request within 14 days of receipt within the department
- notify the applicant of a decision on access to the documents within 30 days. This can be extended in certain circumstances (the FOI Team will contact the applicant about any extension of time).

-extra contains links to relevant information on the Human Services website.

===!
104.06310 - A person wants to access non-personal information

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<thead>
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<th>OVERVIEW</th>
<th>ACCESS</th>
<th>DETAIL</th>
<th>POLICY</th>
<th>LEGISLATION</th>
<th>EXTRA</th>
</tr>
</thead>
</table>

**Summary**
Staff are to help a person access non-personal information held by the Department of Human Services, or help them make a Freedom of Information (FOI) request if necessary.

**What to ask: What information?**
Clarify with the person exactly what information or document they want.

<table>
<thead>
<tr>
<th>What to do: Published under IPS?</th>
<th>Yes</th>
<th>What to do: Advise the person</th>
</tr>
</thead>
</table>
| Under the Information Publication Scheme (IPS), a range of information is available online about the department and its operations, [More detail](#).  
The FOI Disclosure Log contains non-personal information released under FOI since 2010. | | Advise the person how to access this information via: Department of Human Services website> Corporate> Freedom of Information.  
A person unable to access IPS documents can request a hard copy, [More detail](#). |

No

**What to do: FOI request**
Advise the person that a request must be made in writing (email, post or in person) via:  
the Freedom of information I want to access or change document(s) (SI031), or  
a statement or letter, [More detail](#).  
Requests can be emailed to freedomofinformation@humanservices.gov.au  
Requests can be posted to:
- Department of Human Services  
  PO Box 7820  
  Canberra BC ACT 2610

**What to do: FOI request lodged at a Service Centre**
- [Centrelink program](#)  
  Scan request, See [Scanning a document](#).
- [Child Support program](#)  
  Scan request.
Refer to the Procedural Instruction (PI) for mail handling. See Extra for a link.

Medicare program
Scan request and refer to the FOI Team via email, freedomofinformation@humanservices.gov.au.

Hand-off: FOI Team
Email the FOI Team (see Extra for a link to contact details) if a formal FOI request has not been recorded within 48 hours of lodgement.

No further Access processing required. Proceed to 'Customer information/obligations' below.

Customer information/obligations
If a person makes an FOI request, the FOI Team must:
- acknowledge the request within 14 days of receipt within the department
- notify the applicant of a decision on access to the documents within 30 days. This can be extended in certain circumstances (the FOI Team will contact the applicant about any extension of time).

Customer resources
- Human Services Website, Information Publication Scheme
A person wants to access non-personal information

<table>
<thead>
<tr>
<th>Category</th>
<th>Description</th>
</tr>
</thead>
</table>
| Information Publication Scheme (IPS) | The Freedom of Information (FOI) Act 1982 requires government to publish certain information under the IPS. The following information can be accessed on the Department of Human Services website (see Extra for a link):

IPS Plan of the department who we are:

- organisation structure
- statutory appointments
- organisational chart
- general contact information
- location of offices (on data.gov.au)

what we do:

- payments and services we deliver
- service commitments
- priorities and key strategies
- service delivery reform
- legislation that the department administers
- policy departments and information about how the public can provide comment on policy proposals
- government initiatives

operational information (e-Reference procedures)

publications and resources, including:

- annual reports
- Annual Quality Review Report (Child Support)
- budget
- Enterprise Agreements
environmental policy statement  
facts and figures  
finances  
reports and responses to parliament  
Strategic Plan

**FOI Disclosure Log**  
A database or Disclosure Log for non-personal FOI decision documents was developed in July 2010.

*Extra contains a link.*

Relevant FOI decisions from 1 July 2010 can be accessed in pdf format.

A person unable to access pdf files can request a hard copy.

**A person unable to access IPS document**  
Upon request, IPS documents not available on the Department of Human Services website can be made available to the person in hard copy.

Requests can be:

  * emailed to: ips.requests@humanservices.gov.au  
  * posted to: IPS Coordinator OPFOI Branch PO Box 7788 Canberra Mail Centre ACT 2610

The department may charge a person for accessing IPS documents which have not yet been published online. The charge will be the lowest reasonable amount to recover costs incurred in producing the document. A person may request that charges be waived on the grounds of public interest or hardship.

**FOI requests**  
To request access to non-personal information not published under the IPS, the person must make an application in writing (by email, post or in person) via:

  * the Freedom of Information I want to access or change document(s) (SI031), or  
  * a statement or letter that:

states the request is made under the FOI Act  
provides information about the documents  
provides an address for reply.

Requests can be:

  * emailed to freedomofinformation@humanservices.gov.au  
  * posted to
<table>
<thead>
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<th>FOI request lodged</th>
<th>Centrelink program</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Scan request. See <em>Scanning a document</em>.</td>
</tr>
</tbody>
</table>

**Child Support program**

- Scan request.
- Refer to the Procedural Instruction (PI) for mail handling. See *Extra* for a link.
- Record in FOI window in CUBA.

**Medicare program**

- Scan request and refer to the FOI Team via email, freedomofinformation@humanservices.gov.au

Advise the person that the FOI Team will:

- acknowledge the request within 14 days of receipt within the department
- notify the applicant of a decision on access to the documents within 30 days. This can be extended in certain circumstances (the FOI Team will contact the applicant about any extension of time).
Policy guidelines are available on the Office of the Australian Information Commissioner (OAIC) website in the Guidelines issued by the Australian Information Commissioner under s 93A of the Freedom of Information Act 1982. Click on the links below to access the relevant information.

- Freedom of Information Guidelines, Part 13 - Information publication scheme
- Freedom of Information Guidelines, Part 14 - Disclosure logs
- Freedom of Information Guidelines, Part 3 - Processing requests for access
104.06310 - A person wants to access non-personal information

Links to the Comlaw site now point to a 'Series' page which lists all available historical versions. Select 'Current' and then navigate to the appropriate legislative reference(s) listed below.

As a result of major changes in 2010 to the Freedom of Information Act 1982 (FOI Act), Australian Government agencies subject to the FOI Act are required to publish a range of information on their websites as part of an Information Publication Scheme (IPS).

Freedom of Information Act 1982, Part II - Information Publication Scheme


Freedom of Information Amendment (Reform) Act 2010
104.06310 - A person wants to access non-personal information

This page contains links to information about the Information Publication Scheme (IPS) under which a range of non-personal information is published on the Human Services Website.

- [Human Services Website, Information Publication Scheme](#)
- [Human Services Website, Freedom of Information Disclosure Log](#)

Staff can view information at [Freedom of Information - Information Publication Scheme](#)

===[/]
Add Request  Save as my defaults

<table>
<thead>
<tr>
<th>Field</th>
<th>Value</th>
</tr>
</thead>
<tbody>
<tr>
<td>Applicant/Organisation</td>
<td>Unspecified</td>
</tr>
<tr>
<td>Cust Sought ID Number</td>
<td>Unspecified</td>
</tr>
<tr>
<td>Customer sought</td>
<td>Unspecified</td>
</tr>
<tr>
<td>FOI Office</td>
<td>FOI Legal</td>
</tr>
<tr>
<td>Source</td>
<td>Unspecified</td>
</tr>
<tr>
<td>Group/Division/Branch</td>
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</tr>
<tr>
<td>Request Type/Division</td>
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</tr>
<tr>
<td>Transfer in</td>
<td>Unspecified</td>
</tr>
<tr>
<td>Significant request</td>
<td>Unspecified</td>
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<tr>
<td>Program</td>
<td>Unspecified</td>
</tr>
<tr>
<td>Documents Requests</td>
<td>Unspecified</td>
</tr>
<tr>
<td>File request</td>
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<tr>
<td>Charges notified ($)</td>
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<tr>
<td>Charges collected ($)</td>
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</tr>
<tr>
<td>Date valid</td>
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</tr>
<tr>
<td>Date doc received/delivered</td>
<td>Unspecified</td>
</tr>
<tr>
<td>Date finalised</td>
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<tr>
<td>Access level</td>
<td>Unrestricted</td>
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</tbody>
</table>

Save your changes?  [Save & view]  [Save & add another]
DHS

FREEDOM OF INFORMATION

PROCEDURE MANUAL

VERSION 1
LAST UPDATED JULY 2013
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PART 1: OVERVIEW

Summary
1. The purpose of this Procedure Manual (the Manual) is to provide guidance and promote a consistent approach to the processing of FOI requests by the Ombudsman, Privacy and FOI Branch (OPFOI) and the Strategic Information Management Legal Branch (SIMLB).

