

s22

From: FOI Requests
Sent: Wednesday, 12 August 2020 1:38 PM
To: <applicant>
Cc: FOI Requests
Subject: FOI 2Y-2X/NN - Invalid request

INSTRUCTIONS

This template is used to notify a purported FOI applicant who has contacted Finance in what we understand to be a FOI request, but which fails one or more prerequisites for a valid FOI request set out under [subsection 15\(2\)](#) of the FOI Act.

Preliminary Action

- 1) If the request is valid – do **not** use this template, instead complete - **4. to applicant acknowledgement (and request for assistance)**

Action

- 2) **Update** 'From' to FOI Inbox, 'To' to FOI applicant's email address (note there may be multiple), and the subject line
- 3) **Complete** the template
- 4) If applicable – **set** a follow up reminder 09:00 the business day after the requested response date

Dear <applicant>

Thank you for your [email/letter](#) to the Department of Finance (Finance) stating:

<request> - if voluminous, attached a PDF copy of the request instead

Invalid FOI request

We understand that you are seeking to make a request for access to documents under the *Freedom of Information Act 1982* (FOI Act). Your request does not yet fulfil the requirements prescribed by [subsection 15\(2\)](#) of FOI Act, in particular [explain the requirement that they have failed](#).

In order for your request to be valid Finance requires that you [suggestion on how to remedy the invalidity](#).

Timeframe

The statutory period for processing your request commences from the day after Finance receives a valid FOI request. We will advise you of the timeframe for processing your request once you have provided the details requested above.

If we do not receive a response from you by [Weekday DD Month 202Y](#) - provide 2 weeks, we will close your matter.

Please contact the FOI Team if you wish to discuss your request.

Kind regards



FOI Officer | Legal and Assurance Branch
Business Enabling Services
Department of Finance
A: One Canberra Avenue, Forrest ACT 2603



The Department of Finance acknowledges the traditional custodians of the land on which we work and we pay our respects to Elders past, present and future.



s22

From: FOI Requests
To: <applicant>
Cc: FOI Requests
Subject: FOI 2Y-2X/NN - Acknowledgement and request for assistance

INSTRUCTIONS

This template is used to meet our obligations under the FOI Act to acknowledge the applicant's request within 14 days of receipt. We also notify the applicant of our policy to redact non-Senior Executive Staff (SES) details, all signatures and mobile phone numbers from any documents released.

This template is also used to request further information from the applicant. This can involve narrowing the scope of the request, or notifying that Finance does not hold any documents and inviting them to withdraw their request.

Preliminary Action

- 1) This template will be sent until after a scoping meeting has been held and the decision maker has made a decision regarding how to progress the matter.
- 2) If the request is invalid – do not use this template, instead complete - **5. to applicant notice of invalid request s15**

Action

- 3) **Update** 'From' to FOI Inbox, 'To' to FOI applicant's email address (note there may be multiple), and the subject line (remove 'and request for assistance' if we are not seeking a response).
- 4) **Complete** the template
- 5) If applicable – **set** a follow up reminder 09:00 the business day after the requested response date

Dear <applicant>

Freedom of Information Request – FOI 2Y-2X/NN

Thank you for your **email/letter** to the Department of Finance (Finance) **<or transferring agency>** requesting access to the following documents under the *Freedom of Information Act 1982* (FOI Act):

<request> - if voluminous, attached a PDF copy of the request instead

Delete if not applicable - The <agency> has transferred your request, in **full/part**, to Finance in accordance with the FOI Act as the subject matter of your request is more closely related to the functions of Finance.

Delete if not applicable (partial transfer only)

The <agency> will continue to process the following part of your request:

- <insert>

Finance will now process the following part of your request:

- <insert>

Request for assistance – delete section if not applicable

Delete if not applicable (request to narrow scope) - The current scope of your request captures a large volume of pages **OR** We seek further clarity regarding the type of documents that you are seeking.

Note – If appropriate, it is recommended to either:

- 1) suggest to the applicant ways that they can narrow the scope of the request. For example by narrowing the scope by period of time (e.g. 1 March to 30 April 2021), or narrowing by type of documents (e.g. briefs), or narrowing by recipient (e.g. emails to the Secretary for Finance, or Briefs to the Minister for Finance).
- 2) put an alternative scope to the applicant, which provides the applicant with access to the information that we understand that they are seeking, while minimising Finance's workload by removing unnecessary documents that may technically have fallen within the scope of the request.

