



# Freedom of Information (FOI) Policy

<b>Policy No:</b>	DSSCorp-026
<b>Purpose:</b>	To ensure departmental staff are aware of the department's obligations under the <i>Freedom of Information Act 1982</i> (Cth) and relevant processes.
<b>Category:</b>	<b>Legal</b>
<b>Applicable to:</b>	All staff
<b>Relevant Authority:</b>	<a href="#">Freedom of Information Act 1982 (Cth)</a> <a href="#">Guidelines issued by the Australian Information Commissioner under section 93A of the Act</a>
<b>Related Documents:</b>	<a href="#">Departmental Internal Privacy Policy</a> <a href="#">Departmental External Privacy Policy</a>
<b>Policy Statement:</b>	The Department is committed to meeting its obligations under the <i>Freedom of Information Act 1982</i> (Cth).
<b>Approved by:</b>	Group Manager (and Chief Counsel) Governance, Legal and Assurance Group
<b>Review Date:</b>	May 2020
<b>Policy Owner:</b>	Government and Executive Services Branch
<b>First Issued</b>	16 October 2014
<b>Document Change Control</b>	Revised 15 December 2015 Revised 24 July 2018 Revised 10 April 2019

## Contents

1. Introduction .....	3
1.1. Overview of the FOI Act.....	3
1.2. FOI requests .....	3
2. Responsibilities.....	3
2.1. Responsibilities of all departmental staff.....	3
2.2. Meeting statutory timeframes .....	4
2.3. Responsibilities of the FOI team.....	4
2.4. Responsibilities of the line area .....	4
2.5. Locating documents and providing them to the FOI team.....	4
2.6. Documents held by contracted service providers.....	5
2.7. Cabinet and other highly sensitive documents.....	5
2.8. Locating specific information stored in a database.....	6
2.9. Providing advice to the FOI team .....	6
2.10. Briefing stakeholders and managing issues .....	6
2.11. Internal consultation process prior to finalisation of a decision.....	6
3. Consequences of non-compliance .....	7
4. More information.....	7
5. Key Management Responsibilities for Freedom of Information .....	8
6. Freedom of Information Standard 30-day timeline.....	9

## 1. Introduction

The purpose of this policy is to ensure that all departmental staff are aware of their obligations under the [Freedom of Information Act 1982 \(Cth\)](#) (FOI Act) and understand the process for handling FOI requests.

This policy provides an overview of the FOI Act, the role and responsibilities of the department's FOI team and other departmental staff in FOI matters.

### 1.1. Overview of the FOI Act

The FOI Act is the legislative basis for open government in Australia at the Commonwealth level. The FOI Act applies to official documents of Australian Government ministers, documents of most Commonwealth agencies and in some circumstances, contractors of the Commonwealth.

Each person has legally enforceable rights under and subject to the FOI Act to obtain access to government documents and to apply for the amendment or annotation of records of personal information held by government.

The FOI Act also requires agencies to publish specified categories of information, and encourages the proactive release of other government held information.

### 1.2. FOI requests

To be valid under the FOI Act, a request must:

- be in writing;
- state that the request is an application for the purposes of the FOI Act;
- provide sufficient information concerning the document(s) to assist an officer of the department to identify them; and
- give details of how notices can be sent to the applicant.

A person may forward a requests by email to [foi@dss.gov.au](mailto:foi@dss.gov.au) or by post to:

Freedom of Information (FOI) Team  
Government and Executive Services Branch  
Department of Social Services (DSS)  
PO Box 9820  
Canberra ACT 2601

The Department of Social Services ('the department') has an obligation to take all reasonable steps to assist an applicant to ensure that their request is clear and complies with the FOI Act. The applicant need not reside in Australia, be an Australian citizen or even identify themselves. Anonymous requests are valid if they satisfy the above requirements.

## 2. Responsibilities

### 2.1. Responsibilities of all departmental staff

All staff have an obligation to assist the FOI team to enable the department to comply with its obligations under the FOI Act. Quick reference guides on [key management responsibilities](#) and [Document Search Minute](#) and [Decision Checklist templates](#) are available on [STAFFnet](#).

Staff, other than those in the FOI team, who receive FOI requests forward them promptly to the [foi@dss.gov.au](mailto:foi@dss.gov.au) mailbox.

## 2.2. Meeting statutory timeframes

The department has 30 calendar days from the date of receipt to process an FOI request. A [summary of the responsibilities](#) of the FOI team and line areas throughout the 30 days is available on [STAFFnet \[ANNEX D\]](#)

An extension of the 30-day timeframe can occur if there is a requirement for consultation with third parties (other than Commonwealth agencies or Ministers). Further extensions can occur in certain circumstances.

To ensure compliance with statutory timeframes, the FOI team must receive all relevant documents as soon as possible after requesting them from a line area.

## 2.3. Responsibilities of the FOI team

The department has a centralised FOI decision-making model. The responsibility for making FOI decisions rests with the department's FOI team in the Government and Executive Services Branch. The Secretary has authorised Executive Level staff of the FOI team to make FOI decisions on behalf of the department. The FOI team also make decisions about whether to impose charges on an applicant for processing a request.

Only authorised decision makers can make decisions on whether a document is exempt, or conditionally exempt under the FOI Act. For a copy of the department's FOI authorisation instrument please see [STAFFnet](#) or contact the FOI team for further information.

The FOI team makes decisions under the FOI Act, having regard to, and relying on, advice from relevant Branch and Group Managers from the relevant line area(s) on the nature and sensitivities of the content in the documents within the scope of the request.

The FOI team undertakes consultation, where necessary, with third parties that may be affected by the release of requested documents, and other Commonwealth agencies where documents relate to those agencies' portfolio responsibilities.

In the event that an FOI applicant seeks an internal review of a decision made by the department, another officer in the FOI team will review the primary decision. The Secretary has authorised all departmental Senior Executive Service officers to make decisions on internal review of FOI decisions and the FOI team may seek support from those officers to make review decisions in certain circumstances.

The FOI team notifies internal stakeholders across the department and the Ministers' Offices of the receipt of significant FOI requests (primarily those from media or parliamentarian applicants or those regarding high profile issues). The FOI team also liaises with the Executive and the Ministers' Offices regarding the FOI process, including the timing of release of decisions on access and documents falling within the scope of an FOI request.

## 2.4. Responsibilities of the line area

The Branch Manager of the relevant line area must allocate appropriate resources to the processing of an FOI request. This includes meeting deadlines set by the FOI team for the provision of documents or advice in order to meet statutory timeframes.

## 2.5. Locating documents and providing them to the FOI team

To comply with the FOI Act, a thorough search for all relevant documents in the possession of the department must occur. The Information Commissioner or the Administrative Appeals Tribunal may ask a decision maker to provide proof that a reasonable search has occurred.

To ensure searches are reasonable and appropriate, the Branch Manager of the relevant line area must sign a [Document Search Minute](#) certifying the supply of all relevant documents and information to the FOI team.

Following receipt of an FOI request, the FOI team will identify the line area responsible for the subject matter of the request. The line area is responsible for locating and providing the FOI team with a copy of all documents relevant to the FOI request (or referring the FOI team to a more appropriate line area).

If a line area is aware of other areas of the department that may also hold documents within scope, they must coordinate with the relevant line areas to locate those documents and have the Branch Manager sign the Document Search Minute.

Line areas should carefully read the request to identify its scope and form a view about the documents within scope. The FOI team encourages line areas to contact the team to discuss the scope of the request (particularly where the scope is ambiguous) before undertaking searches for the documents. There are opportunities to clarify scope with the applicant.

Line areas must undertake all reasonable searches for hard copy and electronic documents relevant to the request. This will include searching all departmental electronic records management systems and all hard copy files, including those kept in off-site records storage if necessary. It includes draft versions of documents and attachments to documents.

Line areas must not decline to produce a document to the FOI team on the basis that they consider the document exempt or contains sensitive material. It is the role of the FOI team to make decisions about whether a document, or part of a document, is exempt, or if a practical refusal reason exists under the FOI Act. The FOI decision maker will consult with the relevant line area and external third parties before making a final decision in relation to an FOI request.

Line areas are to provide all documents in electronic form, where possible, although the FOI team is able to receive documents in hardcopy. IT Services and the Records Management team may be available, in limited circumstances, to assist in identifying and locating documents that fall within the scope of an FOI request. Please contact the FOI team immediately if you require any assistance in this regard.

Where a line area has commenced locating the relevant documents and it becomes apparent that the request is complex or voluminous in size, the line area must advise the FOI team as soon as possible to discuss the possibility of revising the scope of the request with the applicant. While there is no precise rule under the Act about what constitutes an unreasonable diversion of resources, requests expected to take more than eighty hours to process may result in a practical refusal of the request for that reason. If the FOI team agrees, they will undertake a request consultation process with the applicant under section 24AB of the FOI Act.

## **2.6. Documents held by contracted service providers**

When locating documents for an FOI request, the department (via relevant line area) must enforce its contractual rights to obtain documents from contracted service providers where they hold documents that may fall within the scope of an FOI request (see section 6C of the FOI Act).

## **2.7. Cabinet and other highly sensitive documents**

Line areas must not refuse to provide documents to the FOI team because the information is sensitive, marked as Cabinet material, or may be otherwise exempt under the FOI Act.

To enable an authorised decision maker to make a decision on access to documents requested under the FOI Act, officers in the FOI team must have access to all documents within scope. All members of the FOI team have appropriate security clearances and are adept at handling sensitive or classified material in accordance with departmental and Australian Public Service policies.

Although a document may appear to contain highly sensitive material, it is the decision-maker's responsibility to ensure that the document meets the relevant criteria for claiming an exemption from release as provided in the FOI Act. It is also important to note that an internal security classification of a document is not a basis for exemption for FOI purposes.

Line areas may provide documents to the FOI team exclusively through the Protected Enclave if they require secure handling.

## **2.8. Locating specific information stored in a database**

The FOI Act provides a right of access to documents rather than to information. However, where a document can be produced from statistical information or data held by the department as an electronic record on a database or electronic system, section 17 of the FOI Act requires the department to produce a document containing the information, unless doing so would amount to a substantial and unreasonable diversion of resources.

The FOI team will work with a line area if a production of a new document under section 17 is likely to fulfil a request. Line areas should not create a new document to fulfil an FOI request before consulting the FOI team.

## **2.9. Providing advice to the FOI team**

The FOI team manages the process and lawful application of the FOI Act on behalf of the department. In order to make appropriate decisions on access to documents, the FOI team requires information from line areas about any sensitivities in the documents or background information that may have an impact on a document's release.

The first official advice provided to the FOI team by the line area is the [Document Search Minute](#) where the relevant Branch Manager certifies the supply of all relevant documents and information to the FOI team.

Once the FOI team has prepared a decision and documents for release, the relevant Branch and Group Manager must sign an [FOI Decision Checklist](#). The purpose of this checklist is to confirm that all relevant stakeholders are aware of any sensitivities relating to the decision or documents subject to release. If the Branch Manager or Group Manager raise concerns or additional sensitivities, the FOI decision maker considers these before finalising the decision. Signing the checklist also confirms that the Branch and Group Managers have reviewed the draft decision and briefed the Executive where appropriate.

## **2.10. Briefing stakeholders and managing issues**

Branch and Group Managers are responsible for providing briefings to their Deputy Secretary and the relevant adviser in the Minister's Office regarding sensitivities or possible media responses resulting from a FOI release. Branch and Group Managers should also work with the media team to provide any media/talking points if the FOI release is likely to result in media publications or attention.

The FOI team can provide input into these briefings and talking points in relation to FOI legislative requirements and processes, if necessary. However, any talking points regarding the subject matter of the request are the responsibility of the line area.

## **2.11. Internal consultation process prior to finalisation of a decision**

Return of the [FOI Decision Checklist](#) by the line area certifies that the relevant Branch and Group Manager have reviewed the decision and documents.

The FOI team will provide the draft decision and documents to significant stakeholders, including the Executive and the Ministers' Offices, three days before the decision is due to the applicant.

This allows all stakeholders time to review the decision and prepare internal briefings or talking points if required.

### 3. Consequences of non-compliance

Where the department fails to meet statutory timeframes, fails to provide all relevant documents or refuses to provide documents that should be released, there is the potential for:

- complaints to be made to the Information Commissioner or the Commonwealth Ombudsman;
- requests for internal review of decisions;
- requests for external review of decisions by either the Information Commissioner or the Administrative Appeals Tribunal; and
- adverse media coverage for the department and/or the Minister.

This results in more work for the department and can damage the department's reputation.

### 4. More information

For further advice or assistance, please contact the FOI team in Government and Executive Services Branch by email at [foi@dss.gov.au](mailto:foi@dss.gov.au).

You can find further information about FOI on [STAFFnet](#) and the [department's website](#).