2. It may be appropriate in certain circumstances, to diverge from the procedures in this Manual. This should only be done following discussions with the relevant General Counsel. It is unacceptable to diverge from the procedures in this Manual if the results of such action is that the statutory requirements of the Freedom of Information Act 1998 (FOI Act) are not met. The department’s obligations under the FOI Act are the paramount consideration in processing any FOI request.

Definitions in this Manual
3. All section numbers are references to sections of the FOI Act.
4. References to:

**FOI Team Leader** means:
   (a) the FOI Director in the FOI Team of OPFOI; and
   (b) the Principal Government Lawyer responsible for the FOI Legal Team in the SIMLB.

**Significant FOI Requests** means an FOI request which is submitted by a media institution or a Member of Parliament; or a request for documents where the content appears to be particularly sensitive to the department or to the Commonwealth; or a request deemed significant by the relevant General Counsel.

Attachments

**Attachment A** - FOI Checklists

**Attachment B** - FOI Decision Tree

**Attachment C** - Example SES/Line Area Email

**Attachment D** - Sample Paragraphs for 24AB Notice
PART 2: FOI Day to Day Processing

Processing FOI Requests

Allocation

5. Each new FOI request must be notified to the relevant FOI Team Leader and allocated a decision maker. In certain circumstances a request may also require a separate action officer.


7. If an FOI request Significant (see paragraph 18 below) it must be referred to the SIMLB for processing.

Administration

Important: It is essential that we have well maintained files. Ensure that the TRIM paper file and the electronic folder are complete, up to date and well labelled. If someone else looks at your file they should be able to easily understand what has happened and where the file is up to.

8. For every new request (including requests for Internal Review and Information Commissioner Review):

   (a) Start a new FOI Checklist (Attachment A), or LEX Checklist.

   (b) Create a new LEX record. Ensure that you record the appropriate program or line area to which the request relates.

   (c) Create a new paper TRIM file with the following details:
      i. File type: Administrative – paper file
      ii. Title: “FREEDOM OF INFORMATION (FOI) REQUEST – [APPLICANT NAME] – [insert descriptor]”
         for example “FREEDOM OF INFORMATION (FOI) REQUEST – SMITH, John, Investigation documents”.
      iii. Function: Information Management
      iv. Activity: Cases
      v. Label only: No
      vi. Caveat: Legal in Confidence
      vii. Access: [insert your branch name] eg OPFOI/SIMLB

   (d) Put the TRIM file number in the new LEX matter record.

   (e) When appropriate add LEX Reminders for key deadlines, including:
      i. Date acknowledgement due
      ii. Date documents due from line area
      iii. Date primary decision due
      iv. Preliminary estimate of charge due for payment
      v. Decision on Charge due
      vi. Internal Review of Decision on Charge due
      vii. Consultations response due
      viii. Disclosure Log Determination due
      ix. Confirm upload of Disclosure Log
      x. Internal Review of Primary Decision due
      xi. OAIC Review – Submissions due
xii. Finalised - Please set this as a reminder when your matter is finalised and set the status to ‘Finalised’.

(f) Create a new Electronic Folder for the matter on the relevant drive.

(g) Scan the FOI request and place in the electronic folder and on the TRIM paper file.

(h) Keep the paper file in neat chronological order, starting with the request at the bottom. When there is new correspondence add it to the top of the file. The file should be clearly tabbed for any important correspondence or documents, such as:

   i. Request
   ii. Revised scope (if any revision is received)
   iii. File notes of any discussions with line area, applicant or OAIC
   iv. Acknowledgement letter
   v. Email to relevant line area or SES contact and their response
   vi. Signed Document Search Minute including advice from relevant line area or SES contact about sensitivities
   vii. Preliminary estimate of the charge
   viii. Notice to applicant extending time frame due to need to undertake third party consultation
   ix. Correspondence with third parties (consultation letters and responses)
   x. Decision (including a Schedule of Documents); a copy of documents in full; and a copy of the documents as released to the applicant (i.e. with any redactions)
   xi. Any other important / significant correspondence.

Determining the validity of the FOI Request

9. A valid request must be received through the correct departmental Freedom of Information channels, i.e. email to FOI mailbox, letter sent to the department or FOI request submitted at a Customer Service Centre. Where a request is sent to an email address other than the FOI mailbox as stated on the DHS website, it should be forwarded to the FOI mailbox and will be valid from the date it reaches the FOI mailbox.

10. Determine whether the FOI request is valid under section 15. A valid request must:
   a. be in writing;
   b. state that the request is an application for the purposes of the FOI Act;
   c. provide sufficient information concerning the document(s) to enable the department to identify the document(s); and
   d. give details of how notices may be sent.

Tip
If you do not understand the request or cannot ascertain the scope, call the applicant to clarify. If the request is from a journalist contact the line area or media team to see if the request makes sense to them. Speak to the FOI Team Leader if in doubt.

11. Note: where a request is vaguely drafted such that there is not sufficient information concerning the document to enable the department to identify the document, it should still be registered as valid and a consultation should be as set out in paragraph 29 below.

12. If the request is valid, the department has 30 calendar days in which to process and to make a decision on access in relation to the requested documents. The day a request is received is counted as day 0.

13. If the request is not valid (i.e. it does not comply with paragraphs (a), (b) or (d) above, the department is required to take reasonable steps to assist the applicant to make a valid FOI request. In most cases, correspondence should be sent to the applicant explaining how to make a valid request (refer to templates folder).
14. In certain circumstances a Practical Refusal Reason will arise in relation to an FOI request, for example, if:

(a) the work involved in processing the request would substantially and unreasonably divert the resources of the department from its other operations; or

(b) the request does not provide sufficient information concerning the document(s) to enable the department to identify the document(s).

15. Where a Practical Refusal Reason arises you should initiate a formal request consultation process under section 24AB. The effect of this is to ‘stop the clock’, on the processing time permitted under the FOI Act. (See section headed Practical Refusal Reason – 524AB process below).

Contact with the line area

16. Use the DHS organisational chart to identify the line area or SES officer that should be sent the contact for the FOI request. Before drafting the email, call the line area (or relevant Executive Assistant) to confirm that is the right area. You should confirm that this has occurred in the cover email to the FOI Team Leader (See template in Templates Drive).

Tip for drafting the SES email - Follow the basic outline in the template, however in some circumstances it will be necessary to amend that email to add extra information about the history of the matter; or add in extra contextual material about the subject matter of the request. (see example at Attachment C)

17. For all new FOI requests, draft an email for the relevant line area (where sending to an SES officer cc their Executive Assistant), with an electronic copy of the original FOI request attached. If the scope of the request covers a couple of branches or, after making the initial phone calls to identify a line area you are still unsure of the most appropriate branch, send it to the Group Manager and CC their EA. (See Templates Drive).