We kindly ask that you reply this email by – providing further details regarding the type of documents that you are seeking **OR** consenting to Finance's proposed amended scope.

Delete if not applicable (no documents) – Finance does not hold any documents relevant to the scope of your request, and as such Finance invites you to withdraw your request.

We kindly ask that you reply to this email and either:

- 1) Withdraw your request, or
- 2) Request a formal no documents decision letter.

Please note that if we do not receive a response from you, we are required under the FOI Act to expend additional resources to process your request.

We appreciate your assistance in this matter.

General FOI matters

Your request was received by Finance on <DD Month 202Y>. The statutory period for processing your request commences from the day after Finance received your request and a decision is due on <Weekday DD Month 202Y>.

The processing period may be extended if we need to consult third parties, impose a charge or for other reasons. We will advise you if this happens.

Liability to pay a charge

You will be notified of any charges in relation to your request as soon as possible, before we process any requested documents or impose a final charge. **OR** Given that your request is for documents containing personal information, no processing charge will apply.

Publication

As required by the FOI Act, any documents provided to you under the FOI Act will be published on our [disclosure log](#), unless an exemption applies or the documents are characterised as containing personal information. Documents will be published the next working day after they are released to you. **OR** Given that the information you have requested is likely to be characterised as containing personal information it is exempt from publication under the FOI Act. As such, the documents will not be made publicly available on Finance's disclosure log.

Policy to exclude junior officer contact details, signatures and mobile phone numbers

Finance has adopted a policy to generally exclude from any documents released under FOI, the names and contact details of junior staff (non-SES officers) and staff employed under the *Members of Parliament (Staff) Act 1984* (adviser level and below). Finance has also adopted a policy to exclude signatures and mobile phone numbers from any documents released under FOI (unless publicly available). Finance's preference is to reach agreement with FOI applicants to exclude these details from the scope of the request. Where there is no objection, the names and contact details of junior officers, as well as any signatures and mobile phone numbers appearing in identified documents, will be redacted under section 22 of the FOI Act on the basis that these details are irrelevant to the request.

Please contact the FOI Team on the below contact details if you wish to discuss your request.

Kind regards



FOI Officer | Legal and Assurance Branch
Business Enabling Services
Department of Finance
A: One Canberra Avenue, Forrest ACT 2603



The Department of Finance acknowledges the traditional custodians of the land on which we work and we pay our respects to Elders past, present and future.



s22

From: FOI Requests
To: <applicant>
Cc: FOI Requests
Subject: FOI 2Y-2X/NN Request has been transferred to <agency>

INSTRUCTIONS

This template is to be used if the template **1. to another agency requesting s16 transfer**, has been sent and the agency has responded confirming that they will accept transfer of this request, in full or in part.

You are required to:

- 1) **Update** 'From' to FOI Inbox, and the subject line
- 2) **Complete** template
- 3) Once sent, if a decision maker has been nominated, **complete** and send **3. to DM & PA - Human Resource Costs**. Otherwise no further action required.

Dear <applicant>

Freedom of Information Request – FOI 2Y-2X/NN

Thank you for your **email/letter** to the **Department of Finance (Finance)/Minister for Finance/Special Minister of State** requesting access to the following documents under the *Freedom of Information Act 1982* (FOI Act):

<request>

The subject matter of the requested documents is more closely connected with the functions of <agency>. As such, Finance has transferred your request, in **full/part**, to <agency> under section 16 of the FOI Act.

Delete if not applicable (partial transfer only) Finance will continue to process the following part of your request:

- <part of request Finance is processing>

Delete if not applicable (partial transfer only) <agency> will process the following part of your request:

- <part of the request the other agency is processing>

<agency> will contact you in due course, however, if you have any queries in the interim, please send any correspondence to <agency's FOI email address>.

Kind regards



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s22

From: FOI Requests
To: <applicant>
Cc: FOI Requests
Subject: FOI xx-xx/xx Deemed withdrawn - no response to charges

INSTRUCTIONS

This template is used if we have sent either a preliminary charges notice or a charges contention decision letter and **30 calendar days** has passed. In addition, this template is used if **60 calendar days** has passed since sending an internal review of a charging decision letter.