## 5. Key Management Responsibilities for Freedom of Information

BRANCH AND GROUP MANAGERS (MANAGING DEPARTMENTAL SENSITIVITIES)	TIME	FREEDOM OF INFORMATION TEAM (MANAGING LEGISLATIVE OBLIGATIONS)
	Day 0	Receipt the request for access to documents under the Freedom of Information Act
STATUTORY CLOCK STARTS NOW		
	Day 1	Assess the request for access to documents Determine the validity of the request Advise the Freedom of Information applicant accordingly
Branch Manager(s) note the request for access to documents in their area and allocate appropriate resources for managing the request	Day 1	Send the <a href="#">document search minute</a> to relevant Branch Manager(s) and line area(s)
Branch Manager(s) appropriately advise Group Manager(s) and other significant stakeholders of the request for access to documents	Day 2	Provide advice to significant stakeholders on valid request for access to documents under the Freedom of Information Act
Branch Manager(s) provide: - a signed <a href="#">document search minute</a> , - identified sensitivities, and - access to documents in scope	by Day 9	Support relevant Branch Manager(s) and line areas in understanding legislative options for appropriately responding to the request for access to documents
BRANCH MANGER(S) APPROPRIATELY ADVISE AND DEVELOP PLAN FOR MANAGING DEPARTMENTAL SENSITIVITIES		
	by Day 14	Provide acknowledgement to the Freedom of Information applicant, having regard for advice provided by Branch Manager(s)
Support Freedom of Information team in managing emerging sensitivities, requests for additional documents and drafting initial decision	Days 11-18	Document analysis and preparation, escalate issues for Branch Manager(s) consideration, as relevant Provide appropriate advice on the <a href="#">risks to meeting the department's legislative obligations</a>
BRANCH MANAGER(S) ENSURE PLAN FOR MANAGING SENSITIVITIES IS APPROPRIATELY ESCALATED FREEDOM OF INFORMATION DECISION MAKER ESCALATES RISKS TO MEETING DEPARTMENT'S LEGISLATIVE OBLIGATIONS		
Branch Manager(s) provide advice on potential release, sensitivities and communication plan <sup>[1]</sup> , escalating to an appropriate level based on nature of the sensitivities	by Day 22	Provide <a href="#">decision checklist</a> , <a href="#">draft decision</a> and prepared documents to Branch Manager(s) for review Provide appropriate advice on options for managing the <a href="#">risks to meeting the department's legislative obligations</a>
BRANCH MANAGER(S) ESCALATE AND SEEK APPROPRIATE APPROVAL ON COMMUNICATIONS PLAN		
Branch Manager(s) seek Group Manager clearance and appropriate approval for managing departmental sensitivities and communication plan <sup>[1]</sup>	Days 22-27	Finalise decision and prepare final documents for release Provide appropriate advice on final decision
GROUP MANAGERS APPROVE COMMUNICATION PLAN(S) AND DECISION CHECKLIST, ESCALATING AS APPROPRIATE		
Branch Manager(s) commence communications plan <sup>[1]</sup> and send final <a href="#">decision checklist</a> to Freedom of Information team for necessary action	by Day 27	Once final <a href="#">decision checklist</a> is received, send <a href="#">final decision</a> and prepared final documents to significant stakeholders
FREEDOM OF INFORMATION TEAM ADVISE SIGNIFICANT STAKEHOLDERS OF DRAFT DECISION AND RELEASE (3 WORKING DAYS LEFT ON THE CLOCK)		
Branch Manager(s) implement communications plan <sup>[1]</sup>	by Day 30	Decision and relevant documents are released to the Freedom of Information applicant
*FREEDOM OF INFORMATION TEAM REPORT FAILURE TO COMPLY WITH STATUTORY TIMELINE TO OFFICE OF THE AUSTRALIAN INFORMATION COMMISSIONER		
	by Day 44	Documents are published on the Disclosure Log

Note 1. Branch Manager(s) should liaise with [Communications Services Branch](#) when developing their communications plan

Legend:

	Normal process managed in accordance with the responsibilities and delegations of the relevant departmental officer
	Sensitive process that could create significant sensitivities, requiring Branch and/or Group Manager decision on strategic oversight
	Highly sensitive process that could create significant sensitivities, requiring Group Manager decision on strategic oversight and escalation
	Relevant departmental officer is consulted, with no required action

## 6. Freedom of Information Standard 30-day timeline

TIME	STAGES	FOI TEAM Team of dedicated FOI officers and authorised FOI decision-makers, responsible for all FOI administration, advice and guidance on FOI related matters within DSS	RESPONSIBLE LINE AREA(S) Responsible for the identification, location and retrieval of all relevant documents within the scope of FOI request and for identifying and communicating any sensitivities relating to the request and the documents
		<ul style="list-style-type: none"> <li>Receives requests, determines validity under the FOI Act and identifies responsible line area</li> <li>Manages all FOI requests and courtesy consultations from other agencies</li> <li>Makes decisions on consultations, charges, application of exemptions, document release and disclosure log publication</li> <li>Keeps relevant stakeholders (including Executive and Ministers' Offices) informed about new requests, significant progress and proposed document access decisions</li> <li>Communicates statutory obligations, departmental policy requirements and advice to stakeholders</li> <li>Provides administrative support and guidance to Ministers' Offices</li> </ul>	<ul style="list-style-type: none"> <li>Responds to Document Search Minute by identifying, locating, retrieving and providing all relevant documents within the scope of a request (and records all information about searches conducted in case requested by the Australian Information Commissioner)</li> <li>Identifies and communicates any sensitivities relating to the request and/or relevant documents to the FOI team and the Executive</li> <li>Addresses and communicates risks presented by FOI decisions appropriately</li> <li>Briefs the Executive, media team and Ministers' Offices about sensitivities or issues arising from the release of documents</li> </ul>
Day 0	Validity Check	<ul style="list-style-type: none"> <li>Receive request</li> <li>Allocate decision-maker</li> <li>Determine validity (subsection 15(2) of the FOI Act)</li> <li>Liaise with applicant to clarify requirements and the scope of request (if necessary)</li> <li>Identify significance and stakeholders and determine responsible line area(s)</li> </ul>	
<b>CLOCK STARTS NOW</b>			
Day 01	Create Records and Document Search Minute	<ul style="list-style-type: none"> <li>Create tracking record and electronic file</li> <li>Identify initial timeframes</li> <li>Send Document Search Minute and relevant instructions to responsible Branch Manager(s)</li> </ul>	
Day 02	Stakeholder Notification	<ul style="list-style-type: none"> <li>Notify significant stakeholders, including Minister's Office and Media team</li> </ul>	
by Day 09	Document Search and Provision of Documents	<ul style="list-style-type: none"> <li>Discuss and clarify scope and requirements with line area and/or applicant (required)</li> <li>Discuss sensitivities with line area and further advise stakeholders (if required)</li> <li>Advise line area of searching requirements and information needed for a potential practical refusal notice (if the request is too voluminous)</li> </ul>	<ul style="list-style-type: none"> <li>Provide FOI team with details of Action Officer</li> <li>Identify, retrieve and provide <b>ALL</b> documents relevant to the scope of a request (including from contracted service providers) <b>OR</b> if scope of request is very broad and it would be impractical to provide all documents contact FOI team to discuss options</li> <li>Return Document Search Minute, signed by Branch Manager, certifying all documents have been provided and identifying any sensitivities</li> </ul>
by Day 14	Acknowledgment	<ul style="list-style-type: none"> <li>Provide an acknowledgment of receipt of request to applicant (statutory timeframe)</li> </ul>	
Days 11-18	Document Analysis and Preparation Charges Estimate and Notification Third Party Consultation	<ul style="list-style-type: none"> <li>Review information provided in signed Document Search Minute</li> <li>Make preliminary assessment of documents, identifying potentially irrelevant and/or exempt material</li> <li>Calculate estimated charge and send notice (if applicable)</li> <li>Determine practical refusal reason exists and send notice (if applicable)</li> <li>Send consultation notice to applicant and consultation to third parties (if applicable) [Note: other Cth government agencies are not treated as third parties under the FOI Act]</li> <li>Continue discussions with line area and other relevant stakeholders regarding sensitivities as required</li> </ul>	<ul style="list-style-type: none"> <li>Support FOI decision-making by continuing to identify and advise of sensitivities relating to the request and responding to queries from the FOI team</li> </ul>
<b>IF CHARGES NOTIFICATION SENT, CLOCK STOPS UNTIL RESPONSE TO CHARGES NOTIFICATION RECEIVED (30 days for applicant to respond)</b>			
<b>IF NOTICE OF PRACTICAL REFUSAL SENT, CLOCK STOPS UNTIL RESPONSE RECEIVED (14 days for applicant to respond)</b>			
<b>IF THIRD PARTY CONSULTATION, CLOCK EXTENDED BY 30 DAYS*</b>			
by Day 22 <b>*(by Day 52)</b>	Draft Access Decision	<ul style="list-style-type: none"> <li>Make decision on access and prepare decision letter, schedule of documents and marked-up documents</li> <li>Send Decision Checklist with draft decision and marked up documents to responsible Branch and Group Manager(s)</li> </ul>	<ul style="list-style-type: none"> <li>Review draft decision and discuss issues with decision-maker as appropriate</li> <li>Discuss sensitivities and proposed decision with key stakeholders</li> <li>Liaise with Communication Services Branch / Media team to assist in preparation of talking points for possible media enquiry</li> </ul>
by Day 27 <b>*(by Day 57)</b>	Decision Finalisation and Notification	<ul style="list-style-type: none"> <li>Notify significant stakeholders of proposed decision</li> <li>Finalise decision letter and documents for release</li> </ul>	<ul style="list-style-type: none"> <li>Return Decision Checklist signed by Branch and Group Managers</li> </ul>
Day 30 <b>*(Day 60)</b>	Access Decision to Applicant	<ul style="list-style-type: none"> <li>Send final decision to applicant</li> <li>Release documents once outstanding charges received (if applicable)</li> <li>Review tracking record and electronic files to ensure accurate record of FOI request</li> </ul>	<ul style="list-style-type: none"> <li>Media team to finalise talking points for possible media enquiry</li> </ul>
by Day 44 <b>*(By day 74)</b>	Disclosure Log	<ul style="list-style-type: none"> <li>Make decision on Disclosure Log publication</li> <li>Arrange publication of documents on disclosure log (if applicable)</li> </ul>	

[Title] [First Name] [Surname]  
[Position]  
[Organisation]  
[Address Line 1]  
[Address Line 2]  
[SUBURB] [STATE] [POSTCODE]

By email: [email]

Dear [Title] [Surname]

**Freedom of Information (FOI) Request No. XX/XX-[number]**

1. I refer to your correspondence received by the Department of Social Services (the Department) on [insert date], in which you requested access, on behalf of [name], under the *Freedom of Information Act 1982* (the FOI Act) to:

*[quote request]*

2. I note you provided evidence of your authority to obtain the requested document(s) and information on [insert date].

3. On [date] you revised the scope of your request...

4. On [date], we advised you by email of the following:

*... duplicate documents and non-Senior Executive Service (SES) employees names, contact details and signatures, as well as mobile phone numbers and signatures of SES employees, will be excluded from the scope of your request under s22(1)(b)(ii) of the FOI Act.*

5. On [date], [agency name(s)] accepted partial transfer of:

*"[quote part of request transferred]"*.

6. Consequently, the following parts of your request remain with the Department:

*"[quote part remaining]"*.

7. On [insert date], the department advised you that the preliminary estimate of the charge for processing your request was [\$XXX.XX]. The Department received payment of the charge [or] payment of a deposit of the charge on [insert date].

**OR:** I have decided that there is no charge for processing your request.

8. On [insert date], you agreed to a XX day extension of time to process your request.

9. On [insert date], the Department advised you of an extension of 30 days in which to undertake consultation with certain third parties as [some of] the requested document(s) contain(s) information of a commercial or personal nature.
10. I am authorised to make decisions under subsection 23(1) of the FOI Act and my decision regarding your request and the reasons for my decision are set out below.
11. The Schedule of Documents at **Attachment A** summarises my decision as it applies to the document(s) covered by your request.

#### Decision on access to documents

12. A search for documents has located [insert number] document(s) consisting of [insert number] pages that fall within the scope of your request.
13. Having considered this/these document(s), I have decided to
  - grant access in full to [insert number] documents; and
  - remove irrelevant material in accordance with section 22(1)(b)(ii) of the FOI Act.

#### Release of documents

14. **EITHER:** Documents for release are enclosed.  
**OR:** Documents for release will be provided following receipt of the balance of the processing charge which is [\$XX.XX]. The amount due should be paid by cheque or money order made out to the 'Collector of Public Monies – DSS' and sent to the following address:

Freedom of Information (FOI) Team  
 Government and Executive Services Branch  
 General Counsel Group  
 Department of Social Services  
 PO Box 9820  
 CANBERRA ACT 2601

**OR:** On this occasion, I have decided to exercise my delegation and to cap the charges payable to the deposit amount already paid.

**OR:** As advised on XXXX, the Department decided to consult with third parties regarding their information which was contained in the documents. In response to this consultation, some of the third parties have objected to the release of their XXX information.

In accordance with subsection 27A(9) of the FOI Act, I am required to advise the third party of my decision.

The Department is prevented by paragraph 27A(6) of the FOI Act from providing the documents to you until it becomes apparent that the third parties do not propose to exercise their right to seek review of the decision. The third parties have until [date] to appeal the decision. Accordingly, I will write to you after this date to inform you of the outcome.

**FOI Disclosure Log**

15. In accordance with the requirements of section 11C of the FOI Act, the Department is required to publish details of information released under the FOI Act. Documents will be published on the Disclosure Log within ten working days of receipt by you.

**Rights of review**

16. I have set out your rights to seek a review of my decision at **Attachment B**.

17. Should you have any enquiries concerning this matter please do not hesitate to contact me.

Yours sincerely

[Name of officer]

[Title]

Government and Executive Services Branch  
General Counsel Group

[Date]

ATTACHMENT A

Schedule of Documents

Document Number	Page Number	Date	Description	Decision
1.				
2.				
3.				
4.				
5.				
6.				
7.				
8.				
9.				
10.				
11.				
12.				
13.				
14.				
15.				
16.				

## ATTACHMENT B

**Your rights of review****Internal Review**

Section 54 of the *Freedom of Information Act 1982* (FOI Act) gives you the right to apply for an internal review of this decision. The review will be conducted by a different person to the person who made the original decision.

If you wish to seek an internal review of the decision you must apply for the review, in writing, within 30 days of receipt of this letter. No particular form is required for an application for internal review, but to assist the decision-maker you should clearly outline the grounds upon which you consider the decision should be reviewed. Applications for internal review can be lodged in one of the following ways:

Post: Freedom of Information (FOI) Team  
Government and Executive Services Branch  
Department of Social Services  
GPO Box 9820  
CANBERRA ACT 2601

Email: [foi@dss.gov.au](mailto:foi@dss.gov.au)

**External Review by the Australian Information Commissioner**

Section 54L of the FOI Act gives you the right to apply directly to the Australian Information Commissioner (AIC) to seek a review of this decision.