18. The line area will advise whether they consider the request is Significant and who the contact officer(s) will be.

19. A Significant FOI Request is an FOI request which is submitted by a media institution or a Member of Parliament; or a request for documents where the content appears to be particularly sensitive to the department or to the Commonwealth; or a request deemed significant by the relevant General Counsel. A request will also be treated as Significant where the documents sought contain sensitive information (such as legal advice; information about an ongoing investigation; allegations about a person; cabinet information), or where disclosure could have political sensibilities or may lead to media coverage. If you consider that a request is significant the reasoning for this should be stated in the SES email. Significant FOI requests must be processed by the SIMLB.

20. If the request is Significant, the relevant line area contact officer for the FOI request should be at the SES level. While the FOI Legal team is responsible for briefing with respect to the processing of the FOI request, the line area has the responsibility to provide advice to the Minister’s Office and the Executive on the issues related to the substance of the documents and any possible implications arising from a decision to release some or all of the documents.

21. Once the SES email has been sent, if there has been no response after two days, follow up via the FOI Team Leader. This is essential as delay in receiving the documents and information from the line area may mean that the statutory time frames under the FOI Act are not met.

22. Search Minute
Prepare a Search Minute outlining the searches required to be undertaken (see template in Templates Drive). This should be sent to the nominated contact officer(s) of the line area with a request that a response be provided within approximately 7 calendar days of the date the minute was sent.
Tip – Ensure that the terms of the Search Minute cover only those documents which were created on or prior to the date that the FOI request was received.

23. Note any comments that the line area may have on the potential release of the documents including information about any concerns or sensitivities. This information will form the basis for the decision-maker to consider possible exemptions, and to consider what consultation with third parties and with other government departments is required.

24. The line area should provide to OPFOI or the SIMLB a photocopy of the documents in scope (and retain the originals).

25. The documents need to be provided to the FOI Team by the line area in hard copy form. If consideration is being given to a notice of intention to refuse based on the volume of documents falling within the scope of the request, the line area need not retrieve the documents and instead must provide information about the estimated time that would be required to process the request including time necessary to retrieve documents. This will form the basis for the decision-maker to consider whether a Practical Refusal Reason exists and whether a consultation period should be commenced with the applicant (see section headed Practical Refusal Reason below).

26. If the matter is Significant, check with the FOI Team Leader whether it needs to be reported as a significant issue to the Office of Legal Services Coordination (OLSC), and update as appropriate in the LEX record. What is a significant issue for the purpose of reporting the matter to OLSC is set out in Guidance Note No 7 of the Legal Services Directions (see http://www.ag.gov.au/LegalSystem/LegalServicesCoordination/Pages/Legalservicesdirectionsandguidancenotes.aspx)

27. Ensure the line area is provided with updates at key points of processing the request including payment of charge, draft primary decision, decision. Also notify the line area when the matter has been finalised.

Practical Refusal Reason – S24AB process

28. A practical refusal reason (see s24AA of the FOI Act) exists in relation to an FOI request if:

   (a) the work involved in processing the request would substantially and unreasonably divert the resources of the department, and/or

   (b) the document cannot be identified from the request because the applicant has not provided sufficient information concerning the document(s) to enable the department to identify the document(s)

29. The Information Commissioner and the FOI Commissioner have indicated that as general rule requests that would require more than 40 hours to process would amount to a substantive and unreasonable diversion of the department’s resources. This is a guide, as each request must be considered in light of the relevant circumstances at the time the request is made.

30. As a guide, to calculate the processing time use the AGS Calculator. Then consider the circumstances surrounding the FOI request (for example a customer request that includes correspondence may be large in terms of volume but straightforward in terms of processing). Adjust the processing time in accordance with the particulars of the request.

31. If a practical refusal reason exists, you must undertake a request consultation process (see s24AB of the FOI Act). Prepare a written notice to the applicant (see templates drive) providing 14 days in which the applicant can contact the department and revise the request in writing, withdraw the request or indicate that they do not wish to revise the request.

32. The request will be deemed withdrawn if the applicant does not contact the department during the consultation period.
Acknowledging the Request

33. An acknowledgement letter must be sent to the applicant within **14 calendar days** of receipt of the request. That acknowledgment should also:
   a. Confirm the **scope** of the applicant’s request.
   b. Where the scope of the request includes personal information about a third party, ask the applicant whether they have evidence of authority from the third party.

Tip for Authorisation - Authorisation is relevant to the section 47F exemption (documents affecting personal privacy).

Authorisation is **not mandatory**. A request is not invalid if authority is not provided. If no authorisation is provided by the applicant, it is usually necessary to consult with the individual whose personal information is contained in the documents. However, if authorisation is provided, disclosure of personal information would generally not be considered unreasonable. If the request is from a lawyer stating ‘we act on behalf of…’, this is considered to be an authorisation. If the authority provided is narrower than the scope of the request, discuss with the applicant whether they can provide a broader authority.

Verification of Identity

34. Before sending documents containing personal information to a postal or email address you will need to verify the postal or email address, as part of the process of verifying the identity of the applicant (if the identity of the applicant is relevant to the decision whether to release the documents).

35. Check if the applicant has requested that notices be posted to a specific address or to an email address. If sending by post use express post. When using email, activate the **read receipt** function, and insert the relevant FOI address in the ‘From’ Box: Either:

   - For OPFOI matters: freedomofinformation@humanservices.gov.au
   - For FOI Legal Team matters: FOILegal.Team@humanservices.gov.au

36. An FOI applicant can choose to use a pseudonym or to engage with the department anonymously. Applicants are not obliged to provide their name. Where corresponding with an applicant by email, it is not necessary to send a duplicate by post.

Revision of Scope

37. If the applicant wishes to revise the scope at any time, consider the resulting work requirements. If it will jeopardise meeting statutory timeframes, advise the applicant that they will need to submit a new request if they wish to revise the scope. At this stage ask the applicant to confirm in writing that they wish to withdraw the original request.

38. If a preliminary estimate of the charge has been issued and an applicant wishes to revise the scope, advise the applicant that this will be treated as a new request. It will not be necessary for the applicant to officially withdraw the previous request as it will be deemed withdrawn when the time to pay the preliminary estimate of the charge expires.

39. If a section 24AB consultation process has been initiated and the applicant contacts the department to revise the scope of the request, the department must take reasonable steps to assist the applicant to revise the request so that the practical refusal reason no longer exists. Reasonable steps includes suggesting ways the applicant can revise the request to reduce the volume of documents (eg by limiting the time period to which the documents relate; or by nominating specific types of documents they are seeking). Attachment D gives some suggested language that can be used in a section 24AB notice.
Sending emails externally

40. When sending an email externally, send from the relevant FOI mailbox by opening an email and selecting ‘Options’: ‘Show from’ and entering the relevant FOI mailbox in the ‘From’ field:
   - For OPFOI matters: freedomofinformation@humanservices.gov.au
   - For FOI Legal Team matters: FOI.Legal.Team@humanservices.gov.au

41. Prior to sending, select ‘Request a Read Receipt’ and ‘Request a Delivery Receipt’ from the Options menu. This is important so you can track the email and make sure it went to a valid email address. Read receipts are also important as evidence that someone has opened the email. Print and file the receipts with a copy of the email in the TRIM paper file.

Section 16 Transfers

42. Before processing a request you must consider whether the request needs to be transferred. Consider the following:
   a. Does the request relate to a document that you know is not in the possession of the department but would be in the possession of another department?
   b. Is the subject matter of the document more closely connected with the functions of another department?
   c. Have you conducted some initial searches or consultations to establish that the department does not have the document requested or that the request would be better dealt with by another department due to the subject matter?
   d. Will the other department accept a transfer in part or in whole of the request?