You are required to:

- 1) **Update** 'From' to send the email from the FOI Inbox, and update the subject line
- 2) **Attached** a copy of the notice/letter that we did not receive a response to, being either: preliminary charges notice / charges contention decision letter / internal review of charges decision letter
- 3) Once sent, **draft** and send **3. to DM & PA - Human Resource Costs**

Dear <applicant's first name>,

Freedom of Information Request – FOI xx-xx/xx

On **Weekday DD Month 202Y**, the Department of Finance (Finance) sent you a **preliminary charges notice / charges contention decision letter / internal review of charges decision letter** (a copy is **attached**).

The **notice/letter** informed you that pursuant to the *Freedom of Information Act 1982* (FOI Act) that within **30/60** days of the date of the **notice/letter**, you were required to either agree to pay the charge, seek a review of the charge, or withdraw your request. After that time, [subsection 29\(2\)](#) of the FOI Act deems your request to have been withdrawn.

As Finance has not received a response from you within the timeframe, your request is now withdrawn.

Please note that although this request is withdrawn, you are welcome to make a new request in the future.

Kind regards



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s22

From: FOI Requests
To: <applicant>
Cc: FOI Requests
Subject: FOI 2Y-2X/NN Request for an extension of time

INSTRUCTIONS

This template is used if we are seeking an extension of time to process the request by consent from the applicant. We can seek up to a maximum of 30 calendar days.

You are required to:

- 1) **Update** 'From' to FOI Inbox, and the subject line
- 2) **Complete** the template
- 3) Set a **reminder** 09:00 the workday after the response is due
- 4) If the applicant consents to an extension of time, **complete** the online OAIC form to notify OAIC of the extension – accessible [here](#) – select 'EOT smart form' and then complete the form.

Dear <applicant>,

Delete if not applicable - We are writing to notify you that Finance will not be in a position to finalise a decision in relation to your FOI request by the current due date of **DD Month 202Y**. **If applicable – insert reasons**

Section 15AA of the *Freedom of Information Act 1982* provides that an applicant can consent to an extension of time up to 30 calendar days.

Finance seeks your agreement to extend the processing period by <no. of days> days with a new due date **DD Month 202Y**.

If you consent to the extension, Finance will notify the Office of the Australian Information Commissioner (OAIC) of the extension, which is part of Finance's reporting requirements.

We kindly ask that you reply by either:

- 1) Consenting to an extension of time to <**DD Month 202Y**>; or
- 2) Consenting to an extension of time for a date less than that requested by Finance; or
- 3) Refusing to grant an extension of time.

We kindly seek your response by **DD Month 202Y**.

If you would like to discuss this email, or your matter more generally, please contact the FOI Team.

Kind regards - **use generic sign off**



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s22

From: FOI Requests
To: <applicant>
Cc: FOI Requests
Subject: FOI 2Y-2X/NN Deemed withdrawn - no response to request consultation notice

INSTRUCTIONS

This template is used if we have sent a request consultation notice and **14 calendar days** has passed with no response.

You are required to:

- 1) **Update** 'From' to FOI Inbox, and update the subject line
- 2) **Attached** a copy of the request consultation notice that we previously sent the applicant
- 3) Once sent, **draft** and send **3. Deemed withdrawn – notice to DM/PA matter finalised**

Dear <applicant>,

Freedom of Information Request – FOI 2Y-2X/NN

On **Weekday DD Month 202Y**, the Department of Finance (Finance) sent you a request consultation notice (a copy is **attached**).

The notice informed you that pursuant to the *Freedom of Information Act 1982* (FOI Act) that within 14 days of the date of the notice, you were required to reply and either revise your request, seek to proceed with your original request, or withdraw your request. After that time, [subsection 24AB\(7\)](#) of the FOI Act deems your request to have been withdrawn.

As Finance has not received a response from you within the timeframe, your request is now withdrawn.

Please note that although this request is withdrawn, you are welcome to make a new request in the future.

Kind regards



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From: FOI Requests
Sent: Tuesday, 11 August 2020 10:50 AM
To: [applicant]
Cc: FOI Requests
Subject: FOI 2Y-2X/NN Notice of new due date

Instructions

The applicant is required to be notified of the 30 calendar day extension of time, prior to reaching the original 30th calendar day.

