



9 April 2014

Mr Steven Roddis

By email: foi+request-559-7292bb32@righttoknow.org.au

Our reference: LEX 7511

Dear Mr Roddis,

Your Freedom of Information request

1. I refer to your request received by the Department of Human Services (the department) on 13 March 2014 in which you sought access to the following documents under the *Freedom of Information Act 1982* (FOI Act):

"the report arising from the Privacy Impact Assessment of myGov".

Third party consultation

2. Section 27 of the FOI Act provides that where a request is made for access to a document containing information about the business, commercial or financial affairs of an organisation, and it appears that the organisation might wish to contend that the business, commercial or financial information should not be disclosed, the department should give the organisation concerned a reasonable opportunity to make a submission to this effect, and must consider any submission made.

3. As your request covers documents which contain information about business, commercial or financial affairs about an organisation, the department is required to consult with that organisation under section 27 of the FOI Act before making a decision on the release of those documents.

Timeframes for processing your request

4. I note that your request was received by the department on 13 March 2014 and that the 30 day statutory period for processing your request commenced from the day after that date.

5. However, this statutory period has now been extended by 30 days under section 15(6) of the FOI Act in order to allow the department time to consult with that organisation. The date your request will become due depends on the action you take in relation to your liability to pay charges.

Liability to pay charges

6. You were also advised that the department would advise you if you are liable to pay a charge to process your request.

Preliminary Assessment of the Charge

7. In accordance with section 29 of the FOI Act, I have decided that you are liable to pay a charge for the processing of your request. My preliminary assessment of that charge is \$343.45, calculated as follows:

Search and retrieval time: 1.12 hours, at \$15.00 per hour:	\$16.80
Decision making time: 21.33 hours minus the first 5 hours* at \$20.00 per hour:	\$326.65
<hr/> TOTAL	\$343.45

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

8. I am advised that the department has in its possession approximately 3 documents containing an estimated 5 pages relevant to your request.

9. Please note that the preliminary assessment of charge above does not include the time it will take to process your request insofar as it relates to documents containing your personal information (for which there is no charge).

Required Action

10. If you would like the department to continue processing your request, you must notify the department in writing within 30 days of receiving this notice that you:

1. agree to pay the charge;
2. wish to contend that the charge:
 - a. has been wrongly assessed; or
 - b. should be reduced or not imposed; or
 - c. both
3. withdraw the request for access.

11. If you do not provide a written response in accordance with one of Options A, B or C above within 30 days of receiving this notice, your request will be taken to have been withdrawn under subsection 29(2) of the FOI Act.

12. Alternatively you may wish to refine the scope of your FOI request. If you would like to discuss this please contact me for assistance.

13. Further information on options A, B and C is set out below.

Option A – pay the charge

14. The amount due should be paid by cheque or money order made out to the Collector of Public Monies. Please quote reference number 7511 with your payment.

15. Please send to:

Ms Denham
FOI Legal Team
Department of Human Services
PO Box 7788
CANBERRA ACT 2610

16. Should you elect to pay the charge, please email FOI.Legal.Team@humanservices.gov.au once you have posted your cheque or money order to advise us of your payment.

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

17. You may contend that the charge has been wrongly assessed, or should be reduced or not imposed. Subsection 29(5) of the FOI Act provides that, in deciding whether to reduce or not to impose a charge, the decision maker must take into account any relevant reasons, including whether payment of the charge, or part of it, would cause you financial hardship, and whether the giving of access to the documents is in the general public interest or in the interest of a substantial section of the public.

18. If you wish to contend that the charge has been wrongly assessed or should be reduced or not imposed, please set out your reasons and the evidence in support of your reasons as clearly as possible. If you believe that payment of the charge would cause you financial hardship, please provide sufficient details of your financial circumstances to enable the decision maker to make a well-informed decision in this regard.

Option C – withdraw your request

19. If you wish to withdraw your request you may do so in writing. Alternatively you may wish to consider narrowing the terms of your request. If the scope of your request can be reduced, the charge may be recalculated accordingly.

Time limits for processing your request

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

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

Publication of information in the FOI disclosure log

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

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

Yours sincerely,

A handwritten signature in black ink, appearing to be 'Ms. McLeod', written in a cursive style.

Ms McLeod
Lawyer
FOI and Information Release Branch | Legal Services Division
Department of Human Services