All transfers must be managed under the supervision of the FOI Team Leader.

Access to employment/personnel records

43. Section 15A of the FOI Act provides that an employee (current or former) may not request access to his or her personal records under FOI unless the employee has first sought access to the records under the agency’s internal procedures.

44. FOI Officers must consult immediately with the relevant branch in the People Services Division to ensure that the documents sought can be considered under internal procedures. If they can, then section 15A must be considered.

45. In this situation, the applicant (employee or former employee) must be advised that under section 15A of the FOI Act, the applicant may not make an FOI request for access to their personnel records, including job selection documentation, unless they have first sought access under the department’s internal procedures.

46. If the applicant still wishes to make an FOI request, they must be informed that their request will first be dealt with under the department’s internal procedures. The applicant must be notified of the agency’s decision about giving access to their personnel records within 30 days of the agency receiving the request.

47. If the applicant is dissatisfied with the outcome of the internal procedures, or has not received a response within 30 days, they can then make an FOI request.

48. When the FOI Team receives an FOI request from an employee (current or former), the FOI Officer must:
   a. Check to see if the request can be processed under the department’s internal procedures (outside the formal FOI process).
b. Ensure the matter is registered on the FOI database and marked as not valid due to section 15A. This provides an audit trail for the request.

c. Contact People Services first with the details of the request and arrange to transfer the request to them to be dealt with under the agency’s internal procedures. (It is important at this point that People Services will advise if they have internal processes to consider release).

d. Contact the employee and explain that the matter is being referred to People Services and cannot be dealt with as an FOI request at this stage.

e. Send a letter to the employee setting out the arrangements under section 15A of the FOI Act and informing the applicant who the People Services contact person is.

f. Send an email to People Services and a copy of the letter that was sent to the applicant.

Sending the Preliminary Estimate of the Charge notice

49. Requests by applicants for their own personal information are free.

50. Once the search minute and the documents are received from the line area, estimate the charge (see section 29 of the FOI Act). The charge can be estimated using the charge calculator and the figures provided by the line area in Attachment ‘A’ of the document search minute. However, do not just rely on the information summary sheet provided by the line area. Have a look at the documents to assess the appropriate charge estimate. For example:

   a. Check the number of pages and documents;

   b. Consider the line area’s estimate regarding the number of folios considered sensitive and likely to be exempted;

   c. Consider the line area’s estimate of the amount of time for search and retrieval;

   d. Ensure appropriate limits are applied, eg if part of the documents caught by the request are the applicant’s own personal information, the charge should be reduced proportionally, as access to a person’s personal information is free.

Tip for calculating charge estimate

The best approach is to print out the calculator with its standard costs, and then handwrite amendments to reflect the particular circumstances of the matter. Round down to nearest five minutes and adjust $ amount accordingly. Manually check any calculations included in the preliminary estimate of charge letter.

51. When the requested documents are received from the line area, prepare a notice of liability to pay a charge to be sent to the applicant (see templates drive). This notice provides a preliminary estimate of the charges payable for processing the request.

52. Before calculating the charge ensure you have removed true duplicates so that the applicant is not double charged for multiple copies of the same document. You should only remove true duplicates - once a document has been changed in any way e.g. by inclusion of a handwritten comment, it becomes a new document.

53. Depending on who the applicant is, you may need to amend the language in the template documents. For example you may need to amend the section headed “Option B – seek reduction or non-imposition of the charge” to reflect ‘your client’ rather than ‘you’ when discussing financial hardship, where an applicant has applied on behalf of another person.

54. Update LEX reminders to reflect the date payment is due.

   Tip for issuing a preliminary estimate of charge
• The effect of issuing a notice of liability to pay a charge is that the statutory timeframe is suspended from the date the notice is received from the applicant. The statutory timeframe begins again when the charge is paid or a decision on reduction or non-imposition of the charge is made.

• Certain limits apply in relation to the preliminary estimate of the charge:
  (i) Requests by applicants for their own personal information are free.
  (ii) In relation to requests for documents that are not the applicants own personal information, the first five hours of decision-making time is free of charge.

• If no response is received to the preliminary estimate of charge within 30 calendar days of receipt of the notice, the applicant is deemed to have withdrawn the request.

55. Charges can be paid by way of a cheque/money order made out to Collector of Public Monies.

56. If payment of the charge is made, action payment as follows:
   a. When payment is received, complete an Account Request form and save in the electronic file.
   b. Send email to applicant to advise of receipt.
   c. Scan cheque / money order details and save in electronic file.
   d. Send an email to accounts.receivable@humanservices.gov.au, requesting an account be created, attach account request form and cheque / money order scan. Advise them that the original cheque and Account Request form will be sent through internal mail. This must be done on the day the cheque is received.
   e. When account has been created, Accounts Area will send details. Save these details in electronic file.
   f. Receipt for the payment will then be processed.

Remember – when the time comes to make the decision regarding release it is essential that you revisit the charge calculation to determine whether it should be adjusted. The charge cannot be increased but if the time taken to process the request was less than the estimate then you will need to adjust the charge accordingly. If the adjusted charge was less than what the applicant has already paid, arrange a refund. The decision letter must reflect the fact that the charge has been revisited and the outcome of that review (see example paragraph in decision letter templates).

Undertaking Third Party Consultations

57. When undertaking consultations with anyone outside the department, the identity of the FOI applicant must not be disclosed.

58. If third party consultation is required the statutory time frame will be extended by 30 calendar days (so that there is a total of 60 days to process the request).

59. If consultation is undertaken, add a file note in LEX ‘time extension’ with the number of days 30. LEX will automatically update the date the decision is now due. Update checklist and set LEX reminders to reflect the date the consultation responses are due and that the processing time has been extended.

60. Once payment of charge is received (if applicable), conduct any third party consultation if required and consider the responses received. Any objections by third parties to release must be addressed before the documents may be released. Documents should be folioed (numbered) using the Adobe Pro tool, for ease of reference. Third party consultation is required where the requested documents:
   • are likely to affect Commonwealth/State relations;
• relate to the **business, commercial or financial affairs** of a person or organisation; or
• contain **personal information** within the meaning of the FOI Act.

(Consultation of this type will have the effect of extending the statutory time frame by 30 calendar days).

**Tip**
If time allows you can wait until the charge deposit has been paid before sending consultation letters out. However, if the timeframe is tight or the matter is complex, it may be prudent to undertake consultations as early as possible and before the charge has been paid.

61. You need only consult on information that you are considering releasing. If the information about the third party is outside of the scope of the request, or you have already determined that the information about the third party is exempt, then it is not necessary to consult with the third party about that information.

62. You should only give the third party access to the parts of the documents containing information that is relevant to them and that they could make submissions about. If a document contains a third party’s personal information as well as other information about other third parties you **must** redact the information about the other parties before sending the document to the third party for consultation.

63. Sometimes personal information about one person is also personal information about another person. For example where a document states that person X holds an opinion about person Y, that statement is personal information about BOTH person X and person Y. In the first instance you should consult person X about the statement (as it is their opinion held about person Y). Depending on their response you may decide to exempt the statement. In that case it would not be necessary to consult with person Y. If person X did not object, you should then consult person Y about the possible release.

64. Consultations should be emailed, activating the read receipt function, and insert the appropriate department FOI address in the ‘From’ Box.

65. Once the third party responds, if they have no objection to the release of the information you should record that on the checklist. If no objections have been raised by the third party, no further correspondence is required with the third party.

66. If the third party objects to the release, consider whether you need to call them to find out further information to determine if a relevant exemption applies.