Please note that it is better to calculate the new due date as 60 days from the original date of receipt, rather than addition 30 calendar days from the current listed due date. For example:

For a request received on Thursday 23 February 2023, the decision due date being the 30th calendar day would be Saturday 25 March 2023. A due date that falls on a weekend/public holiday automatically becomes due the next working day, which would be Monday 27 March 2023. The additional extension of time is **not** calculated as 30 days from the 27 March, but rather it is calculated from 25 March. As such, it is better to calculate 60 days from the original date of receipt of the request, being 23 February 2023. In this example the due date would be Monday 24 April 2023.

How to complete this template

1. Update 'From' to FOI Inbox, 'To', and subject line
2. Complete the template

Dear <applicant>

The Department of Finance will be conducting third party consultation for your request (FOI 2Y-2X/NN). As provided for under the *Freedom of Information Act 1982*, the processing period has been extended by 30 calendar days to allow for this consultation. As such, a decision is currently due to you by **Weekday DD Month 202Y**.

If you have any questions regarding the consultation process or your request more generally, please contact our FOI Team by reply email.

Kind regards



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s22

From: FOI Requests
To: <applicant>
Cc: FOI Requests
Subject: FOI 2Y-2X/NN - <title of document attached>

INSTRUCTIONS

This template is used to send a notice/letter (of any kind) to the applicant.

Before you complete this template

- 1) You have a notice/letter that the decision maker has signed

How to complete this template

- 2) **Update** 'From' to FOI Inbox, 'To', and the subject line
- 3) **Attached** a copy of the notice/letter
- 4) **Complete** template
- 5) If sending a request consultation notice or any charging notice/letter, **set** a calendar reminder for 09:00 the business day after a response is due.

Dear <applicant>

Please see **attached** a **decision letter / internal review decision letter / request consultation notice / preliminary charges notice / charges contention decision letter / internal review of charges decision letter** together with the document/s released to you – **delete if not applicable** in relation to your FOI request (our reference FOI **2Y-2X/NN**).

Kind regards - **make sure you use the generic sign off below**



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Business Enabling Services
Department of Finance
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Exemptions and conditional exemptions under the *Freedom of Information Act 1982 (Cth)*

The exemptions and conditional exemptions under the *Freedom of Information Act 1982 (Cth)* (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.

How do exemptions work?

The FOI Act specifies certain types of information that may be exempt from disclosure. Depending on the type of information, the agency may apply an exemption, or a conditional exemption to parts or whole of the document. Multiple exemptions can be applied to one document, including a specific sentence, paragraph, or the document in its entirety. The FOI Team will redact any parts of the documents subject to an exemption and explain the reasons in a decision letter.

Full Exemptions

An 'exemption' relates to sections 33 through to 47A of the FOI Act and can only be applied to a certain type of information. If the document meets the criteria to establish a particular exemption, it is exempt. There is no additional obligation to weigh competing public interests to determine if the document should be released.

Some commonly used exemptions include:

- Documents containing Cabinet material – s 33
- Documents subject to legal professional privilege (LPP) – s 42

A full list of the Exemptions can be found at [Annexure A](#) of this document.

Conditional Exemptions

A 'conditional exemption' relates to sections 47B through to 47J of the FOI Act, and are subject to a public interest test.

The public interest test involves determining whether, on balance, the benefit to the public resulting from disclosure is outweighed by the benefit to the public of withholding the information. The agency is required to step out this test in the decision letter including reasons why we consider disclosure of the information is contrary to the public interest.

Some commonly used conditional exemptions include:

- Documents containing deliberative processes – s 47C
- Certain Operations of the Agency – s 47E
- Documents containing personal information – s47F

A full list of the Conditional Exemptions can be found at [Annexure B](#) of this document.

Deleting exempt or irrelevant material

If a document is exempt, where possible to do so, an agency can prepare an edited copy of the document by removing exempt information from disclosure. This is done by redacting part/s of the document and applying the relevant coding of the exemption.

The agency may also redact information within a document if it is considered to be irrelevant to the scope of the request. This may be used for documents that contain information on various topics or statistics. i.e. an excel spreadsheet where only one row is relevant, or an email chain that discusses multiple matters on hand, in which only one matter is relevant.