If you wish to have the decision reviewed by the AIC you must apply for the review, in writing or by using the online merits review form available on the AIC's website at [www.oaic.gov.au](http://www.oaic.gov.au), within 60 days of receipt of this letter. To assist the AIC your application should include a copy of this decision and your contact details. You should also clearly set out why you are objecting to the decision. You can also complain to the AIC about how an agency handled an FOI request, or other actions the agency took under the FOI Act. Applications for review or complaint can be lodged in one of the following ways:

Online: [www.oaic.gov.au](http://www.oaic.gov.au)

Post: GPO Box 5218  
SYDNEY NSW 2001

Phone: 1300 363 992 or +61 2 9284 9749 for international

Email: [enquiries@oaic.gov.au](mailto:enquiries@oaic.gov.au)

In person: Level 3  
175 Pitt Street  
SYDNEY NSW 2000



**Australian Government**  
**Department of Social Services**

---

[Title] [First Name] [Surname]  
 [Position]  
 [Organisation]  
 [Address Line 1 – remove if being emailed]  
 [Address Line 2 – remove if being emailed]  
 [SUBURB] [STATE] [POSTCODE] – remove if being emailed

**By email:** [email – remove if being posted]

Dear [Title] [Surname]

**Freedom of Information (FOI) Request No. XX/XX-[number]**

1. I refer to your correspondence received by the Department of Social Services (the Department) on [insert date], in which you requested access, on behalf of [name], under the *Freedom of Information Act 1982* (the FOI Act) to:

[quote request]

2. I note you provided evidence of your authority to obtain the requested document(s) and information on [insert date].
3. On [date] you revised the scope of your request...
4. On [date], I advised you by email of the following:

*... duplicate documents and non-Senior Executive Service (SES) employees names, contact details and signatures, as well as mobile phone numbers and signatures of SES employees, will be excluded from the scope of your request under s22(1)(a)(ii) of the FOI Act.*

5. On [date], [agency name(s)] accepted partial transfer of:

*“[quote part of request transferred]”.*

6. Consequently, the following parts of your request remain with the Department:

*“[quote part remaining]”.*

7. On [insert date], the department advised you that the preliminary estimate of the charge for processing your request was [\$XXX.XX]. The Department received payment of the charge [or] payment of a deposit of the charge on [insert date].

**OR:** I have decided that there is no charge for processing your request.

8. On [insert date], you agreed to a XX day extension of time to process your request.
9. On [insert date], the Department advised you of an extension of 30 days in which to undertake consultation with a number of third parties as [some of] the requested document(s) contain(s) [Commonwealth-State, commercial and/or personal] information.
10. I am authorised to make decisions under subsection 23(1) of the FOI Act and my decision regarding your request and the reasons for my decision are set out below.
11. The Schedule of Documents at **Attachment A** summarises my decision as it applies to the document(s) covered by your request.

### Decision on access to documents

12. A search for documents has located [insert number] document(s) consisting of [insert number] pages that fall within the scope of your request.
13. Having considered this/these document(s), I have decided to:
  - grant access in full to [insert number] document(s)
  - grant access in part to [insert number] document(s) in accordance with section 22 of the FOI Act [access to edited copies with exempt or irrelevant matter deleted], on the grounds that the deleted material is considered exempt under section XX of the FOI Act [e.g. legal professional privilege];
  - deny access to [insert number] of document(s) on the grounds that the material is exempt under section XX of the FOI Act [e.g. conditional exemption – personal privacy]
  - refuse access to document(s) [e.g. for Item 2 of your request] under subparagraph 24A(1)(b)(ii) [requests may be refused if documents cannot be found, do not exist or have not been received] of the FOI Act; and
  - remove irrelevant material in accordance with section 22(1)(b)(ii) of the FOI Act.
14. In reaching my decision, I have taken the following material into account:
  - your correspondence of [insert date] outlining the particulars of your request;
  - your subsequent submissions dated [insert dates];
  - documents falling within the scope of your request;
  - the FOI Act;
  - submissions made by third parties; (if third party consultation undertaken)
  - consultations with departmental officers;
  - the guidelines issued by the Australian Information Commissioner under section 93A of the FOI Act.

### Reasons for decision [Insert/delete/modify the following paragraphs as appropriate]

[The following paragraphs provide a basic framework to help you meet the requirements of section 26 of the FOI Act for **non-conditional exemptions** (i.e. sections 33, 34, 37, 38, 42, 45, 46, 47, 47A).]

### Section [insert] of the FOI Act – [description]

15. [Insert provision] of the FOI Act provides that:

*[insert provision in italics]*

16. I have identified material that is exempt from release under [\[insert provision\]](#) of the FOI Act. The material to which I have refused access contains:
- [\[must clearly explain why you were able to decide that a particular exemption applies to the material\]](#);
17. For the reasons set out above, I am satisfied that the material is of such a nature that it is exempt under [\[insert provision\]](#) of the FOI Act.

[\[The following paragraphs provide a basic framework to help you meet the requirements of paragraph 26\(1\)\(aa\) of the FOI Act, regarding public interest factors, for \*\*conditional exemptions\*\* using section 47F as an example.\]](#)

### **Section 47F of the FOI Act – personal privacy**

18. Subsection 47F(1) of the FOI Act provides that:

*A document is conditionally exempt if its disclosure under this Act would involve the unreasonable disclosure of personal information about any person (including a deceased person).*

19. The term ‘personal information’ is defined for the purposes of section 4 of the FOI Act to mean:

*Information or an opinion about an identified individual, or an individual who is reasonably identifiable:*

- a) whether the information or opinion is true or not; and*
- b) whether the information or opinion is recorded in a material form or not.*

20. Upon examination of the documents, I have identified personal information, specifically XXX.
21. In accordance with subsection 47F(2) of the FOI Act, in determining whether the disclosure of this information would involve the unreasonable disclosure of personal information, I had regard to:
- a. the extent to which the information is well known;
  - b. whether the persons to whom the information relates are known to be (or to have been) associated with the matters dealt with in the documents; and
  - c. the availability of the information from publicly accessible sources.
22. I am satisfied the personal information specified above is not well known, the individuals are not known to be associated with the matters dealt with in the documents and the information is not available from publically available sources. As a result, the disclosure of the identified information would be unreasonable.
23. In light of the above, I find the identified personal information is conditionally exempt under section 47F of the FOI Act.

[\[public interest test required – can combine public interest for more than one section at end of decision\]](#)

## The public interest test

[The decision maker must consider sections 11A and 11B as part of the decision and indicate a clear weighing up process and the outcome]

24. The Department must give access to conditionally exempt material unless in the circumstances it would be, on balance, contrary to the public interest.
25. When weighing up the public interest for and against disclosure, I have taken into account the following factors in favour of disclosure: [examples follow]
  - the extent to which disclosure would:
    - inform debate on a matter of public importance;
    - promote effective oversight of public expenditure; and
    - allow a person to access their personal information.
26. I have weighed against these factors the following factors indicating that access would be contrary to the public interest: [examples follow]
  - the extent to which disclosure could reasonably be expected to:
    - prejudice an individual's right to privacy, including where the personal information is that of a child;
    - adversely affect or harm the interests of an individual or group of individuals; or
    - prejudice the competitive commercial activities of a business.
27. Based on these factors I have decided that, in the circumstances of this particular matter, the public interest in disclosing the information in the above-mentioned document(s) is outweighed by the public interest against disclosure. [Be careful to word this correctly to reflect the outcome of the public interest test.]
28. I have not taken into account any of the irrelevant factors set out under subsection 11B(4) of the FOI Act in making this decision.
29. As a result, I find the material exempt under section XX of the FOI Act.

## Release of documents

30. **EITHER:** Documents for release are enclosed.  
**OR:** Documents for release will be provided following receipt of the balance of the processing charge which is [\$XX.XX]. The amount due should be paid by cheque or money order made out to the 'Collector of Public Monies – DSS' and sent to the following address:

Freedom of Information (FOI) Team  
 Government and Executive Services Branch  
 Corporate Services Group  
 Department of Social Services  
 PO Box 9820  
 CANBERRA ACT 2601

**OR:** On this occasion, I have decided to exercise my delegation and to cap the charges payable to the deposit amount already paid.

**OR:** Upon completion of your request, the processing was calculated to be \$XX.XX. As you have already paid more than the actual charges, a refund of \$XX.XX is due.

**OR:** As advised on XXXX, the Department decided to consult with third parties regarding their information which was contained in the documents. In response to this consultation, the Department has received objections to the release of [Commonwealth/State, business or personal] information from one or more of the third parties consulted.

In accordance with subsection 27A(6) of the FOI Act, I am required to advise the third party of my decision.

The Department is prevented by paragraph 27A(6) of the FOI Act from providing the documents to you until it becomes apparent that the third parties do not propose to exercise their right to seek review of the decision. The third parties have until [date] to appeal the decision. Accordingly, I will write to you after this date to inform you of the outcome.

#### **FOI Disclosure Log**

31. In accordance with the requirements of section 11C of the FOI Act, the Department is required to publish details of information released under the FOI Act. Documents will be published on the Disclosure Log within ten working days of receipt by you.

#### **Rights of review**

32. I have set out your rights to seek a review of my decision at **Attachment B**.
33. Should you have any enquiries concerning this matter please do not hesitate to contact me.

Yours sincerely

[Name of officer]

[Title]

Government and Executive Services Branch  
General Counsel Group

[Date]

## Attachment A

## Schedule of Documents

Document Number	Page Number(s)	Date(s)	Description	Decision
1.				
2.				
3.				
4.				
5.				
6.				
7.				
8.				
9.				
10.				
11.				

**Attachment B****Your rights of review****Internal review**

Section 54 of the FOI Act gives you the right to apply for an internal review of this decision. The review will be conducted by a different person to the person who made the original decision.

If you wish to seek an internal review of the decision you must apply for the review in writing within 30 days of receipt of this letter.

No particular format is required but it will help the new decision-maker if you clearly state why you consider the decision should be reviewed. Please send your application by post or email as follows:

Post: Freedom of Information (FOI) Team  
Government and Executive Services Branch  
General Counsel Group  
Department of Social Services  
GPO Box 9820  
CANBERRA ACT 2601

Email: [foi@dss.gov.au](mailto:foi@dss.gov.au)

**External Review by the Australian Information Commissioner**

Section 54L of the FOI Act gives you the right to apply directly to the Australian Information Commissioner (AIC) to seek a review of this decision.

If you wish to have the decision reviewed by the AIC you must apply for the review in writing or by using the online merits review form available on the AIC's website at [www.oaic.gov.au](http://www.oaic.gov.au), within 60 days of receipt of this letter. To assist the AIC your application should include a copy of this decision and your contact details. You should also clearly set out why you are objecting to the decision.

You can also complain to the AIC about how an agency handled an FOI request, or other actions the agency took under the FOI Act.

Applications for review or complaint can be lodged in one of the following ways:

Online: [www.oaic.gov.au](http://www.oaic.gov.au)

Post: GPO Box 5218  
SYDNEY NSW 2001

Phone: 1300 262 992 or +61 2 9284 9749 (international)

Email: [enquiries@oaic.gov.au](mailto:enquiries@oaic.gov.au)

In person: Level 3  
175 Pitt Street  
SYDNEY NSW 2000

[Name]  
[Position]  
[Organisation]  
[Address]

**By email:** delete if not required

Dear [Salutation] [Surname]

**Freedom of Information (FOI) Request No. XX/XX-XXX**

1. I refer to your correspondence received by the Department of Social Services (the Department) on [date] in which you requested an internal review of the Department's primary decision under the Freedom of Information Act 1982 (FOI Act) dated [date].
2. You have sought an internal review on the basis that:
  - the decision refused to give access to the document/s, under section 24A/ section 24AB of the FOI Act, in accordance with your request
  - the decision gives access to documents but does not give you access, in accordance with your request, to all the documents to which the request relates
  - the decision purports to give access, in accordance with the request, to all documents to which the request relates, but does not actually give that access
  - the decision defers the provision of access to a document/s
  - the decision imposes a charge under section 29 of the FOI Act in the amount of xx
  - the decision proposes to give access to a qualified person under subsection 47F(5) of the FOI Act.

**Background**

3. On [date], you made a request to the Department under the *Freedom of Information Act 1982* (FOI Act) for access to the following documents:  
  
[quote scope of request]
4. On [date], the Department provided you with a decision to [details of decision].

**Your request for internal review**

5. In your correspondence of [date] seeking internal review of this decision, you stated the following:  
  
[insert extract from internal review request correspondence]

**Decision on internal review** [basic example paragraphs follow]

6. I am authorised to make decisions under section 54C of the FOI Act.
7. In accordance with section 54C of the FOI Act, I am required to review the primary decision and make a fresh decision. As the decision maker on the internal review I am in no way bound by the primary decision.
8. I am advised by departmental officers that the Department has in its possession [XX] document/s, consisting of [XX] page/s, falling within the scope of your request.
9. Having carefully examined this material listed above, I have decided to affirm the original FOI decision/ vary the original FOI decision as discussed below.
10. [include details of variation here if relevant]
  - I have decided that all pages are appropriate for release in full. The document(s) is/are listed in the Schedule of Documents at **Attachment A**. The document(s) for release is/are **enclosed**.
  - I have decided that an additional [XX] pages are appropriate for release in full. The document(s) is/are listed in the Schedule of Documents at **Attachment A**. The document(s) for release is/are **enclosed**.
  - I have decided that an additional [XX] pages are appropriate for release in part. I have decided that certain pages, as outlined in the Schedule of Documents at Attachment A, contain material that are conditionally exempt under section [XX] of the FOI Act because they would [list and include details for each relevant exemption from the primary decision template]
11. In addition to your request for internal review, I have taken the following material into account in making my decision on internal review:
  - your initial request of [date] for an internal review of the decision;
  - your subsequent submission/s dated [date/s];
  - documents falling within the scope of your request;
  - consultations with departmental officers as to the nature of your request, searches undertaken by them, and the Department's operating environment and functions;
  - submissions made by third parties;
  - the Department's primary decision dated [date];
  - the FOI Act;
  - factors relevant to my assessment of whether or not the disclosure of the document/s would be in the public interest; and
  - the guidelines issued by the Australian Information Commissioner under section 93A of the FOI Act.

**Reasons for decision** [insert relevant paragraphs from primary decision templates]

12. [insert information relevant to specific request]

**Rights of review**

13. Information about your rights of external review under the FOI Act is set out at **Attachment [X]**. If you have any enquiries concerning this matter, please do not hesitate to contact me on [\[phone\]](#) or via email at [foi@dss.gov.au](mailto:foi@dss.gov.au)

Yours sincerely

[\[Name\]](#)

[\[Title\]](#)

[\[Branch\]](#)

[\[Group\]](#)

[\[Date\]](#)

## ATTACHMENT A

## Schedule of Documents

Document Number	Page Number	Date	Description	Decision
1.				
2.				
3.				
4.				
5.				
6.				
7.				
8.				
9.				
10.				
11.				
12.				
13.				
14.				

## ATTACHMENT B

**Your rights of review****External Review by the Australian Information Commissioner**

Section 54L of the FOI Act gives you the right to apply directly to the Australian Information Commissioner (AIC) to seek a review of this decision.

If you wish to have the decision reviewed by the AIC you must apply for the review in writing or by using the online merits review form available on the AIC's website at [www.oaic.gov.au](http://www.oaic.gov.au) within 60 days of receipt of this letter. To assist the AIC your application should include a copy of this decision and your contact details. You should also clearly set out why you are objecting to the decision.