67. If a third party objected to the release but subsequently withdraws their objections, obtain their email address so that you can confirm in writing that they no longer object. If they continue to object, and a decision is made to release those documents, the third party has review rights that need to be exhausted **before** the documents are released. Once you have sent the Primary Decision to the applicant (without the documents to which the third party objected), send a letter to the third party providing a statement of reasons for your decision and giving the information about their rights of review. Update LEX reminders to reflect the date a response is due from the third party to initiate their rights of review (30 days from the date of them receiving the letter). If no response is received, the remaining documents can then be released to the applicant. Prior to release of the documents you should phone the Office of the Australian Information Commissioner to ensure that the third party has not sought IC review of the decision. In that case the document should not be released until the review process is exhausted.

**Courtesy Consultations with Commonwealth government departments or agencies**

68. Consultation may also be appropriate with other Commonwealth government departments or agencies e.g. DIAC, DEEWR, FaHCSIA, Finance and Treasury where the documents being considered for release contain information relevant to them. These “courtesy consultations” do not extend the statutory time frame in which the decision must be made.
69. When undertaking consultations with anyone outside the department, the identity of the FOI applicant must not be disclosed.

70. As a matter of practice, where an FOI request regarding cyber threats is made, the department will conduct a courtesy consultation with the Attorney General's Department in relation to the request and any proposed release of documents to ensure that the decision made understands any related sensitivities.

**Cabinet Documents**

71. Under Section 34 of the FOI Act a document will be exempt from disclosure if it has been submitted to Cabinet for its consideration, or is a document that a Minister proposed to take to Cabinet, and the document was brought into existence for the dominant purpose of submission for consideration by Cabinet.

72. The Cabinet Handbook (issued by PM&C) requires a department to consult with the FOI Coordinator of PM&C on any Cabinet-related material identified as being within the scope of the FOI request.

73. As the custodian of Cabinet records (of both current and former governments), the Secretary of PM&C is required to provide evidence in support of Cabinet-related exemptions made under the FOI Act.

74. Decisions on Cabinet material should not be made, or documents released or exempted, until consultation has been undertaken with PM&C.

75. The Cabinet exemption in section 34 of the FOI Act is designed to protect the confidentiality of the Cabinet process and the principle of collective ministerial responsibility.

76. ‘Cabinet’ for the purpose for section 34 of the FOI Act means the Cabinet and Cabinet committees. (It does not include informal meetings of ministers outside the Cabinet).

77. The 2010 reforms to the FOI Act redefined and extended the Cabinet exemption to cover draft documents, Cabinet submissions not actually submitted to Cabinet and documents prepared for the dominant purpose of briefing a Minister in relation to Cabinet submissions.

**Making the Decision**

78. Prepare the primary decision and prepare the documents for release (see templates folder).

79. Where consultation was required, update the paragraph in the decision letter on ‘material taken into account in making the decision’ to include:

   a. Consultation with individuals in relation to the disclosure of their personal information; and

   b. Consultation with any organisation in relation to the disclosure of information concerning the business, commercial or financial affairs of that organisation.

80. Consider the following when making a primary decision:

   a. Primary decisions may only be made by authorised decision makers.

   b. Documents may be released in full, in part, or may be fully exempt from disclosure.

   c. Provide reasons to the applicant for releasing documents in part or for exempting documents.

   d. Always provide a Schedule of Documents listing the exemptions and deletions (see templates folder).

   e. Where part of a document is out of the scope of the request and you redact it as out of scope, but you decide to release the balance of the document, that is a full release.
Where part of the document is exempt from release, and the balance is released that is a partial release.

f. Your primary decision must reflect consideration of whether the charge (if one was paid) was accurate. Use time entered in LEX to assist. If the actual processing of the request took less time than what you estimated for the purposes of the charge, a refund will need to be issued to the applicant. If the processing took more time than what you estimated for the purposes of the charge note that in the decision. The preliminary estimate of charge cannot be increased at the decision stage.

g. If a third party objects to release, the documents or paragraphs they are objecting to cannot be released to the applicant until the third party's rights of review have expired.

h. Include the relevant Rights of Review attachment to the decision.

i. There is no need to include the disclosure log determination in the decision. The determination is made separately and should be included on the file but need not be notified to the applicant.

81. In relation to significant requests, a copy of the documents in the form proposed for release must be given to the line area before release. This gives line areas the opportunity to comment on whether the decision maker has correctly understood relevant sensitivities and to correct any mistakes regarding the factual basis of the decision. Where a request is significant it will be necessary, to brief the Minister's Office and the Executive on the implications of release and in particular on whether there are any residual sensitivities in releasing the documents in the proposed form.

Content of Statements of Reasons for Decisions

82. Where an Act requires a tribunal, body or person making a decision to give written reasons for the decision, whether the expression "reasons", "grounds" or any other expression is used, the instrument giving the reasons shall also set out the findings on material questions of fact and refer to the evidence or other material on which those findings were based (see section 25D of the Acts Interpretation Act 1901). Section 26 of the FOI Act provides: "...".

83. Once you have made the Primary Decision, update LEX reminders and make a disclosure log determination. If you make a determination to put documents on the disclosure log, please follow the process for uploading those documents. The document must be uploaded within 10 working days of making the decision. The department uploads documents onto its disclosure log as soon as practicable.

Making redactions Using Adobe

84. Where exemptions apply and redactions need to be made to documents, follow this process using the Adobe tool.

a. Scan hard copy documents to ‘searchable’ PDF format.

b. Collate all PDF documents into a single PDF by selecting the Document menu then Insert Pages.

c. Folio collated documents by selecting the Document menu then Header and Footer then Add. Place your cursor in the Header Text field you would like the folio number to appear in then click Insert Page Number. Click OK.

d. Show the Redaction Toolbar by selecting the Advanced menu then Redaction then Show Redaction Toolbar.

e. Change the colour of redactions by clicking Redaction Properties. Click on the check box next to Redacted Area Fill Colour – Select No Fill Colour (white square with a red line).
f. Redact sections of text by clicking Mark for Redaction. The point cursor selects areas to redact, such as pictures or bullet points. The text cursor will redact selected text only.

g. Redact reoccurring material such as a word, name or sentence or telephone number by selecting Search and Redact. Type the term to be redacted into the Search box and Select Whole words only. Click Search and Redact. This will search the document for each appearance of the term and return a list of each instance the term is mentioned. Select Check All then Mark Checked Results for Redaction to redact all the returned instances of the term. To search for an additional term click Begin a New Search.

h. Redact a page range by selecting the drop down menu next to the Mark for Redaction button. Select Mark Page Range. Select Mark Specific Page Range for Redaction and enter the folio numbers.

85. Save a copy of the document noting ‘redactions marked’ in the title. This is used in the event of a review process.

86. Redact the document by clicking Apply Redactions. A pop up box appears asking if you would like to examine the document for additional information. Click Yes. Select Metadata Click Remove.

87. Save your document noting ‘redactions applied’ in the title. Print that document and then re-scan. That scanned copy of the document can be forwarded to the applicant.

Redaction in No Fill Colour

88. When documents are released by the department under FOI any documents that are released with redactions must show, on the redacted document, the section of the FOI Act relied on to redact the material.

89. The applicant must be provided with a schedule that outlines where material has been redacted.

90. The department uses a redacting tool (Adobe Pro Software) that requires a ‘fill colour’ to be chosen when redacting material; to keep printing costs down the department chooses the ‘no colour’ option.