Factors that must not be taken into consideration

The FOI Act provides that certain factors must not be taken into account when deciding whether access to documents would be contrary to the public interest. These factors include whether:

- It could result in embarrassment to the Government or cause a loss of confidence in the Government
- it could result in a person misinterpreting or misunderstanding the document
- the author of the document was (or is) of high seniority in the agency
- access to the document could result in confusion or unnecessary debate.

Additionally, person's right of access is not affected by:

- any reasons the person gives for seeking access; or
- your belief about what are their reasons for seeking access.

Security Classification

A security classification on a document does not mean that a document is exempt from disclosure. The agency must be satisfied that a document meets the criteria of one of the exemptions in the FOI Act, for it to apply.

Similarly, where a document does not have the appropriate security classification, the agency is able to apply an exemption (such as cabinet or LPP) insofar as it meets the criteria of the exemption.

A document may be only partially classified, in that the document contains information that is classified. For instance, it is possible that only one sentence is exempt, and the rest of the document can be released.

Exemptions

Annexure A

Exemptions are not subject to an overriding public interest test. If a document meets the criteria to establish a particular exemption, it is exempt from release. See [Part 5 of the FOI Guidelines](#).

<p>s 33</p>	<p><u>Documents affecting national security, defence or international relations</u></p> <p>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.</p>
<p>s 34</p>	<p><u>Cabinet documents</u></p> <p>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.</p> <p>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)).</p> <p>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)).</p> <p>A document is not exempt merely because it is an attachment to an exempt document (s 34(4)).</p> <p>A document by which a Cabinet decision is officially published (such as a media release) is not an exempt document (s 34(5)).</p> <p>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)).</p>
<p>s 37</p>	<p><u>Documents affecting enforcement of law and protection of public safety</u></p> <p>Exempts documents if their disclosure would or could reasonably be expected to affect the enforcement of law and protection of public safety, including by:</p> <ul style="list-style-type: none"> • 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 <p>disclosing lawful methods of investigation or prejudicing methods for protecting public safety.</p>
<p>s 38</p>	<p><u>Documents to which secrecy provisions apply</u></p> <p>Exempts documents to which secrecy provisions apply under a provision of another Act and either:</p> <ul style="list-style-type: none"> • 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)). <p>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</p>

	applicant requests a document which contains their own personal information, except if disclosure is prohibited under the Migration Act 1958.
s 42	<p><u>Documents subject to Legal Professional Privilege</u></p> <p>Exempts documents subject to legal professional privilege (LPP).</p> <p>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).</p>
s 45	<p><u>Documents containing material obtained in confidence</u></p> <p>Exempts document if its disclosure would found an action by a person (other than an agency or the Commonwealth) for breach of confidence. In other words, the exemption is available 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.</p> <p>To found an action for breach of confidence, the following five criteria must be satisfied in relation to the information:</p> <ul style="list-style-type: none"> • it must be specifically identified • it must have the necessary quality of confidentiality • it must have been communicated and received on the basis of a mutual understanding of confidence • it must have been disclosed or threatened to be disclosed, without authority • unauthorised disclosure of the information has or will cause detriment.
s 45A	<p><u>Parliamentary Budget Office documents</u></p> <p>The PBO exemption is designed to protect the confidentiality of requests made by Senators and Members of the House of Representatives in relation to the budget or for policy costings outside of the caretaker period of a general election. It applies to documents that:</p> <ul style="list-style-type: none"> • originate from the Parliamentary Budget Officer or the PBO and the document was prepared in response to, or otherwise relates to, a confidential request • are brought into existence for the dominant purpose of providing information to the Parliamentary Budget Officer or the PBO in relation to a confidential request • are provided to the Parliamentary Budget Officer or the PBO in response to a request for more information in relation to a confidential request • are drafts of any of the above type of documents
s 46	<p><u>Documents disclosure of which would be contempt of Parliament or contempt of Court</u></p> <p>exempt if public disclosure of the document would, apart from the FOI Act and any immunity of the Crown:</p> <ul style="list-style-type: none"> • be in contempt of court • be contrary to an order or direction by a Royal Commission or by a tribunal or other person or body having power to take evidence on oath • infringe the privileges of the Parliament of the Commonwealth or a State, or of a House of such a Parliament or of the Legislative Assembly of the Northern Territory.
s 47	<p><u>Documents disclosing trade secrets or commercially valuable information</u></p>