You can also complain to the AIC about how an agency handled an FOI request, or other actions the agency took under the FOI Act. Applications for review or complaint can be lodged in one of the following ways:

Online: [www.oaic.gov.au](http://www.oaic.gov.au)

Post: GPO BOX 5218  
SYDNEY NSW 2001

Phone: 1300 363 992 or +61 2 9284 9749 for international

Email: [enquiries@oaic.gov.au](mailto:enquiries@oaic.gov.au)

In person: Level 3  
175 Pitt Street  
SYDNEY NSW 2000

## Reasons for decision

### Section 17 of the FOI Act – Requests involving use of computers

1. I have consulted with officers in the relevant Branch of the Department and they have advised me that the information you requested [e.g. for Item 1 of your request] is not available in a discrete form in written documents held by the Department.
2. The relevant Branch has advised that while the information is not available in a discrete form, it is available for extraction from other information held by the Department.
3. Section 17 of the FOI Act relates to requests involving the use of computers and provides as follows:
  - (1) *Where:*
    - (a) *a request (including a request in relation to which a practical refusal reason exists) is made in accordance with the requirements of subsection 15(2) to an agency;*
    - (b) *it appears from the request that the desire of the applicant is for information that is not available in discrete form in written documents of the agency; and*
    - (ba) *it does not appear from the request that the applicant wishes to be provided with a computer tape or computer disk on which the information is recorded; and*
    - (c) *the agency could produce a written document containing the information in discrete form by:*
      - (i) *the use of a computer or other equipment that is ordinarily available to the agency for retrieving or collating stored information; or*
      - (ii) *the making of a transcript from a sound recording held in the agency;*

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



**Australian Government**  
**Department of Social Services**

---

[Title] [First Name] [Surname]  
 [Position]  
 [Organisation]  
 [Address Line 1] – remove if being emailed  
 [Address Line 2] – remove if being emailed  
 [SUBURB] [STATE] [POSTCODE] – remove if being emailed

**By email:** [email] – delete if being posted

Dear [Title] [Surname]

**Freedom of Information (FOI) Request No. XX/XX-[number]**

1. I refer to your correspondence received by the Department of Social Services (the Department) on [insert date], in which you requested access, on behalf of [name], under the *Freedom of Information Act 1982* (the FOI Act) to:

[quote request]

2. I note you provided evidence of your authority to obtain the requested document(s) and information on [insert date].
3. On [date] you revised the scope of your request...
4. On [date], I advised you by email of the following:

*... duplicate documents and non-Senior Executive Service (SES) employees names, contact details and signatures, as well as mobile phone numbers and signatures of SES employees, will be excluded from the scope of your request under s22(1)(a)(ii) of the FOI Act.*

5. On [date], [agency name(s)] accepted partial transfer of:

*“[quote part of request transferred]”.*

6. Consequently, the following parts of your request remain with the Department:

*“[quote part remaining]”.*

7. On [insert date], you agreed to a XX day extension of time to process your request.
8. I am authorised to make decisions under subsection 23(1) of the FOI Act and my decision regarding your request and the reasons for my decision are set out below.

### Decision on access to documents

9. I have decided to refuse access to documents of the request under subparagraph 24A(1)(b)(ii) of the FOI Act [requests may be refused if documents cannot be found, do not exist or have not been received].
10. In reaching my decision, I have taken the following material into account:
- your correspondence dated [date] outlining the particulars of your request for documents under the FOI Act;
  - consultations with departmental officers as to the information held by the Department and searches for documents undertaken by them;
  - the FOI Act; and
  - the guidelines issued by the Australian Information Commissioner under section 93A of the FOI Act.

### Reasons for decision

11. An agency or Minister may refuse a request for access to a document under subsection 24A(1) of the FOI Act if:
- (a) all reasonable steps have been taken to find the document; and
  - (b) the agency or Minister is satisfied that the document:
    - (i) is in the agency's or Minister's possession but cannot be found; or
    - (ii) does not exist.
12. I am advised by departmental officers in the [Group/Branch] that thorough searches have not located any document(s) within the scope of your request.
13. Include any other information as to why no documents exist/cannot be found. Include as much detail as possible about what searches have been undertaken
14. I am satisfied that all reasonable steps have been taken to determine whether the relevant documents exist and such steps have failed to locate any documents falling within the scope of your request.
15. I have therefore decided to refuse your request pursuant to subparagraph 24A(1)(b)(ii) of the FOI Act on the basis that the documents you are seeking do not exist.

### Rights of review

16. I have set out your rights to seek a review of my decision at **Attachment A**.
17. Should you have any enquiries concerning this matter, please do not hesitate to contact me.

Yours sincerely

[Name of officer]

[Title]

Government and Executive Services Branch

Chief Counsel Group

[Date]

## ATTACHMENT A

**Your rights of review****Internal review**

Section 54 of the FOI Act gives you the right to apply for an internal review of this decision. The review will be conducted by a different person to the person who made the original decision.

If you wish to seek an internal review of the decision you must apply for the review in writing within 30 days of receipt of this letter.

No particular format is required but it will help the new decision-maker if you clearly state why you consider the decision should be reviewed. Please send your application by post or email as follows:

Post: Freedom of Information (FOI) Team  
Government and Executive Services Branch  
Chief Counsel Group  
Department of Social Services  
GPO Box 9820  
CANBERRA ACT 2601

Email: [foi@dss.gov.au](mailto:foi@dss.gov.au)

**External Review by the Australian Information Commissioner**

Section 54L of the FOI Act gives you the right to apply directly to the Australian Information Commissioner (AIC) to seek a review of this decision.

If you wish to have the decision reviewed by the AIC you must apply for the review in writing or by using the online merits review form available on the AIC's website at [www.oaic.gov.au](http://www.oaic.gov.au), within 60 days of receipt of this letter. To assist the AIC your application should include a copy of this decision and your contact details. You should also clearly set out why you are objecting to the decision.

You can also complain to the AIC about how an agency handled an FOI request, or other actions the agency took under the FOI Act.

Applications for review or complaint can be lodged in one of the following ways:

Online: [www.oaic.gov.au](http://www.oaic.gov.au)

Post: GPO Box 5218  
SYDNEY NSW 2001

Phone: 1300 262 992 or +61 2 9284 9749 (international)

Email: [enquiries@oaic.gov.au](mailto:enquiries@oaic.gov.au)

In person: Level 3  
175 Pitt Street  
SYDNEY NSW 2000

The FOI decision will be made by an independent decision maker in the FOI team who is authorised under s23(1) of the FOI Act. Line areas are requested to use this form to confirm that relevant stakeholders (including the decision maker and the Media team) are aware of any sensitivities relating to the decision or documents for release. The draft decision is attached for your consideration.

FOI Request No: [Number]

Applicant: [Name]

Date of request: [Date]

Details of the FOI request: [Insert request]

Date decision is due: [Date]

Date of publication on disclosure log (if relevant): [Date]

### Branch Time Spent Working on FOI Request

The FOI team is required to report to the Office of the Australian Information Commissioner how many hours were spent working on FOI requests by the relevant line area. You have already provided an estimate of search and retrieval time in the Document Search Minute. Please estimate additional time spent by your Branch to review the decision below:

	APS 1-5	APS6 – EL2	SES
Number of hours for search and retrieval (from Document Search Minute)	FOI team to add totals from two tables		
Number of hours for review of decision and documents			

[Responsible line area to complete]

### Branch Manager Sign-Off

I, [Name], Branch Manager of the [Name] Branch confirm that I have:

- reviewed the decision letter
- provided all sensitivities/comments regarding the decision to the FOI team, and
- informed my Group Manager of the decision.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

**Group Manager Sign-Off**

I, [Name], Group Manager of the [Name] Group confirm that I have:

- reviewed the decision letter
- provided all sensitivities/comments regarding the decision to the FOI team, and
- discussed this decision with my Deputy Secretary where I feel this is required.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

Subject: FOI Request XX/XX-XX – draft decision and documents

Good morning/afternoon [name]

Please find **attached** a draft decision on access and documents for your consideration in relation to **FOI Request No. XX/XX-XX**.

Redactions have been made to the documents to be released to the applicant. Please note, all information contained within red boxes will be removed before these documents are released. (\*Amend this depending on decision ie. release in full.\*)

Please complete the **attached** checklist to indicate that all relevant considerations have been identified to the Decision Maker.

Please note that the FOI checklist asks for Branch Manager and Group Manager sign off.

In order to meet statutory deadlines, you must return a signed copy of the checklist to [foi@dss.gov.au](mailto:foi@dss.gov.au) no later than [date].

I will provide a copy of the final decision and documents to significant stakeholders once I have received the signed checklist before it is released to the applicant.

Kind regards,

**STATUTORY TIME LIMITS APPLY – ACTION REQUIRED BY XX MONTH 2017****Freedom of Information (FOI) Document Search Minute**

**To:** [Branch/Group Manager Name]  
[Position]  
[Branch Name]

**From:** [FOI Officer's Name]  
FOI team  
(02) 6146 \*\*\*\*  
[foi@dss.gov.au](mailto:foi@dss.gov.au)

**Date:** XX [Month] 20

**Subject:** New FOI Request No. XX/XX-XXX - [Applicant's Name (Organisation)] – [Topic]

**Background**

1. The department has received a request under the *Freedom of Information Act 1982* (FOI Act) for access to:  
  
*[quote request]*
2. It is my understanding that your Branch/Group is best placed to provide/coordinate information and collate relevant documents in relation to this request.
3. The current decision date for this request is [Date].
4. For more information on relevant departmental procedures, roles and responsibilities refer to the corporate [FOI Policy](#) on Staffnet.

**Action Required**

5. Please allocate appropriate resources to the processing of this request.
6. Please also complete and return a signed copy of Attachment A and all relevant documents by [Date] to [foi@dss.gov.au](mailto:foi@dss.gov.au):
  - complete Part 1 (Search and Retrieval) to confirm that you have conducted the search and provide details about the search in the event that the department needs to prove that a reasonable search has been conducted;
  - complete Part 2 (Document Details) to provide information about the number of documents;

- complete Part 3 if you wish to provide written comments on the sensitivities contained in the documents. Alternatively, you may wish to discuss your concerns with the FOI team directly.
7. The FOI team will notify all significant stakeholders (if required) at key points in the decision making process, including the relevant Minister and/or Assistant Minister's office.

**PART 1 – Search and Retrieval**

*Notes: To comply with the FOI Act, a thorough search for all relevant documents in the possession of the department must be undertaken. A decision-maker may be asked by the Information Commissioner or the Administrative Appeals Tribunal to provide proof that “reasonable” searches have been undertaken.*

*The search time may be used for determining whether to charge an applicant.*

*It is not necessary to search all locations listed below, only those that are reasonably likely to hold relevant documents.*

System/Storage Location <i>(add more rows at end if required)</i>	Provide details of search terms used and specific containers searched (if applicable)	Number of search results found (X)	Number of search results considered in scope (Y)
<input type="checkbox"/> ARC (incl. Legacy)			
<input type="checkbox"/> PDMS			
<input type="checkbox"/> SAP / Essentials			
<input type="checkbox"/> Protected Enclave			
<input type="checkbox"/> Group Mailboxes (incl. Online Archive)			
<input type="checkbox"/> Individual Mailboxes (incl. Online Archive)			
<input type="checkbox"/> Filing Cabinets / B-Class Safes			
<input type="checkbox"/> Archived physical files			
<input type="checkbox"/> section specific software (please specify)			
<input type="checkbox"/> Other (please specify)			

Please estimate the quantities below:

	APS 1-5	APS6 – EL2	SES
Number of hours searching			
Number of pages of initial results (X)			

Include time for search only:

- consulting relevant officers to determine if a document exists
- searching a file index to establish the location of a document
- searching a file to locate a document

Search time does not include time spent by agency officers, other than the decision maker, discussing and reviewing the results of search and retrieval activities (Paragraphs 4.22 – 4.25 FOI Guidelines).

It is assumed that your record keeping is of a high quality and that documents will be found in the place it should reasonably be. When the document is not where it ought to be, the applicant should not be charged for the additional search time. Please adjust your estimated hours with this in mind.

**PART 2 – Search Results and Document Details**

*Notes: Please estimate the extent of potentially sensitive material within the documents deemed to be relevant. These estimates may be used for determining whether to charge an applicant or whether a practical refusal reason exists.*

*If you believe the indicated volume of documents would constitute a substantial and unreasonable diversion of resources please contact the FOI team to discuss.*

Potentially Relevant Search Results	Quantities
Number of documents (provided to FOI and considered to be in scope by line area)	<i>This will be the sum of the number of search results considered in scope in PART 1 (Y).</i>
Number of pages	
Percentage of pages which are sensitive in their entirety or which contain sensitive material (estimate)	%

Please provide documents (including attachments) as .pdf files. Documents can be provided electronically or via an Arc link. Please limit circumstances where you provide scanned copies for accessibility reasons.

To assist the FOI team to identify your documents, please complete the schedule at **Annex A**.

If you believe you have too many documents to retrieve, you will need to provide a sound estimate to the FOI team in order to consult with the applicant. Please contact the FOI team to discuss immediately.

Please estimate the time you spent:

	APS 1-5	APS6 – EL2	SES
Examining your initial search results to identify documents in scope (narrowing from X to Y in table in Part 1 above)			
Collating bundle of relevant documents (pdf-ing documents, combining or labelling)			
Preparing the schedule at Annex A			

**PART 3 – Further Comments and Sign-off**

*Notes: This part provides a space for you to provide more detailed information about the documents, including whether consultation with any third parties may be required.*

Additional comments:
Potential sensitivities: Please see fact sheet at Annex B.
Potential third parties to consult:

I certify the information provided in Parts 1, 2 and 3 of this document is appropriate and accurate to the best of my knowledge and that reasonable searches for documents have been undertaken.

I understand that I may be required to appear and give evidence before the Australian Information Commissioner or the Administrative Appeals Tribunal in relation to the searches for documents undertaken.

_____	_____	_____
<i>Contact Officer Name</i>	<i>Signature</i>	<i>Date</i>
_____	_____	_____
<i>SES Officer Name</i>	<i>Signature</i>	<i>Date</i>

**Instructions:**  
Once signed, scan and email to [foi@dss.gov.au](mailto:foi@dss.gov.au) along with .pdf versions of the relevant documents.  
If you have any queries or concerns regarding this form please contact the FOI team.