Redactions of Staff Details

91. When considering the scope of a request, consideration should be given to whether staff names fall within scope. If they do fall within scope, in some circumstances they may nevertheless be exempt under section 47E(d) or under 47F. Relevant considerations include:

   a. Could disclosure of the staff names or mobile numbers reasonably have a substantial and adverse effect on the proper and efficient conduct of the operations of the department?
   b. Would release compromise the ability of those staff to complete their work and/or expose them to harassment?
   c. Would release be likely to divert officers from their work, in circumstances where there are other alternative channels for members of the public to contact the department?
   d. Would disclosure be consistent with the department’s obligations under the Enterprise Agreement?

Internal Review Process

92. Where a request is received for internal review, the same process is undertaken, amended as follows.

   a. The internal review request must be allocated to a person with authority to make internal review decisions. The internal review decision should be made by someone at the same or at a more senior level than the original decision maker.
b. You will need to create a new LEX or file for an internal review, and make sure LEX reminders are updated. The LEX file should include ‘related requests’ the LEX number for the primary decision.

c. Where it is a third party who has requested internal review (as a result of a consultation), the applicant needs to be advised that an application for review has been received, and of the time frame for an internal review decision. The identity of the party seeking internal review should not be disclosed.

Second counselling – Legal FOI Team

<table>
<thead>
<tr>
<th>Type of correspondence</th>
<th>Second counselling requirement</th>
</tr>
</thead>
<tbody>
<tr>
<td>Non significant matters - correspondence</td>
<td>EL1 or EL2 / Senior Government Lawyer or Principal Government Lawyer</td>
</tr>
<tr>
<td>Non significant matters - decisions requiring statements of reasons</td>
<td>EL2 / Principal Government Lawyer</td>
</tr>
<tr>
<td>Significant matters - All correspondence including decisions</td>
<td>EL2 / Principal Government Lawyer or Branch Manager / General Counsel</td>
</tr>
<tr>
<td>Correspondence regarding requests for consultation with DHS (in relation to a request being processed by another agency/state government)</td>
<td>EL2 / Principal Government Lawyer or Branch Manager / General Counsel</td>
</tr>
<tr>
<td>Transfer requests</td>
<td>EL2 / Principal Government Lawyer or Branch Manager / General Counsel (note before accepting consult with the line area)</td>
</tr>
<tr>
<td>Legal advice (written or verbal)</td>
<td>Principal Government Lawyer or General Counsel</td>
</tr>
</tbody>
</table>

Timeframe Summary

<table>
<thead>
<tr>
<th>Day</th>
<th>Event</th>
</tr>
</thead>
<tbody>
<tr>
<td>0</td>
<td>Day valid request received</td>
</tr>
<tr>
<td>14</td>
<td>Day acknowledgement is due</td>
</tr>
<tr>
<td>30</td>
<td>Day decision is due to be received if no consultation</td>
</tr>
<tr>
<td>60</td>
<td>Day decision is due to be received if applicant is notified that third party consultation will be undertaken</td>
</tr>
<tr>
<td>Suspension</td>
<td>Clock stops during period charges under consideration; also stops during 24AB consultation period (14 days)</td>
</tr>
<tr>
<td></td>
<td>Eg: Stops on day Charge Letter emailed/faxed (or next day if express posted). Restarts on day charge cheque clears (3 days after receipt).</td>
</tr>
</tbody>
</table>

Dealing with Requests outside the FOI Act

93. A line area may decide to deal with a request for information that does not directly refer to the FOI Act, outside FOI. Such a request can be directly handled by the line area and does not need to be processed under FOI.

94. If the line area wants to deal with a request that directly referred to the FOI Act, outside FOI:
   a. confirm in writing with line area;
b. call applicant and advise them that the line area is agreeable to providing the information directly which would be quicker and no charges will be payable, and ask if they are willing to withdraw the FOI request on this basis. If so then file note. If not, proceed on basis of FOI request.

95. If all the documents requested are publicly available, provide a link and confirm the request can be treated as completed.

Updating the Weekly Executive FOI Report

96. The Executive FOI Report is settled every Thursday and distributed by the Chief Counsel's Office, to the Minister's Office, Secretary, and Deputy Secretaries.

97. Include matters where it has been agreed with the Chief Counsel that the matter will be included in the Executive FOI Report.

98. When updating an entry highlight any new text in yellow.

Resources

*Freedom of Information Act 1982*

*FOI Guidelines* (issued by the Australian Information Commissioner under s93A).

*OAIC website* (especially see published decisions).
PART 3: FOI Statistical Returns

What are the Quarterly and Annual Statistics?

99. Under section 93 of the Freedom of Information Act 1982 (FOI Act) each agency listed in Schedule 1 of the FOI Act is required to report both quarterly and annually statistics within the statutory timeframe set out below. We report different information depending on whether we are reporting for the quarterly or annual statistics.

100. The types of information required to complete the quarterly statistics are:

- The number of valid requests the Department received during the quarter;
- what decisions were made on the requests, for example full release or partial release;
- what the Department’s response time was;
- the total amount of application fees the Department received during the quarter;
- the total amount of processing charges that we notified the applicant of during the quarter and the total amount of processing charges that were received during the quarter;
- the number of applications received for Internal Review and the Administrative Appeals Tribunal and the decisions made from these reviews;
- details of any amendments to personal records.

101. The types of information required to complete the annual statistics are:

- Number of staffing resources involved in FOI work. This is broken down into staff members spending 0-75% of time on FOI work and staff members spending over 75% of time on FOI work;
- calculating the total number of hours the line areas spent of FOI work;
- cost associated with FOI. This includes the cost of photocopying, postage, telephone, purchase of FOI material, FOI training, printing, travel, solicitor’s fees, legal counsel fees, application’s litigation costs, computer time and any other cost spent on FOI.

Important Dates

Quarterly Statistics

102. Below are the reporting deadlines:

- Quarter 1 covers the period from 1 July to 30 September and the statistical information is due on 21 October.
- Quarter 2 covers the period from 1 October to 31 December and the statistical information is due on 21 January.
- Quarter 3 covers the period from 1 January to 31 March and the statistical information is due on 21 April.
- Quarter 4 covers the period for 1 April to 30 June and the statistical information is due on 21 July.

Annual Statistics

103. The Annual returns must be submitted by 31 July for the financial year ending 30 June.

What does this mean for you?

104. Once a matter is finalised or once a quarter has finished (for example quarter 1 finishes on 30 September) you need to provide information to the statistical coordinator. The following information is a guide to providing information:
Primary Decisions

105. **Finalised** (no need to wait until the end of the quarter – pass the file on as the matter becomes finalised).

   - Once a matter is finalised, complete the first page of ‘the closure sheet’ (found in the Templates Drive) and file on top of the file. All documents should be filed appropriately. An example of this is all documents placed on file with no loose paperwork, no bulldog clips or paperclips, the maximum amount of pages on a file should be roughly 200 pages.

106. **Not yet finalised**

   - If the matter has not yet been finalised but it is the end of the quarter please complete the first page of ‘the closure sheet with details/decisions that have been made as at the end of the quarter, do not include information that you plan on doing in the future. Please file ‘the closure sheet’ on top of the file and hand the file to the statistical coordinator. Once the information is entered into the statistical spread sheet the file will be handed back to you.
   - An example of the information required for not yet finalised matters may be; the Department received a valid request on 2 September and we advised the applicant on 18 September of the processing charge of $82.50, as at 30 September this is all the information we report on and the only information required for the time being on the closure sheet.

Internal Review/AAT

107. **Finalised** – (no need to wait until the end of the quarter – pass the file on as the matter becomes finalised).

   - Once a matter is finalised complete ‘the Internal Review/AAT closure sheet’, (the second page of Closure Sheets found within the templates drive) and file on top of the file. All documents should be filed appropriately. An example of this is all documents placed on file with no loose paperwork, no bulldog clips or paperclips, the maximum amount of pages on a file should roughly be 200 pages.