	<p>exempts document if its disclosure would disclose:</p> <ul style="list-style-type: none"> • trade secrets, or • any other information having a commercial value that would be, or could reasonably be expected to be, destroyed or diminished if the information were disclosed. <p>The exemption does not apply if the information in the document is:</p> <ul style="list-style-type: none"> • in respect of the applicant's business or professional affairs • in respect of an undertaking and the applicant is the proprietor of the undertaking or a person acting on behalf of the proprietor • in respect of an organisation and the applicant is the organisation or a person acting on behalf of the organisation
s 47A	<p><u>Electoral rolls and related documents</u></p> <p>A document is exempt if it is:</p> <ul style="list-style-type: none"> • an electoral roll • a print, or a copy of a print, of an electoral roll • a microfiche of an electoral roll • a copy on tape or disc of an electoral roll • a document that sets out particulars of only one elector and was used to prepare an electoral roll • a document that is a copy of a document that sets out particulars of only one elector and was used to prepare an electoral roll • a document that contains only copies of a document that sets out particulars of only one elector and was used to prepare an electoral roll • a document (including a habitation index within the meaning of the <i>Commonwealth Electoral Act 1918</i>) that sets out particulars of electors and was derived from an electoral roll.

Conditional Exemptions

Annexure B

Conditional exemptions, on the other hand, are subject to the public interest test. The public interest test involves determining whether, on balance, the benefit to the public resulting from disclosure is outweighed by the benefit to the public of withholding the information. See [Part 6 of the FOI Guidelines](#).

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)).

<p>s 47B</p>	<p><u>Commonwealth-State relations etc.</u></p> <p>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.</p>
<p>s 47C</p>	<p><u>Deliberative processes</u></p> <p>Conditionally exempts documents if their disclosure would disclose deliberative processes.</p> <p>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.</p> <p>Does not apply to:</p> <ul style="list-style-type: none"> • reports of scientific or technical experts • reports of a body or organisation established within an agency <p>records of a final decision given in the exercise of a power or of an adjudicative function (s 47C(3)).</p>
<p>s 47D</p>	<p><u>Financial or property interest of the Commonwealth</u></p> <p>Conditionally exempts documents if their disclosure would have a substantial adverse effect on the financial or property interests of the Commonwealth or Norfolk Island.</p> <p>Relates both to expenditure and revenue-generating activities, including intellectual property and the Crown's interests in natural resources.</p>
<p>s 47E</p>	<p><u>Certain operations of agencies</u></p> <p>Conditionally exempts documents if their disclosure would reasonably be expected to affect certain operations of agencies on one or more of the following grounds:</p> <ul style="list-style-type: none"> • 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 <p>a substantial adverse effect on the proper and efficient conduct of operations.</p>

<p>s 47F</p>	<p><u>Personal Privacy</u></p> <p>Conditionally exempts documents if their disclosure would involve the unreasonable disclosure of personal information about any person (including a deceased person).</p> <p>An agency or minister must take into account:</p> <ul style="list-style-type: none"> • 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)). <p>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.</p>
<p>s 47G</p>	<p><u>Business</u></p> <p>Conditionally exempts documents where disclosure would disclose information concerning a person in respect of his or her business or professional affairs, or concerning the business, commercial or financial affairs of an organisation or undertaking (business information), where the disclosure of the information:</p> <ul style="list-style-type: none"> • would, or could reasonably be expected to, unreasonably affect the person adversely in respect of his or her lawful business or professional affairs or that organisation or undertaking in respect of its lawful business, commercial or financial affairs (s 47G(1)(a)), or • could reasonably be expected to prejudice the future supply of information to the Commonwealth or an agency for the purpose of the administration of a law of the Commonwealth or of a Territory or the administration of matters administered by an agency (s 47G(1)(b)) <p>If the business information concerns a person, organisation or undertaking other than the applicant, the decision maker may be required to consult that third party.</p>
<p>s 47H</p>	<p><u>Research</u></p> <p>conditionally exempts material where:</p> <ul style="list-style-type: none"> • it contains information relating to research that is being, or is to be, undertaken by an officer of an agency specified in Schedule 4 of the Act (that is, the Commonwealth Scientific and Industrial Research Organisation (CSIRO) and the Australian National University) and • disclosure of the information before the completion of the research would be likely to unreasonably to expose the agency or officer to disadvantage.

s 47J

The economy

Conditionally exempt if its disclosure under the FOI Act would, or could reasonably be expected to, have a substantial adverse effect on Australia's economy by:

- influencing a decision or action of a person or entity, or
- giving a person (or class of persons) an undue benefit or detriment, in relation to business carried on by the person (or class), by providing premature knowledge of proposed or possible action or inaction of a person or entity.