Schedule of Documents

Document Number	Page Number	Date	Description	Decision/Notes
1.				
2.				
3.				
4.				
5.				
6.				
7.				
8.				
9.				
10.				
11.				
12.				
13.				
14.				
15.				



[Home](#) / [Freedom of information](#) / [Guidance and advice](#)

# Exemptions and conditional exemptions under the Freedom of Information Act 1982

Date: 1 September 2011

The exemptions and conditional exemptions under the Freedom of Information Act 1982 (FOI Act) ensure that sensitive information is properly protected. A person has a legally enforceable right of access to a document of an agency or an official document of a minister unless the document is exempt or conditionally exempt. You should refer to the FOI Guidelines Parts 5 (Exemptions) and 6 (Conditional exemptions) for full details.

## Exemptions

---

- s 33** Exempts documents if their disclosure would, or could reasonably be expected to, cause damage to Australia's **national security, defence or international relations**, or would divulge information communicated in confidence to the Commonwealth by a foreign government or an international organisation. This includes information communicated pursuant to a treaty or formal instrument on protection of classified information.
-

---

**s 34** Exempts **Cabinet documents**, which are Cabinet submissions, official records of the Cabinet, briefings to a minister on a Cabinet submission, and drafts of Cabinet submissions, official records and Cabinet briefings.

A Cabinet submission must have been created for the dominant purpose of being submitted for Cabinet's consideration and must have actually been submitted or be proposed by a sponsoring minister to be submitted (s 34(1)).

Includes a document that is a copy, part of or an extract from an exempt document (s 34(2)), and a document that contains information which would reveal a Cabinet deliberation or decision (except where the deliberation or decision has been officially disclosed) (s 34(3)).

A document is not exempt merely because it is an attachment to an exempt document (s 34(4)).

A document by which a Cabinet decision is officially published (such as a media release) is not an exempt document (s 34(5)).

Information in a Cabinet document is not exempt matter if the information consists of purely factual information, unless disclosure would reveal a Cabinet deliberation or decision whose existence has not been officially disclosed (s 34(6)).

---

**s 37** Exempts documents if their disclosure would or could reasonably be expected to affect the **enforcement of law and protection of public safety**, including by:

- *prejudicing the conduct of an investigation of a breach relating to taxation or proper administration of the law*
  - revealing the existence or identity of a confidential informant (see s 37(2A) for confidential sources)
  - endangering any person's life or physical safety
  - prejudicing a fair trial
  - disclosing lawful methods of investigation or prejudicing methods for protecting public safety.
-

---

**s 38** Exempts documents to which **secrecy provisions** apply under a provision of another Act and either:

- *that provision is specified in Schedule 3 of the FOI Act, or*
- s 38 is expressly applied to the document or information in the document, by that secrecy provision, or by another provision of that or any other enactment (s 38(1)(b)).

There are two limitations to this exemption. An applicant has a right of access to a document that is exempt if the relevant secrecy provision does not prohibit disclosure to that applicant. The exemption does not apply if the applicant requests a document which contains their own personal information, except if disclosure is prohibited under the Migration Act 1958.

---

**s 42** Exempts documents subject to **legal professional privilege** (LPP).

The dominant purpose test and the independent legal adviser and client relationship are determinative when considering LPP. Documents are not exempt if the person entitled to claim LPP waives the claim (s 42(3)(a)). Section 42 does not apply to an agency's operational information (as defined in s 8A).

---

**s 45** Exempts documents containing **material obtained in confidence**, where the person who provided the confidential information would be able to bring an action under the general law for breach of confidence to prevent disclosure, or to seek compensation for loss or damage arising from disclosure.

---

**s 46** Exempts documents if their disclosure would, apart from the FOI Act and any immunity of the Crown, be in **contempt of court or infringe the privileges of the Parliament**.

A contempt of court is an action which interferes with the due administration of justice. The term 'parliamentary privilege' refers to the privileges or immunities of the Houses of the Parliament and the powers of the Houses to protect the integrity of their processes.

---

**s 47** Exempts documents disclosing **trade secrets** or **commercially valuable information** whose value would be, or could reasonably be expected to be, destroyed or diminished if the information were disclosed.

See also the business or professional affairs conditional exemption (s 47G).

---

**s 47A** Exempts **electoral rolls**, including:

- *print, microform and digital copies of electoral rolls*
  - documents that set out particulars of individual electors that were used to prepare electoral rolls or were derived from electoral roll data.
-

## Conditional exemptions

### Application of the public interest test to conditional exemptions

An agency or minister must give access to a conditionally exempt document unless at the time disclosure would, on balance, be contrary to the public interest (s 11A(5)). The FOI Act sets out certain factors that favour access and some that must not be taken into account (s 11B(3) and (4)).

---

**s 47B** Conditionally exempts documents if their disclosure would or could reasonably be expected to damage **Commonwealth-State relations** or relations with Norfolk Island or disclose information communicated in confidence by or on behalf of a government or authority of a State to the Commonwealth or the Government of Norfolk Island.

---

**s 47C** Conditionally exempts documents if their disclosure would disclose **deliberative processes**.

Deliberative matter includes opinions, advices or recommendations that have been obtained, prepared or recorded, and consultations or deliberation that have taken place, as part of the deliberative processes relating to the functions of an agency, a minister or the Government of the Commonwealth or Norfolk Island. Operational information (as defined in s 8A) and purely factual material are not deliberative matter.

Does not apply to:

- *reports of scientific or technical experts*
- reports of a body or organisation established within an agency
- records of a final decision given in the exercise of a power or of an adjudicative function (s 47C(3)).

---

**s 47D** Conditionally exempts documents if their disclosure would have a substantial adverse effect on the **financial or property interests of the Commonwealth or Norfolk Island**.

Relates both to expenditure and revenue-generating activities, including intellectual property and the Crown's interests in natural resources.

---

---

**s 47E** Conditionally exempts documents if their disclosure would reasonably be expected to affect **certain operations of agencies** on one or more of the following grounds:

- *prejudice to the effectiveness of procedures or methods for the conduct of tests, examinations or audits*
- prejudice to the attainment of the objects of particular tests, examinations or audits
- a substantial adverse effect on the management or assessment of personnel
- a substantial adverse effect on the proper and efficient conduct of operations.

---

**s 47F** Conditionally exempts documents if their disclosure would involve the unreasonable disclosure of **personal information** about any person (including a deceased person).

An agency or minister must take into account:

- *the extent to which the information is well known*
- whether the person to whom the information relates is known to be associated with the matters dealt with in the document
- the availability of the information from publicly accessible sources
- any other relevant matters (s 47F(2)).

Access can be given to a qualified person nominated by the applicant if it would be detrimental to the applicant's health or well-being to be given direct access to the documents. The qualified persons include medical practitioners, psychiatrists, psychologists, counsellors and social workers.

---

**s 47G** Conditionally exempts documents if their release would disclose information about a person's **business** or professional affairs, or the business, commercial or financial affairs of an organisation or undertaking, and the disclosure:

- *would or could reasonably be expected to unreasonably affect those lawful affairs, or*
- could reasonably be expected to prejudice the supply of information to the Commonwealth, Norfolk Island or an agency.

Consider also the trade secrets or commercially valuable information exemption (s 47).

---

**s 47H** Conditionally exempts documents containing information about **research** being undertaken by an agency officer if its disclosure would be likely unreasonably to expose the agency or officer to disadvantage.

Only applies to CSIRO and Australian National University (ANU) (see Schedule 4).

---

---

**s 47J** Conditionally exempts documents if their disclosure would reasonably be expected to have a substantial adverse effect on Australia's **economy** (including on a particular sector of the economy or the economy of a particular region), by:

- *influencing a decision or action, or*
- giving a person or class of persons an undue benefit or detriment in relation to their business by providing premature knowledge of an action or inaction.

Documents include those containing matter relating to currency or exchange rates, interest rates, taxes, financial regulation and foreign investment.

---

Subject: New FOI Request No. XX/XX-[number] - [name of applicant] - Document Search - Due [due date for documents to be provided]

Good morning/afternoon [insert name]

The department has received a new Freedom of Information (FOI) request for the following:

[insert request]

Please find **attached** a Document Search Minute providing information on the processing of this request, including the actions that you are required to take in order for the department to meet its obligations under the *Freedom of Information Act 1982*.

Given the statutory time frames (set out in the attached Minute), we have asked that by **[insert date]** you:

1. provide copies of all the documents within the scope of this request (preferably as electronic PDF documents);
2. provide information regarding sensitivities (if any) contained in the documents; and
3. complete, sign and return Attachment 'A' of the Minute.

Should you require any further information or have any questions about processing this particular FOI request, please do not hesitate to contact me.

Kind regards



# Australian Government

---

## Department of Social Services

---

[Name]  
 [Position]  
 [Organisation]  
 [Address] – delete if being emailed

**By email:** delete if being posted

Dear [Mr/Ms/Mrs Surname]

### Freedom of Information Request No. **XX/XX-XXX**

1. I refer to your request received by the Department of Social Services (the Department) on [insert date] for access under the *Freedom of Information Act 1982* (FOI Act) to:

*[quote request].*

#### Background

2. On [insert date] the Department advised you of the preliminary estimate of the charge for processing your request, being \$[insert amount] (the charge).
3. On [date], in an email to the Department, you contended that the charge:
  - was wrongly assessed under paragraph 29(f)(ii) of the FOI Act; and/or
  - should be reduced under paragraph 29(f)(ii) of the FOI Act;
  - should not be imposed on financial hardship grounds under paragraph 29(5)(a) of the FOI Act; or
  - should not be imposed on public interest grounds under paragraph 29(5)(b) of the FOI Act.

4. Specifically, you made the following submission/s in support of your contention:

*[quote submission(s)].*

5. I am authorised to make decisions under the FOI Act and the following is my decision in relation to your contention that the charge [has been wrongly assessed/should be reduced/should not be imposed].

#### Decision *[Insert or delete as relevant]*

6. [I have decided to impose the charge in full.] OR [I have decided not to impose the charge.] OR I have decided to reduce the charge by [XX] per cent to [\$amount], being the **reduced charge**.

#### Reasons for decision

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

- your initial request for documents
- the Department's letter notifying you of the charge, dated [insert date];
- your email of [date] contending that the charge [had been wrongly assessed/should be reduced/should not be imposed on grounds of financial hardship/should not be imposed on public interest grounds];
- the documents falling within the scope of your request;
- the FOI Act;
- the *Freedom of Information (Charges) Regulations 1982* (the Regulations); [and]
- guidelines issued by the Australian Information Commissioner under section 93A of the FOI Act (the Guidelines); [and]
- [any other relevant factors].

### Calculation of the charge

- As a preliminary step in my consideration of whether a processing charge should apply to this request, I have examined the calculations which were used to determine the charge.
- The Department advised you on [insert date] that it has in its possession approximately [insert number] [document/documents] relevant to your request. The charge, totalling \$[insert amount], was calculated on the following basis:

Search and retrieval time: [insert number] hours, at \$15.00 per hour:	\$00.00
Decision-making time: [insert number] hours minus the first 5 hours* at \$20.00 per hour:	\$00.00

---

<b>TOTAL</b>	<b>\$00.00</b>
--------------	----------------

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

- In calculating a processing charge for a Freedom of Information application, the Department considers relevant provisions of the FOI Act, the Regulations and the Guidelines in relation to the amount it is permitted to charge. The Department calculates the amount it may charge based on:
  - the time taken to search for, and retrieve, files containing documents that fall within the scope of the request;
  - the number of third parties with whom it will be necessary to consult in the course of making a decision regarding release of the documents;
  - the number and size (volume) of the documents that have been identified as falling within the scope of the request and the time taken for decision-making in relation to each page of each document (less the first five hours of decision-making time, which are free of charge); and
  - the number of pages considered sensitive, requiring redaction (potentially requiring extra decision-making time).
- The Department enters the information regarding the number and nature of the documents into a calculator provided by the Australian Government Solicitor.
- While use of this calculator is not mandated, it is provided to agencies for use in the calculation of processing charges under the FOI Act and is in common usage. The decision-maker then applies his or her own experience to evaluate the reasonableness of the amount calculated.

13. [\[Use this paragraph where third party consultation required\]](#) In relation to your request, the charge was calculated, in part, on the basis that the Department will need to consult with [\[insert number, if applicable\]](#) external third [\[party/ies\]](#) and, following this, the deletion of exempt material may be required, potentially increasing the decision-making time.

### **Reduction or non-imposition of the charge**

14. Subsection 29(5) of the FOI Act provides that, without limiting the matters that an agency may take into account when making a decision about whether to reduce or not impose a processing charge, the decision-maker must consider:
- whether payment of a charge, or part of it, would cause financial hardship to an applicant; and
  - whether the giving of access to the document in question is in the general public interest or in the interest of a substantial section of the public.

### **Financial hardship**

*If the applicant **HAS NOT** made a contention on grounds of financial hardship the following paragraph should be included:*

15. Given that you have not provided information about whether imposition of the charge, or part of it, would cause you financial hardship, I have decided that there are no grounds to make a decision [\[to reduce/not to impose\]](#) the charge for reasons of financial hardship.

*If the applicant **HAS** made a contention on grounds of financial hardship the following paragraph should be included:*

16. Having considered your submission I am satisfied that payment of the charge, or part of it, [\[would cause you financial hardship/would cause financial hardship to the person on whose behalf the application was made\]](#) and have decided [\[to reduce the charge by \[x %\] to \[\\$xx.xx\]/not to impose the charge at all\]](#).  
or
17. [\(If the applicant HAS made a contention on grounds of financial hardship\)](#) Having considered your submission, I am not satisfied that payment of the charge would cause financial hardship and have decided to impose the charge in full.

### **Public interest**

*If the applicant **HAS** made a submission on public interest grounds the following paragraph should be used:*

18. In determining whether to reduce or not impose the charge in accordance with section 29(5)(b) of the FOI Act, I am required to consider *'whether the giving of access to the documents in question is in the general public interest or in the interest of a substantial section of the public'*. This means that there must be a benefit flowing generally to the public or a substantial section of the public from disclosure of the documents falling within scope of your request.
19. In considering the benefit that would flow to the public, I have reviewed the documents in question and considered the nature, content and context of the documents.
20. [I consider that giving access to the documents would be in the public interest and favours a reduction/non-imposition of the charge for the following reasons:](#)

- it is in the general public interest to promote the objects of the FOI Act;
- the document/s relate/s to a matter of public debate or a policy issue under discussion within this agency and disclosure of the document/s would assist public comment on and participation in the debate or discussion;
- the document/s relate to an agency decision that has been the subject of public interest or discussion and disclosure of the document/s would inform the public on the matter;
- release of the documents would increase scrutiny of a matter of public importance; and/or
- release of the documents would promote oversight of public expenditure.
- see paragraph 4.83 of the guidelines which illustrates circumstances in which access may be in the public interest. Also para 4.84 and 4.88

21. I am therefore satisfied that access to the documents is in the public interest and have decided not to impose a charge.
22. The Department will therefore continue processing your request and you can expect to receive a decision on your FOI request by [insert date].