108. **Not yet finalised**

   - If the matter is valid and not yet finalised at the end of a quarter, you will need to complete ‘the Internal Review/AAT closure sheet’ (second page of Closure Sheets found within templates drive with details/decisions made as at the end of the quarter, please do not include information that you plan on doing in the future. Please file ‘the closure sheet’ on top of the file and hand the file to the statistical coordinator. Once the information is entered into the statistical spread sheet the file will be handed back to you.
   - An example of the information required here may be; the Department received a valid Internal Review request on 15 September. As at 30 September no decision has been made and therefore the only information written on the second page of the closure sheet will be the date we received the valid internal review and yes to application fee collected.

Amendment of Personal Records

109. **Finalised** (no need to wait until the end of the quarter – pass the file on as the matter becomes finalised).

   - Once a request for amendment is finalised, complete the third page of ‘the closure sheet’ and file on top of the file. All documents should be filed appropriately. An example of this is all documents placed on file with no loose paperwork, no bulldog clips or paperclips, the maximum amount of pages on a file should be roughly 200 pages.
110. **Not yet finalised**

- If the matter has not yet been finalised but it is the end of the quarter please complete the first page of 'the closure sheet' with details/decisions that have been made as at the end of the quarter, do not include information that you plan on doing in the future. Please file 'the closure sheet' on top of the file and hand the file to the statistical coordinator. Once the information is entered into the statistical spread sheet the file will be handed back to you.

- An example of the information required for not yet finalised matters may be; the Department received a valid Internal Review Amendment request on 2 September, as at 30 September this is all the information we report on and the only information required for the time being on the closure sheet.

**What is ‘the closure sheet’?**

111. There are three separate closure sheets, one for Primary Decisions, one for Internal Review/AAT and one for Amendments of Personal Records. They can be found in the templates drive.
## Attachments

### Attachment A – FOI Checklists

<table>
<thead>
<tr>
<th>PRIMARY DECISION</th>
<th>DUE DATE:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Applicant Name:</td>
<td>LEX No.:</td>
</tr>
</tbody>
</table>

**FOI Decision Maker (Primary Decision):**

**Legal Officer (if applicable):**

**TRIM file:**

**DHS External Lawyer (if applicable):**

<table>
<thead>
<tr>
<th>NOTIFICATION</th>
<th>DATE</th>
<th>INITIALS</th>
<th>COMMENTS</th>
</tr>
</thead>
<tbody>
<tr>
<td>Request received by DHS</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Request allocated</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Request registered in LEX</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>TRIM and electronic file raised</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Line Area and Chief Counsel (for significant requests) notified</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

### PROCESSING

<table>
<thead>
<tr>
<th>PROCESSING</th>
<th>DATE</th>
<th>INITIALS</th>
<th>COMMENTS</th>
</tr>
</thead>
<tbody>
<tr>
<td>Search Minute sent</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Acknowledgment sent to applicant</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Documents reviewed for third parties</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Notification to applicant of need to consult third parties</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Preliminary Charge Estimate sent</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Cheque Deposit Received (if applicable)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Consultation letters to third parties sent</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Consultation letters to other agencies sent</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Consultation with PM&amp;C for cabinet documents</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Documents proposed for release sent to Line Area and Chief Counsel (for significant requests) for consideration of sensitivities</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Draft decision (revisit any charge)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Decision Second Counselling</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Applicant notified of decision</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Cheque for balance of charge Received (if applicable)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Documents released</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Disclosure Log determination made</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Documents for publication on Disclosure Log published</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Line Area notified</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>File finalised</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
## INTERNAL REVIEW DECISION

<table>
<thead>
<tr>
<th>NOTIFICATION</th>
<th>DATE</th>
<th>INITIALS</th>
<th>COMMENTS</th>
</tr>
</thead>
<tbody>
<tr>
<td>Request for IR received by DHS</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>IR Request allocated</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>IR registered in LEX</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>TRIM and electronic file raised</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Line Area and Chief Counsel (for significant requests) notified</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Primary Decision file received</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>If Primary Decision file is not available or is incomplete then a report sent to relevant General Counsel to manage and arrange compilation of files</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

## PROCESSING

<table>
<thead>
<tr>
<th>NOTIFICATION</th>
<th>DATE</th>
<th>INITIALS</th>
<th>COMMENTS</th>
</tr>
</thead>
<tbody>
<tr>
<td>Primary Decision file received and reviewed</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Applicants grounds of review considered</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Consultation undertaken with Line Area</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Further searches undertaken if required</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>If considering release of additional documents:</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>- Third Party consultation undertaken if required</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>- Other agency consultation undertaken if required</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>- Documents proposed for release sent to Line Area and Chief Counsel (for significant requests) for consideration of sensitivities</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>IR decision Second Counselled</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Applicant notified of decision</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>(If decision is to release additional documents) -</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>- Documents released to applicant</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>- Disclosure Log determination amended</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Documents for publication on Disclosure Log published</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>File finalised</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
## OAIC REVIEW

<table>
<thead>
<tr>
<th>Applicant Name:</th>
<th>LEX No (OAIC Review):</th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th>FOI Decision Maker (OAIC Review):</th>
<th>TRIM file:</th>
</tr>
</thead>
</table>

<table>
<thead>
<tr>
<th>DHS External Lawyer (if applicable):</th>
<th></th>
</tr>
</thead>
</table>

### NOTIFICATION

<table>
<thead>
<tr>
<th>Notification received by DHS of application for IC review</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>IC Review allocated</td>
<td></td>
</tr>
<tr>
<td>IC Review registered in LEX</td>
<td></td>
</tr>
<tr>
<td>TRIM and electronic file raised</td>
<td></td>
</tr>
<tr>
<td>Line Area and Chief Counsel (for significant requests) notified</td>
<td></td>
</tr>
<tr>
<td>Primary Decision and IR Decision files received</td>
<td></td>
</tr>
<tr>
<td>If Primary Decision or IR Decision files are not available or incomplete then a report sent to relevant General Counsel to manage and arrange compilation of files</td>
<td></td>
</tr>
</tbody>
</table>

### IC PRELIMINARY ENQUIRIES

<table>
<thead>
<tr>
<th>Preliminary enquiries request from IC received by Legal</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Assessment of time frame</td>
<td></td>
</tr>
<tr>
<td>Preparation of response</td>
<td></td>
</tr>
<tr>
<td>Response cleared by General Counsel</td>
<td></td>
</tr>
<tr>
<td>Response provided to OAIC (this process may be repeated if further preliminary inquiries)</td>
<td></td>
</tr>
</tbody>
</table>

### NOTIFICATION OF REVIEW

<table>
<thead>
<tr>
<th>Notice of formal IC review received</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Assessment of timeframe and preparation response:</td>
<td></td>
</tr>
<tr>
<td>- produce document</td>
<td></td>
</tr>
<tr>
<td>- substituted decision</td>
<td></td>
</tr>
<tr>
<td>- statement of reasons</td>
<td></td>
</tr>
<tr>
<td>- Response cleared by General Counsel</td>
<td></td>
</tr>
</tbody>
</table>

### OUTCOME OF REVIEW

<table>
<thead>
<tr>
<th>Notification of IC outcome:</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>- Application withdrawn</td>
<td></td>
</tr>
<tr>
<td>- decision affirmed</td>
<td></td>
</tr>
<tr>
<td>- decision varied</td>
<td></td>
</tr>
<tr>
<td>- IC elected not to review</td>
<td></td>
</tr>
<tr>
<td>- Substituted Decision by DHS</td>
<td></td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Executive notified</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Appeal to AAT</td>
<td></td>
</tr>
<tr>
<td>File finalised</td>
<td></td>
</tr>
</tbody>
</table>
Attachment B – FOI Decision Tree

Receive request

↓

Acknowledge request

Consider whether request valid
Consider transfer if relates to another agency

Interpret scope of request

Negotiate scope (s24A)

Settle scope

Notify internal stakeholders of request
 Line area and Chief Counsel
 Media
 Minister's office

Identify documents and sensitivities

Is size OK or too big to process (24AA/24AB)?