*Other grounds for not reducing and maintaining the imposition of the charge (if relevant)*

23. I consider that the following factors do not favour a reduction/non-imposition of the charge:
- the volume of documents within the scope of your request is more than is reasonably necessary to contribute to a public discussion or analysis of the issue;
  - as the applicant, you can be expected to derive a commercial or personal benefit or advantage from being given access to the documents and it is therefore reasonable to expect you to pay the charge; and/or
  - you have requested access to a substantial volume of documents and significant work would be required to process the request and it is therefore reasonable to expect you to pay the charge].
24. I am therefore satisfied that payment of the charge should not be waived and that the amount of the charge should not be reduced.
25. [If the documents appear to be primarily of interest only to the applicant and are not of general public interest or a substantial section of the public, this should be explained here (in addition to any other relevant issues) to provide reasons as to why the charge is not being reduced/is only partially reduced/IS being imposed despite the contentions].

**Options to proceed with your request**

26. In order for your request to proceed, you are required to respond in writing in accordance with one of the following options:
- A. Pay the [reduced] charge (see below); or
- B. Request a review of this decision to impose the [charge] [reduced charge] (see **Attachment A** for more information).

*Option A – pay the [reduced] charge*

As the reduced charge is [less than \$100 you are required to pay a deposit of \$20] OR [more than \$100 you are required to pay a deposit of 25 %, being [\$amount]]. You may, of course, elect to pay the reduced charge in full at this point.

The amount due should be paid by cheque or money order and made out to the *Collector of Public Monies – DSS*. The cheque or money order can be made out to the following address:

Freedom of Information (FOI) Team  
Government and Executive Services Branch  
National Office Level 4 Quadrant D  
Department of Social Services  
GPO Box 9820  
CANBERRA ACT 2601

27. Alternatively, if you wish to withdraw your request you may do so in writing.
28. Should you have any queries concerning this matter, please do not hesitate to contact me on [\[insert number\]](#).

Yours sincerely

[\[Name of officer\]](#)

[\[Title\]](#)

Government and Executive Services Branch  
Chief Counsel Group

[\[Date\]](#)

**Attachment A****Internal review**

Section 54 of the *Freedom of Information Act 1982* (FOI Act) gives you the right to apply for an internal review of this decision. The review will be conducted by a different person to the person who made the original decision.

If you wish to seek an internal review of the decision you must apply for the review, in writing, within 30 days of receipt of this letter. No particular form is required for an application for internal review, but to assist the decision-maker you should clearly outline the grounds upon which you consider the decision should be reviewed. Applications for internal review can be lodged in one of the following ways:

Post: Freedom of Information (FOI) Team  
Government and Executive Services Branch  
National Office Level 4 Quadrant D  
Department of Social Services  
GPO Box 9820  
CANBERRA ACT 2601

Email: [foi@dss.gov.au](mailto:foi@dss.gov.au)

**External Review by the Australian Information Commissioner**

Section 54L of the FOI Act gives you the right to apply directly to the Australian Information Commissioner (AIC) to seek a review of this decision.

If you wish to have the decision reviewed by the AIC you must apply for the review, in writing or by using the online merits review form available on the AIC's website at [www.oaic.gov.au](http://www.oaic.gov.au), within 60 days of receipt of this letter. To assist the AIC your application should include a copy of this decision and your contact details. You should also clearly set out why you are objecting to the decision.

You can also complain to the AIC about how an agency handled an FOI request, or other actions the agency took under the FOI Act.

Applications for review or complaint can be lodged in one of the following ways:

Online: [www.oaic.gov.au](http://www.oaic.gov.au)

Post: GPO Box 5218  
Sydney, NSW 2001

Phone: 1300 262 992 or +61 2 9284 9749 (international)

Email: [enquiries@oaic.gov.au](mailto:enquiries@oaic.gov.au)

In person: Level 3, 175 Pitt Street, Sydney, NSW 2000

Subject: FOI Request XX/XX-XX – revised due date

Dear [Mr/Ms/Mrs Surname]

**Freedom of Information Request No. [XX/XX-XX]**

Thank you for your recent payment [of a deposit] of \$XX.XX for processing your FOI request.

The money was received in the Department's account on [date].

As such, the statutory deadline for you to receive a response to your request is now **[date]**.

Please contact me if you have any questions.

Kind regards



**Australian Government**  
**Department of Social Services**

[Name]  
 [Position]  
 [Organisation]  
 [Address] – delete if being emailed

**By email:** delete if being posted

Dear [Mr/Ms/Mrs Surname]

**Freedom of Information (FOI) Request Number **XX/XX-XXX****

1. I refer to your request received by the Department of Social Services (the department) on [insert date] for access under the *Freedom of Information Act 1982* (FOI Act) to:

[quote request].

**Preliminary Assessment of the Charge**

2. 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.
3. A search for documents has identified approximately [insert number] documents consisting of [insert number] pages.
4. My preliminary estimate of the charge is \$XX.XX, calculated as follows:

**Search and retrieval time**

Searching for documents	\$15.00 per hour (X hours)	\$00.00
-------------------------	----------------------------	---------

**Decision-making time**

Examination of documents	\$20.00 per hour (X hours)	\$00.00
Consulting third party organisations	\$20.00 per hour (X hours)	\$00.00
Making copies of documents	\$20.00 per hour (X hours)	\$00.00
Preparing decision notice	\$20.00 per hour(X hours)	\$00.00
Other decision making tasks	\$20.00 per hour(X hours)	\$00.00
Less	% reduction for personal information	\$00.00
Less	5 hours of free decision making time	\$100.00

**Other tasks**

Production of USB/CD		\$00.00
----------------------	--	---------

---

<b>TOTAL</b>		<b>\$00.00</b>
Deposit		\$00.00

**Required Action**

5. If you would like the department to continue processing your request, you must provide a written response in accordance with A, B or C below within 30 days of receiving this notice. If you do not provide a response your request will be taken to have been withdrawn under subsection 29(2) of the FOI Act.

**A. pay the charge**

You are required to pay a deposit of **\$XX.XX**, which is 25% of the total amount, within 30 days of receiving this notice. You may, of course, elect to pay the charge in full at this point. If you decide to pay the deposit, we will invoice you the balance at the end of the processing period. Documents will not be released until payment is received in full.

**B. contend the charge**

You have the option to contend the charge:

- (i) has been wrongly assessed; or
- (ii) should be reduced or not imposed; or
- (iii) both

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/your client]** 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.

If you wish to contend the charge 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/your client]** financial hardship, please provide sufficient details of your financial circumstances to enable the decision-maker to make a well-informed decision in this regard.

**C. withdraw the request**

If you wish to withdraw your request you may do so in writing.

6. Alternatively, if you wish to refine the scope of your FOI request, please contact me for assistance.

**Address for correspondence**

7. The amount due will be invoiced to you upon your acceptance of the charge and return of the **attached** document. If you are unable to return the form by email to [foi@dss.gov.au](mailto:foi@dss.gov.au) please send by mail to the address below.

Freedom of Information (FOI) Team  
Government and Executive Services Branch  
Department of Social Services  
PO Box 9820  
CANBERRA ACT 2601

**Time limits for processing your request**

8. The time limit for processing the request is suspended from the date this notice is received until either:
  - (a) the day following payment of the deposit or charge; or
  - (b) if applicable, the day following notification of a decision not to impose the charge.

**Further information**

9. In accordance with the requirements of section 11C of the FOI Act, the department is required to publish, on its website, information released under the FOI Act within ten working days of the applicant being given access to the documents.
10. Should you have any queries concerning this matter, please do not hesitate to contact me.

Yours sincerely

[Name – EL1 or above]

[Title]

Government and Executive Services Branch

[Date]



**Australian Government**  
**Department of Social Services**

**Freedom of Information (FOI) Request Number [XX/XX-XXX](#)**

**Acceptance of charge**

I, [\[insert name\]](#) accept the charges as set out in the Preliminary Assessment of Charges dated [\[insert date\]](#).

I acknowledge that the details provided below are true and correct, and upon return of this document, I will be invoiced for the amount set out in the notice of charge.

I elect to pay the **full amount**

I elect to pay the **deposit amount**

\_\_\_\_\_  
 Print Name

\_\_\_\_\_  
 Signature

\_\_\_\_\_  
 Date

**Required information**

In order to proceed, the department requires the following information from you to raise an invoice.

Full name / Organisation: (Include ABN if applicable)		
Postal Address:		
Contact numbers:	Home/Business	
	Mobile	
Email:		

Dear [Mr/Ms/Mrs Surname]

**Freedom of Information Request No. [17/18-number]**

I refer to your correspondence received by the Department of Social Services (the Department) on [date received], in which you requested access, on behalf of, under the Commonwealth *Freedom of Information Act 1982* (FOI Act) to [the following documents]:

“[quote request]”.

I note that you have provided evidence of your authority to act and receive the requested documents on behalf of your client {insert name} in relation to this matter. OR. I note that your request is for [client name’s] personal information. Please provide the appropriate evidence of your authority to act and receive the requested documents on their behalf.

Unless you advise otherwise, drafts, duplicate documents and the names, contact details and signatures of non-Senior Executive Service (SES) staff, as well as mobile phone numbers and signatures of SES staff, will be excluded from the scope of your request under s22(1)(b)(ii) of the FOI Act. If you do require these details, please inform us within five days of this email so that the decision maker can consider your request.

The statutory period for processing your request is 30-days commencing from the day after your request was received. Accordingly, the deadline for notifying you of the Department’s decision on access is [date].

I note that the above mentioned due date is a [Saturday, Sunday, or public holiday]. In accordance with the FOI guidelines issued by the Australian Information Commissioner, if the last day for notifying a decision falls on a Saturday, Sunday or a public holiday, the timeframe will expire on the first day following which is none of those days. As such, the due date for you to receive a response is [date]. Noting [date] is a gazetted public holiday in the ACT (from where all FOI requests are administered for the Department), the due date for you to receive a response is [date].

As your request is for personal information there is no charge associated with processing your request. OR You will be notified as soon as possible if a charge is associated with processing your request.

The Department will correspond with you by email in relation to your FOI request. Should you have any queries about this matter, please do not hesitate to contact me on [telephone number]. Alternatively, you may send queries via email to [foi@dss.gov.au](mailto:foi@dss.gov.au)

Kind regards

Subject: FOI Request XX/XX-XX – applicant – short description of request – notice of intended decision

Good afternoon all

**FOI Request No. XX/XX-[\[Number\]](#)**

The Department received a Freedom of Information request from [applicant] of [company] on [date] requesting access to:

[insert scope]

For your information, please see attached a copy of the proposed decision letter and documents in the form for release. [Content for release has been checked by Branch Manager \[title\] and Group Manager \[title\]](#).

The decision and documents will be sent to the applicant by email on [\[date\]](#).

**OR**

The decision will be sent to the applicant by email on [\[date\]](#), however the applicant must pay outstanding processing charges before the documents will be released OR a third party objection has been received and documents will not be released to the applicant until the third party review rights have expired.

Please note, the documents will be published on the DSS Disclosure Log by [\[date\]](#) OR within ten days of being sent to the applicant.

If you have any questions or wish to discuss the decision, please contact me.

Kind regards

## Notice to the OAIC of an extension with the applicant's agreement

To: [FOIDR@oaic.gov.au](mailto:FOIDR@oaic.gov.au)

Subject: Section 15AA notification — [agency name] — [agency reference number]

### Body text:

Dear

[Agency reference number — *insert*]

I am writing to notify you of a s 15AA extension, agreed to by FOI applicant [*insert name*] on [*insert date*]. [*Applicant name*] can be contacted at [*insert contact details*]. Attached is the applicant's agreement in writing to an extension of [*insert number*] days.

[*Name of applicant*] lodged [his/her/their] FOI access request (complying with s 15) with [*name of agency*] on [*insert date*]. Taking into account [an] extension[s] to the processing period to enable us [to consult with a third party / to carry out a request consultation process / to apply a charge], [*name of agency*] was due to make a decision on the applicant's request by [*insert date*].

With the [*insert number*] day extension, [*name of agency*] must now make a decision on the request by [*insert date*].

Yours sincerely

[*insert contact details*]

Dear [Mr/Ms/Mrs Surname]

I refer to your request received by the Department of Social Services (the Department) on [insert date] for access under the *Freedom of Information Act 1982* (FOI Act) to:

["quote request"].

On [date] we advised you by email of the following:

Unless you advise otherwise, duplicate documents and the names, contact details and signatures of non-Senior Executive Service (SES) staff, as well as mobile phone numbers and signatures of SES staff, will be excluded from the scope of your request under s22(1)(a)(ii) of the FOI Act. If you do require these details, please inform us within five days of this email so that the decision maker can consider your request.

In our email dated [date] you were advised that the statutory deadline for a response to this request was [date].

Your request covers documents which contain information of a [originating from a state, commercial and/or personal] nature of a number of third parties.

As such, there is a requirement to consult the third parties under section 26A/27 and/or 27A of the FOI Act before the decision maker can make a decision on the release of the documents.

Subsection 15(6) of the FOI Act provides for an extension of 30 days to the statutory time limit for processing requests. Therefore, the deadline for providing you with the decision on your request is now [date].

If you have any questions about this matter, please do not hesitate to contact me.

Yours sincerely

## Applying for an extension following a deemed decision

**To:** [FOIDR@oaic.gov.au](mailto:FOIDR@oaic.gov.au)

**cc:** *[applicant email address]*

**Subject:** *[Section 15AC] request — [agency's name] — [agency's reference number]*

### Body text:

Dear

*[[Insert name of agency] reference number — insert]*

*[If applicable: OAIC reference number — insert]*

I am writing to request a s 15AC extension for an FOI request made by applicant *[insert name]* contactable at *[insert contact details]*.