Redact irrelevant material; remove duplicates; blank paper

Folio each page

Consider charge on what is left

Initial review to identify possible exemptions

Third party consultation
Only consult on parts they could reasonably object to and only on parts you are considering releasing

Courtesy consultation (other agencies)

Draft decision and schedule of documents
Notify internal stakeholders of decision
 Line area and Chief Counsel
 Media
 Minister's office

Issue decision and schedule

Release documents

Disclosure log determination

Upload documents
Attachment C – Example SES / Line Area Email

Example 1

SENSITIVE LEGAL

Dear [name of SES / Line Area addressee]

We have received a new FOI request from [applicant], [relevant organisation applicant is associated with if applicable; eg media entity] who is seeking access under the *Freedom of Information Act 1982* (the FOI Act) to the following documents:

"[insert scope of request]"

Action Required

Please provide the following advice:

1. **Is this a significant request?**
   As a general guide, a significant request may be one which is submitted by a media institution or a Member of Parliament or a request for documents which appear to be particularly sensitive to the department.

2. **Who is the nominated contact officer for this request?**
   Please note that if the request is considered to be significant, the contact officer must be an SES officer. Following your advice, we will provide information on the handling of this request to the nominated contact officer.

3. **Do you intend to brief the Minister in relation to this FOI request?**
   In circumstances where a request is deemed to be significant, it is expected that the relevant area in the department will brief the MO in relation to the existence and implications (if any) of a FOI request. We will shortly send you out a search minute requesting your advice as to the numbers of documents.

Should you have any queries about this request or the FOI Act generally, please do not hesitate to contact me or [EL2 in FOI Legal Team] on [phone number].

Regards,
Example 2

SENITIVE LEGAL

Dear [name of SES / Line Area addressee]

We have received the attached correspondence from [applicant], [relevant organisation applicant is associated with if applicable; eg media entity]. For your information [applicant] has made four previous applications for access under the Freedom of Information Act 1982 (the FOI Act). This is a new FOI application. Access is sought to the documents described below:

"[insert scope of request]"

Action Required

Please provide the following advice:

4. Is this a significant request?
   As a general guide, a significant request may be one which is submitted by a media institution or a Member of Parliament or a request for documents which appear to be particularly sensitive to the department.

5. Who is the nominated contact officer for this request?
   Please note that if the request is considered to be significant, the contact officer must be an SES officer. Following your advice, we will provide information on the handling of this request to the nominated contact officer.

6. Do you intend to brief the Minister in relation to this FOI request?
   In circumstances where a request is deemed to be significant, it is expected that the relevant area in the department will brief the MO in relation to the existence and implications (if any) of a FOI request. We will shortly send you out a search minute requesting your advice as to the numbers of documents.

Should you have any queries about this request or the FOI Act generally, please do not hesitate to contact me or [EL2 in FOI Legal Team] on [phone number].

Regards,
Example 3.

SENSITIVE LEGAL

Dear [Name]

For your information, we have received correspondence from [applicant], [relevant organisation applicant is associated with if applicable; eg media entity] who is seeking access under the Freedom of Information Act 1982 (the FOI Act) to:

“[insert scope of request]”

We understand that relevant documents are held within your branch.

From our discussions with you it appears that the request is voluminous*/ OR
It is not clear from the wording of the request what documents are being sought by the applicant *(delete as appropriate)

Accordingly we will commence a consultation process with the applicant:
- seeking better detail about the documents sought*;

OR

- seeking that the applicant narrow the scope of the request so that the request is no longer voluminous*.

(delete as appropriate)

The matter will be included on the Executive FOI report.*

OR

The matter will not be included on the Executive FOI report but we will update you as appropriate.*

(delete as appropriate)

Regards,
Attachment D – Example Paragraphs for 24AB Notice

Example 1

1. In order to process your request I understand that the department would be required to conduct extensive searches to identify documents relevant to your request. In particular, I have been advised from preliminary searches conducted that the department holds approximately 1200 pages in relation to your request. It is estimated that it would take in excess of 100 hours to process your request taking into account the material identified to date.

2. Accordingly, I have decided that a practical refusal reason exists under subparagraph 24AA(1)(a)(i) of the FOI Act in relation to your request as the work involved in processing your request would substantially and unreasonably divert the resources of the department.

Request consultation process

3. You now have an opportunity to revise your request to enable it to proceed. Revising your request can mean narrowing the scope of the request to make it more manageable or explaining in more detail the documents you wish to access. For example, by providing more specific information about exactly what documents you are interested in (for example, by specifying dates or date ranges for documents or removing categories of documents such as XXXXX), the department anticipates it would be able to identify and retrieve the documents more quickly and avoid using excessive resources to process documents in which you are not interested.

Example 2

4. In order to process your request I understand that the department would be required to conduct extensive searches to identify whether there are documents relevant to your request. In particular, I note that preliminary searches conducted indicate that the department holds 7 files in relation to your request with 692 documents (and approximately 1400 pages). It is estimated that it would take in excess of 100 hours to process your request taking into account the material identified to date.

5. Accordingly, I have decided that a practical refusal reason exists under subparagraph 24AA(1)(a)(i) of the FOI Act in relation to your request as the work involved in processing your request would substantially and unreasonably divert the resources of the department.

Request consultation process

6. You now have an opportunity to revise your request to enable it to proceed. Revising your request can mean narrowing the scope of the request to make it more manageable or explaining in more detail the documents you wish to access. For example, by providing more specific information about exactly what documents you are interested in (for example, you could narrow the scope of your request to exclude incoming correspondence from you/ documents you have already received from the department under its administrative process/xxxx), the department anticipates it would be able to avoid using excessive resources to process documents in which you are not interested.
Example 3

Why I intend to refuse your request

1. Paragraph 24AA(1)(b) of the FOI Act provides that a practical refusal reason exists in relation to a request for a document if the request does not satisfy the requirements in paragraph 15(2)(b) of the FOI Act. Paragraph 15(2)(b) of the FOI Act provides that a request must provide such information as is reasonably necessary to enable the agency to identify the documents that are being requested.

2. Your request broadly seeks “documents produced in the last year containing information.” It is not possible for me to reasonably ascertain which particular documents you seek. In order for the department to process your request you must advise us, with precision, what documents you are seeking access to. Additionally, you would need to specify what you mean by “produced in the last year” i.e. specify the period.

3. Your request further provides that you seek “any or all documents about these issues.” It is not possible for me to identify from your request which documents you seek access to. You may wish to revise your request to include the subject matter of the particular documents you seek access to and the time frame in which the documents were created.

4. Accordingly, I consider your request does not satisfy the requirement in paragraph 15(2) of the FOI Act. I am therefore satisfied that a practical refusal reason exists in relation to your request for the purposes of s24AA(1) of the FOI Act.

5. Further, the scope of your request appears to be extensive. Where processing a request would involve a substantial and unreasonable diversion of the department’s resources, the department may refuse to process the request. Generally where processing a request would take in excess of 40 hours, this will amount to a substantial and unreasonable diversion of resources even if the scope of the request has been previously clarified or reduced.