### ***Details of the access request***

*[Name of applicant] lodged [his/her/their] FOI access request (complying with s 15) with [name of agency] on [insert date]. Taking into account [an] extension[s] to the processing period [to allow us to consult a third party / to allow us to carry out a request consultation process / to allow us to apply a charge / agreed to by the applicant under s 15AA / granted by the OAIC under s 15AB ], [name of agency] was due to make a decision on the applicant's request by [insert date].*

The decision on the request is now deemed refused.

### ***[Insert if applicable: Period of s 15AA extension agreed to / Section 15AA extension refused]***

*[Choose one: As we advised the OAIC on [insert date], the applicant agreed to a [insert number] day extension under s 15AA and this is encompassed in the decision due date above. / On [insert date] [name of agency] sought [name of applicant]'s agreement to a [insert number] day extension under s 15AA which [he / she / they] refused. [Explain why the applicant refused the request for an extension and whether they raised any concerns about delays.]]*

### ***[Insert if applicable: Period of s 15AB extension granted by OAIC]***

On [insert date] the OAIC granted [name of agency] a [insert number] day extension under s 15AB. This extension is encompassed in the decision due date above.]]

### ***Period of s 15AC extension sought***

[Name of agency] requests a [insert number] day extension under s 15AC. This would make the new due date for a decision [insert date].

### ***Reasons***

[Insert:

- *Your reason for requesting an extension, and your view as to why an extension would be justified.*
- *Any changes in circumstances with the processing of the request and how these have affected timeframes.*
- *Other relevant information including work already undertaken to process the request, the work required to finalise the request, work undertaken on the request following any earlier extension granted by the OAIC under s 15AB, any consultation undertaken with the applicant concerning the length of time for processing the request, other agencies or third parties that have an interest in the processing of the request.*
- *Measures you would take to ensure that a decision is made within the period of extension, and to keep the applicant informed of your progress towards making a decision.]*

Attached is a breakdown of how [name of agency] would use the extended period for processing the request. It sets out the actions still required on the request along with dates for when [name of agency] will complete those actions.

Yours sincerely

[insert contact details]

## Applying to the OAIC for an extension for a complex or voluminous request

**To:** [FOIDR@oaic.gov.au](mailto:FOIDR@oaic.gov.au)

**cc:** *[applicant email address]*

**Subject:** Section 15AB request — *[agency name]* — *[agency reference number]*

### Body text:

Dear

*[[insert name of agency] reference number — insert]*

*[If applicable: OAIC reference number — insert]*

I am writing to request a s 15AB extension for an FOI request made by applicant *[insert name]* contactable at *[insert contact details]*.

### ***Details of the access request***

*[Name of applicant] lodged [his/her/their]FOI access request (complying with s 15) with [name of agency] on [insert date]. Taking into account [an] extension[s] to the processing period [to allow us to consult a third party / to allow us to carry out a request consultation process / to allow us to apply a charge / agreed to by the applicant under s 15AA / granted by the OAIC under s 15AB ], [name of agency] is due to make a decision on the applicant's request by [insert date].*

### ***[Insert if applicable: Period of s 15AA extension agreed to / Section 15AA extension refused]***

*[Choose one: As we advised the OAIC on [insert date], the applicant agreed to a [insert number] day extension under s 15AA and this is encompassed in the decision due date above. / On [insert date] [name of agency] sought [name of applicant]'s agreement to a [insert number] day extension under s 15AA which [he / she / they] refused. [Explain why the applicant refused the request for an extension and whether they raised any concerns about delays.]*

### ***[Choose one: Period of s 15AB extension sought / Variation of period of s 15AB extension sought]***

*[Choose one: [Name of agency] requests a [insert number] day extension under s 15AB. This would make the new due date for a decision [insert date]. / On [insert date] the OAIC granted [name of agency] a [insert number] day extension under s 15AB. [Name of agency] requests a variation to increase the extension to [insert number] days. This would make the new due date for a decision [insert date].]*

## **Reasons**

*[Insert:*

- *Your reasons for requesting an extension (or variation of a previously granted extension), and your view as to why an extension (or variation) would be justified.*
- *An explanation as to why the request is considered complex or voluminous.*
- *Other relevant information including work already undertaken to process the request, the work required to finalise the request, work undertaken on the request following any earlier extension granted by the OAIC under s 15AB, any consultation undertaken with the applicant concerning the length of time for processing the request, other agencies or third parties that have an interest in the processing of the request.*
- *Measures you would take to ensure that a decision is made within the period of extension, and to keep the applicant informed of your progress towards making a decision.]*

Attached is a breakdown of how *[name of agency]* would use the extended period for processing the request. It sets out the actions still required on the request along with dates for when *[name of agency]* will complete those actions.

Yours sincerely

*[insert contact details]*

Dear [applicant]

**Freedom of Information Request No. XX/XX-XX**

I refer to your correspondence received by the Department of Social Services (the Department) on [date], in which you requested access under the *Freedom of Information Act 1982* (FOI Act) to the following:

[insert scope]

The statutory period for processing your request is 30-days commencing from the day after your request was received in the Department. Accordingly, the deadline for notifying you of the Department's decision on access is [date].

As the Department will be closed between Christmas and New Year, I am seeking your agreement under section 15AA of the FOI Act to a 30 day extension of time to process your request. Should you agree, the new due date for you to receive a response to your request would be [date]. Can you please advise as soon as possible if you agree?

Should you have any queries about this matter, please do not hesitate to contact me at the details below. Alternatively, you may send queries via email to [foi@dss.gov.au](mailto:foi@dss.gov.au)

Kind regards



**Australian Government**  
**Department of Social Services**

---

[Title] [First Name] [Surname]  
 [Position]  
 [Organisation]  
 [Address – remove if being emailed]

**By email:** [email – remove if being posted]

Dear [Mr/Ms/Mrs Surname]

**Freedom of Information Request No. [XX/XX-number]**

1. I refer to your FOI request received by the Department of Social Services (the Department) on [insert date], in which you requested access under the *Freedom of Information Act 1982* (the FOI Act) to:  
  
[quote request].
2. I am writing to notify you of my intention to refuse your request under section 24 of the FOI Act.
3. I consider that a practical refusal reason exists under subparagraph 24AA(1)(a)(i), in that processing your request would amount to a substantial and unreasonable diversion of the Department's resources.
4. I have consulted with departmental officers in the [name] Branch regarding the number and nature of documents likely to be relevant to your request and the work involved in processing your request.
5. [Describe the advice received on the amount of material potentially in scope/time it will take to review material potentially in scope. Factors to be considered include the material/ time involved in:
  - identifying, locating and collating documents;
  - examining documents
  - consulting with any person/body on the release of the documents;
  - deciding whether to grant, refuse or defer access to documents;
  - drafting and notifying the decision].

For example: I am advised that there are at least xx documents consisting of over xx pages within the scope of your request. I have estimated that the time required to collate the estimated xx documents within scope, assess for exemptions under the FOI Act, prepare the documents for release, draft the decision letter and schedule the documents would take approximately xx hours, xx working days or xx weeks for one departmental officer with FOI experience at xx hours per day and x days per week].

6. Accordingly, I consider that the work required to process your request would substantially and unreasonably divert the resources of the Department from its other operations.
7. Under section 24AB of the FOI Act, the Department is required to advise you of its intention to refuse your request in its current form and advise you that you have fourteen days, after receiving this notice, within which to consult with the Department on removing the practical refusal reason.
8. I am now writing to provide you with an opportunity to make a written submission in support of your request as currently worded, or to revise the scope of your request so that the practical refusal reason no longer exists.
9. [\[Suggest how the applicant could revise the request to reduce its scope for example: For example, you may wish to reduce the scope of your request:](#)
  - [by reducing the timeframe in which you are requesting documents, or](#)
  - [by reducing the scope of the request to a particular type of document, for example email correspondence, reports, briefs, talking points etc or](#)
  - [by reducing the documents requested to only those documents produced by particular parties such as Commonwealth agencies, senior officers of particular agencies, state and territory governments or other stakeholders\].](#)
10. I am the nominated person you should contact with a view to agreeing to one of the following options:
  - (a) withdraw your request;
  - (b) make a revised request; or
  - (c) indicate that you do not wish to revise the request.
11. In accordance with section 24AB(9) of the FOI Act, the Department is only required to undertake this consultation process once, and you must contact me within 14 days to discuss. If you do not contact the Department within this period, your FOI request will be taken to have been withdrawn under subsection 24AB(7) and will not be dealt with any further.
12. I encourage you to contact me so I can assist you in moving forward with your request.

Yours sincerely

[\[Name of officer\]](#)

[\[Title\]](#)

Government and Executive Services Branch  
Chief Counsel Group Executive

[\[Date\]](#)

Attachment A

Schedule of Documents

Document Number	Page Number(s)	Date(s)	Description	Decision
<u>[INSERT NAME OF DES PROVIDER IF RELEVANT]</u>				
1.				
2.				
3.				
4.				
5.				
6.				
7.				
8.				
9.				
10.				
11.				

**Attachment B****Your rights of review****Internal review**

Section 54 of the FOI Act gives you the right to apply for an internal review of this decision. The review will be conducted by a different person to the person who made the original decision.

If you wish to seek an internal review of the decision you must apply for the review in writing within 30 days of receipt of this letter.

No particular format is required but it will help the new decision-maker if you clearly state why you consider the decision should be reviewed. Please send your application by post or email as follows:

Post: Freedom of Information (FOI) Team  
Government and Executive Services Branch  
Corporate Services Group  
Department of Social Services  
GPO Box 9820  
CANBERRA ACT 2601

Email: [foi@dss.gov.au](mailto:foi@dss.gov.au)

**External Review by the Australian Information Commissioner**

Section 54L of the FOI Act gives you the right to apply directly to the Australian Information Commissioner (AIC) to seek a review of this decision.

If you wish to have the decision reviewed by the AIC you must apply for the review in writing or by using the online merits review form available on the AIC's website at [www.oaic.gov.au](http://www.oaic.gov.au), within 60 days of receipt of this letter. To assist the AIC your application should include a copy of this decision and your contact details. You should also clearly set out why you are objecting to the decision.

You can also complain to the AIC about how an agency handled an FOI request, or other actions the agency took under the FOI Act.

Applications for review or complaint can be lodged in one of the following ways:

Online: [www.oaic.gov.au](http://www.oaic.gov.au)

Post: GPO Box 5218  
SYDNEY NSW 2001

Phone: 1300 262 992 or +61 2 9284 9749 (international)

Email: [enquiries@oaic.gov.au](mailto:enquiries@oaic.gov.au)

In person: Level 3  
175 Pitt Street  
SYDNEY NSW 2000

Subject: Freedom of Information (FOI) request xx/xx-xx – consultation under section 27 of the FOI Act

Dear [Mr/Ms/Mrs Surname]

The Department of Social Services (the Department) has received a request under the Commonwealth *Freedom of Information Act 1982* (the FOI Act) for access to:

[‘scope of request’].

The scope of the request captures the **attached** [document/documents] which the Department has identified as containing information relating to [business name].

Under section 27 of the FOI Act, I am seeking your comments on the release of the information concerning [business] in the documents, which means any information that:

- would reveal trade secrets or would, or could reasonably be expected to, destroy or diminish commercially valuable information; or
- would, or could reasonably be expected to, unreasonably affect an organisation in respect of its lawful business, commercial or financial affairs; or
- could reasonably be expected to prejudice the future supply of information to the Commonwealth.

Any other information that has been left in the documents that does not relate to [business] has been left in for context only. The Department will consult with other parties whose information appears in the documents where appropriate.

The areas in the attached document that have been removed represent material the decision maker does not intend to release to the applicant, or over which you are not being consulted.

If you wish to contend that the information contained in the enclosed documents should not be released, you should make a submission to the department. If you do so, please take care to ensure that your submission clearly sets out the grounds on which an exemption is sought. Merely asserting that certain documents should not be disclosed without providing reasons will not be sufficient.

Please note that any comments you make may be communicated to the applicant when providing reasons for the department’s decision.

Should the decision maker decide not to accept your objections, in full or in part, you will be provided with your rights for review of the decision.

Please note that no documents containing information relating to [business] will be disclosed to the applicant until such time that you either exhaust your review rights, or it becomes apparent that you do not propose to exercise your right to seek review of the decision.

To assist the department to comply with the statutory timeframe for processing this request, please provide your response by [date]. If you do not reply by this time, or you have not been granted an extension in which to provide your response, the decision maker will make a decision in the absence of your advice.

Please contact me if you have any queries about this consultation or the FOI process. A copy of the FOI Act can be found online.

Yours sincerely

Subject: Freedom of Information (FOI) request xx/xx-xx – consultation under section 26A of the FOI Act

Dear [Mr/Ms/Mrs Surname]

The Department of Social Services (the Department) has received a request under the Commonwealth *Freedom of Information Act 1982* (the FOI Act) for access to:

[*scope of request*].

The scope of the request captures the **attached** [document/documents] which the Department has identified as containing information [received from/that originated from the “insert State” Department of “insert name”/“insert name of State authority”].

Under section 26 of the FOI Act, I am seeking your comments on the release of the information concerning [state] in the documents, which means any information that:

- would, or could reasonably be expected to, cause damage to relations between the Commonwealth and a State; or
- would divulge information or matter communicated in confidence by or on behalf of the Government of a State to an authority of the Commonwealth or to a person receiving the communication on behalf of the Commonwealth or of an authority of the Commonwealth.

Any other information that has been left in the documents that does not relate to [state] has been left in for context only. The Department will consult with other parties whose information appears in the documents where appropriate.

The areas in the attached document that have been removed represent material the decision maker does not intend to release to the applicant, or over which you are not being consulted.

If you wish to contend that the information contained in the enclosed documents should not be released, you should make a submission to the department. If you do so, please take care to ensure that your submission clearly sets out the grounds on which an exemption is sought. Merely asserting that certain documents should not be disclosed without providing reasons will not be sufficient.

Please note that any comments you make may be communicated to the applicant when providing reasons for the department’s decision.

Should the decision maker decide not to accept your objections, in full or in part, you will be provided with your rights for review of the decision.

Please note that no documents containing information relating to [state] will be disclosed to the applicant until such time that you either exhaust your review rights, or it becomes apparent that you do not propose to exercise your right to seek review of the decision.

To assist the department to comply with the statutory timeframe for processing this request, please provide your response by [date]. If you do not reply by this time, or you have not been granted an extension in which to provide your response, the decision maker will make a decision in the absence of your advice.

Please contact me if you have any queries about this consultation or the FOI process. A copy of the FOI Act can be found online.

Yours sincerely

Subject: Freedom of Information (FOI) request xx/xx-xx – consultation under section 27A of the FOI Act

Dear [Mr/Ms/Mrs Surname]

The Department of Social Services (the Department) has received a request under the Commonwealth *Freedom of Information Act 1982* (the FOI Act) for access to:

*['scope of request']*.

The scope of the request captures the **attached** [document/documents] which the Department has identified as containing your personal information.

Under section 27A of the FOI Act, I am seeking your comments on the release of your personal information in the documents, which means any information that could be used to identify you and says something about you.

Any other information that has been left in the documents that does not relate to you has been left in for context only. The Department will consult with other parties whose information appears in the documents where appropriate.

The areas in the attached document that have been removed represent material the decision maker does not intend to release to the applicant, or over which you are not being consulted.

If you wish to contend that the information contained in the enclosed documents should not be released, you should make a submission to the department. If you do so, please take care to ensure that your submission clearly sets out the grounds on which an exemption is sought. Merely asserting that certain documents should not be disclosed without providing reasons will not be sufficient.

Please note that any comments you make may be communicated to the applicant when providing reasons for the department's decision.

Should the decision maker decide not to accept your objections, in full or in part, you will be provided with your rights for review of the decision.

Please note that no documents containing your personal information will be disclosed to the applicant until such time that you either exhaust your review rights, or it becomes apparent that you do not propose to exercise your right to seek review of the decision.

To assist the department to comply with the statutory timeframe for processing this request, please provide your response by **[date]**. If you do not reply by this time, or you have not been granted an extension in which to provide your response, the decision maker will make a decision in the absence of your advice.

Please contact me if you have any queries about this consultation or the FOI process. A copy of the FOI Act can be found online.

Yours sincerely

Subject: For Comment – Consultation for NDIA FOI Request XX/XX-XXX – short description of request

Send to: DC Executive; DaCStreamCoord

Cc: Margaret McKinnon; COO; Liz Bundy; §22 DSS Media

Good afternoon Disability and Carers stream,

The NDIA is currently processing a Freedom of Information request from XXX of XXX seeking access to:

*[subject of request]*

The NDIA is seeking comments from the department on the attached documents.

In order to meet statutory deadlines, please provide any comments by **COB XXXXXX**.

A summary of all significant NDIA requests relevant to the department is provided in the fortnightly FOI report.

If you wish to discuss, please contact me.

Kind regards,

Subject: FOI Request XX/XX-XX – courtesy consultation request

Dear Department of [insert name] FOI Section

The Department of Social Services (the Department) has received a request under the *Freedom of Information Act 1982* (**the FOI Act**) for access to the following documents:

[insert request]

The Department has identified [insert number] documents (**attached**) which originated in, or concern your Department. Accordingly, I seek your Department's views on the release of the documents under the FOI Act.

The Department has not made any preliminary decision on the release of the material in the documents and whether it might be exempt from disclosure [or the Department has made a preliminary decision on the release of the documents and the proposed exemptions are marked up on the attached documents].

I would be grateful if you could examine the documents and advise whether or not you object to their release, by **cob** [insert date]. If you do object, please provide your reasons and in particular, the harm or damage that you believe is likely to be caused by the release of the documents. Your views will inform and guide our final decision.

If you have any queries or concerns, please do not hesitate to contact me.

Kind regards

## Community Grants Hub – Document Search Coversheet

### Client Agency

#### FOI Request Details *(client agency to complete)*

*Notes: This section outlines the FOI request and details of the documents requested by the client agency. Please supply as much information as possible to assist with document searches.*

[Client agency name] has received a FOI request with the following scope:

*[quote request]*

#### Applicant:

#### FOI due date:

[Client agency name] requests the following documentation from the Community Grants Hub by [insert date] (please give 5-7 days):

*[insert all relevant details]*

Has the Community Grants Hub previously provided copies of these documents to your agency?

Yes  No  Unknown

Do you require Standard Operating Procedures (SOPs), task cards, or other Community grants Hub processing documents?

Yes  No  Unknown

*(if yes, please part transfer this request to the Department of Social Services)*

## Community Grants Hub

### Part 1: Search and Retrieval

*Notes: To comply with the FOI Act, a thorough search for all relevant documents in the possession of the Community Grants Hub must be undertaken. A decision-maker may be asked by the Information Commissioner or the Administrative Appeals Tribunal to provide proof that “reasonable” searches have been undertaken.*

*This form constitutes “proof” to the client agency that the Community Grants Hub has undertaken all reasonable searches.*

*It is not necessary to search all locations listed below, only those that are reasonably likely to hold relevant documents.*

System/Storage Location <i>(add more rows at end if required)</i>	Provide details of search terms used and specific containers searched (if applicable)
<input type="checkbox"/> GovGPS	
<input type="checkbox"/> ARC (incl. Legacy)	
<input type="checkbox"/> PDMS	
<input type="checkbox"/> SAP / Essentials	
<input type="checkbox"/> Protected Enclave	
<input type="checkbox"/> Group Mailboxes (incl. Online Archive)	
<input type="checkbox"/> Other (please specify)	

**Part 2: Search Results and Document Details**

*Notes: This part provides a space to identify the number of documents and any potentially sensitive information or material within the documents deemed to be relevant.*

Search Results	Quantities
Number of documents	
Number of pages	
Redactions required?	

The following is an estimate of time spent searching, retrieving and collating the documents indicated above:

Classification	Number of hours spent searching, retrieving and collating documents
APS1-5	
APS6-EL2	
SES	

**Part 3: Further Comments and Sign-Off**

*Notes: This part provides a space for you to provide more detailed information about the documents, including whether consultation with any third parties may be required.*

Additional Comments:
Potential sensitivities:
Potential third parties to consult:

Does the Community Grants Hub seek redactions to the documents?  Yes  No

*(Please note, the FOI decision-maker in the client agency is not bound by our objections. Further, all redactions will be completed by DSS FOI)*

Does the Community Grants Hub wish to be formally consulted on the documents proposed for release?  Yes  No

Does the Community Grants Hub want to receive an advance copy of the FOI decision and documents for release?  Yes  No

Are charges applicable to the client agency?  Yes  No

No of hours: \_\_\_\_\_

*If Hub charges are applicable, please send a copy of this form to the Hub Strategy Branch.*

I certify the information provided in parts 1, 2 and 3 of this document is appropriate and accurate to the best of my knowledge and that reasonable searches for documents have been undertaken.

I understand that I may be required to appear and give evidence before the Australian Information Commissioner or the Administrative Appeals Tribunal in relation to the searches for documents undertaken.

Cleared by: \_\_\_\_\_  
Name Date

**Instructions:**

*Once completed and cleared, scan and email to [foi@dss.gov.au](mailto:foi@dss.gov.au) along with .pdf versions of the relevant documents.*

*If you have any queries or concerns regarding this form please contact the FOI team.*

## Schedule of Documents

Document	Pages	Date	Description	Redaction instructions	Document belongs to: (tick)	
					DSS	Client
1.					<input type="checkbox"/>	<input type="checkbox"/>
2.					<input type="checkbox"/>	<input type="checkbox"/>
3.					<input type="checkbox"/>	<input type="checkbox"/>
4.					<input type="checkbox"/>	<input type="checkbox"/>
5.					<input type="checkbox"/>	<input type="checkbox"/>
6.					<input type="checkbox"/>	<input type="checkbox"/>
7.					<input type="checkbox"/>	<input type="checkbox"/>
8.					<input type="checkbox"/>	<input type="checkbox"/>
9.					<input type="checkbox"/>	<input type="checkbox"/>
10.					<input type="checkbox"/>	<input type="checkbox"/>
11.					<input type="checkbox"/>	<input type="checkbox"/>
12.					<input type="checkbox"/>	<input type="checkbox"/>
13.					<input type="checkbox"/>	<input type="checkbox"/>
14.					<input type="checkbox"/>	<input type="checkbox"/>
15.					<input type="checkbox"/>	<input type="checkbox"/>

## **STANDARD WORDS – TRANSFER – REQUEST TO AGENCY FOR TRANSFER**

Dear FOI colleagues

The Department of Social Services has received the attached request from [salutation] [surname] of [organisation] on behalf of [salutation] [surname] on [date received].

As the subject matter of the request appears to more closely relate to the functions of [Agency Name], please provide advice to me via [foi@dss.gov.au](mailto:foi@dss.gov.au) as to whether [Agency Name] accepts transfer of this request under section 16 of the FOI Act as soon as is practicable.

All queries regarding this request can be directed to me via the email address above or by contacting me on [phone number].

Kind regards

[signature block]

## **STANDARD WORDS – TRANSFER – NOTICE TO APPLICANT**

Dear [salutation] [surname]

I refer to your attached correspondence received by the Department of Social Services (the Department) on [day month year], in which you requested access under the *Freedom of Information Act 1982* (FOI Act) to certain documents [on behalf of your client [salutation] [surname]].

The subject matter of your request closely relates to the functions of [Agency Name].

I am writing to inform you that your request has been transferred to [Agency Name] under the provisions of section 16 of the FOI Act on the basis that your request more closely relates to the responsibilities and functions of that agency.

[Agency Name] has agreed to accept the transfer and will contact you shortly in relation to this matter.

Should you have any queries about this matter, please do not hesitate to contact me on [phone number] or via email to [foi@dss.gov.au](mailto:foi@dss.gov.au).

Kind regards

[signature block]

## **STANDARD WORDS – TRANSFER – ACCEPT TRANSFER FROM ANOTHER AGENCY**

Dear [Department] FOI colleagues

The Department of Social Services agrees to accept transfer of the below request under section 16 of the FOI Act.

Please notify the applicant of the transfer. We will be in touch with the applicant in due course.

Please forward a copy of your notification to the applicant as well as any other correspondence related to this request as soon as possible.

Kind regards

[signature block]

## ATTACHMENT A

## Schedule of Documents

Document Number	Page Number	Date	Description	Decision
1.				
2.				
3.				
4.				
5.				
6.				
7.				
8.				
9.				
10.				
11.				
12.				
13.				
14.				
15.				
16.				
17.				
18.				
19.				
20.				
21.				
22.				
23.				

24.				
25.				
26.				
27.				
28.				
29.				
30.				
31.				
32.				
33.				
34.				
35.				
36.				
37.				
38.				
39.				
40.				
41.				
42.				
43.				
44.				
45.				
46.				
47.				
48.				
49.				

[Name]  
[Position]  
[Organisation]  
[Address] – remove if being emailed

**By email:** delete if not required

Dear [Salutation] [Surname]

**Freedom of Information (FOI) Request No. xx/xx-xxx**

1. I refer to your email of [date] in which you advised that you objected to the disclosure of [your personal/business] information contained in documents requested under the *Freedom of Information Act 1982* (the FOI Act).
2. The purpose of this letter is to advise you of the decision on the release of the material in the documents and your right to request a review of the decision before the documents are released.
3. I am the authorised decision maker under the FOI Act in relation to the request.
4. While I have considered your submission contending that [an exemption/ exemptions] apply to the disclosure of the documents, I have decided that this/these exemption/s do not apply [insert any reasoning here]
5. A copy of the documents over which you were consulted, in the form in which I have decided to release them is at **Attachment A**.

**Rights of review**

6. You have the right to request an internal or external review of my decision to provide access to the documents on which you were consulted.
7. Although I have decided to release the documents in the form described above, under [subsection 26A(4) (Commonwealth-State relations)/subsection 27(5) (business documents)/subsection 27A(6) (personal privacy)] of the FOI Act, the Department must not release the documents to the applicant until it becomes apparent that you do not propose to exercise your right to seek a review, or until you have exhausted your rights of review.
8. If you wish to apply for a review of my decision, you must do so by [date].
9. Your rights of review are explained in more detail in **Attachment B**.
10. Should you have any questions regarding this matter please contact me at [foi@dss.gov.au](mailto:foi@dss.gov.au) or on (02) 6146-XXXX.

Yours sincerely

[Name]

[Title]

Government & Executive Services Branch  
Chief Counsel Group

[Date]

## ATTACHMENT A

## Schedule of Documents

Document Number	Page Number	Date	Description	Decision
1.				
2.				
3.				
4.				
5.				
6.				
7.				
8.				
9.				
10.				
11.				
12.				

[Add documents here](#)

**ATTACHMENT B****Your rights of review****Internal Review**

Section 54A of the FOI Act gives you the right to apply for internal review of this decision. The review will be conducted by a different person to the person who made the original decision. If you wish to seek internal review of this decision, you must apply for the review in writing, within 30 days of your receipt of this letter.

No particular form is required for an application for internal review. However, to assist the decision-maker, you should clearly outline the grounds upon which you consider the decision should be reviewed.

Applications for internal review can be lodged in one of the following ways:

Email: [foi@dss.gov.au](mailto:foi@dss.gov.au)

Post: Freedom of Information (FOI) Team  
Government & Executive Services Branch  
General Counsel Group  
Department of Social Services  
PO BOX 9820  
CANBERRA ACT 2601

**Review by the Office of the Australian Information Commissioner**

Section 54M of the FOI Act gives you the right to apply directly to the Australian Information Commissioner (AIC) to review certain decisions.

If you wish to have the decision reviewed by the Information Commissioner you must apply for the review, in writing or by using the online merits review form available on the Information Commissioner's website at [www.oaic.gov.au](http://www.oaic.gov.au), within 30 days of receipt of this letter. To assist the Information Commissioner your application should include a copy of this decision and your contact details. You should also clearly set out why you are objecting to the decision.

You can also complain to the Information Commissioner about how an agency handled an FOI request, or other actions the agency took under the FOI Act.

Applications for review or complaint can be lodged in one of the following ways:

Online: [www.oaic.gov.au](http://www.oaic.gov.au)

Post: GPO Box 5218  
SYDNEY NSW 2001

Phone: 1300 262 992 or +61 2 9284 9749 (international)

In person: Level 3  
175 Pitt Street  
SYDNEY NSW 2000

Email: [enquiries@oaic.gov.au](mailto:enquiries@oaic.gov.au)

Good afternoon XXX,

The Department of Social Services (the Department) has received your Freedom of Information request for the following:

*[insert scope]*

To facilitate getting you the documents as quickly and efficiently as possible, the Department would like to offer you an administrative release of the documents.

This means that the Disability Employment Services team will organise the collection and release of the documents to you outside the FOI process. This hopes to eliminate some of the processing burden.

Should you agree to an administrative release, someone from the DES team will be in touch.

Please note, the 30 day timeline still applies, so you are due to receive documents by **[date]**.

Please let me know if this option suits you as soon as possible and I will facilitate.

Kind regards,