The economy exemption reflects the need for the government to be able to maintain the confidentiality of certain information if it is to carry out its economic policy responsibilities, including the development and implementation of economic policy in a timely and effective manner.



FOI Search Minute and Factsheet

What is a document?

The *Freedom of Information Act 1982* (Cth) defines a document as:

- (a) any of, or any part of any of, the following things:
- i. any paper or other material on which there is writing;
 - ii. a map, plan, drawing or photograph;
 - iii. any paper or other material on which there are marks, figures, symbols or perforations having a meaning for persons qualified to interpret them;
 - iv. any article or material from which sounds, images or writings are capable of being reproduced with or without the aid of any other article or device;
 - v. any article on which information has been stored or recorded, either mechanically or electronically;
 - vi. any other record of information.
- (b) any copy, reproduction or duplicate of such a thing; or
- (c) any part of such a copy, reproduction or duplicate; but does not include:
- i. material maintained for reference purposes that is otherwise publicly available; or
 - ii. Cabinet notebooks.

What does this mean?

Virtually any physical or electronic medium from which information can be extracted is considered a document for the purposes of FOI. This includes not only paper and electronic files, but also emails (in electronic and hard copy form, whether personal or business in nature), post-it notes, notepads, file notes, calendars (whether electronic or hard copy), instant and text messages, Microsoft Teams chats, training material, and sound or visual recordings.

Action required

- Complete the search checklist and certification at [Annexure A](#) of this document.
- Complete the schedule of documents at [Annexure B](#) of this document.
- Upload the relevant documents to the SharePoint folder: [\[attach link\]](#)
- Where documents do not exist or cannot be located, the efforts and extent of the search for the documents should be recorded in a signed and dated file note at [Annexure C](#) and sent back to the FOI team.

Reasonable Searches

An agency must undertake a thorough search to capture all of the documents that may be in scope of the request. The steps taken to search for documents should include the use of existing technology and infrastructure to conduct an electronic search of documents, as well as making enquiries of those who may be able to help locate the documents.

At a minimum, you should take comprehensive steps to locate documents, having regard to:

- the subject matter of the documents
- the current and past file management systems and the practice of destruction or removal of documents
- the record management systems in place
- the individuals and line areas within an agency or minister's office who may be able to assist with the location of documents, and
- the age of the documents.

It may be necessary to conduct a search of its backup systems for documents. This will depend on the circumstances of each request.

You should interpret any request as extending to any document that might reasonably be taken to be included within the description the applicant has used (eg, a request for a file includes all the documents contained in the file and the file cover).

Practical refusal and consultations

An agency may practically refuse a request if a 'practical refusal reason' exists. A practical refusal reason means that the work involved in processing the request would substantially and unreasonably divert the resources of the agency from its other operations.

There are various factors that must be taken into account before issuing a practical refusal, including a formal consultation to provide the applicant with the opportunity to revise the scope of their request.

Although there is no specific criteria that states the minimum requirement an agency must establish to claim a practical refusal, the agency must reasonably estimate the time required to process the request and the work involved.

If you consider that a FOI request may fall within this category, please reach out to the FOI team in the first instance to discuss options.

Search Checklist

FOI Reference:	24-25/xxx
Date action due:	
FOI Applicant:	
Scope of request:	
Search Minute completed by:	
Time spent for search and retrieval: *	

*If more than 5 hours is anticipated to conduct searches, please let the FOI team know prior to completing any searches.

Completed	Location	Description of search undertaken/search terms used	Outcome/relevance
<input type="checkbox"/>	SharePoint/OneDrive		
<input type="checkbox"/>	Electronic documents saved on computers, electronic devices including iPads or tablets, smartphones and apps (for example emails, text messages, WhatsApp etc)		
<input type="checkbox"/>	Electronic documents saved on portable media devices		
<input type="checkbox"/>	Hardcopy files (for example documents stored in cabinets, lockers, safes, desk drawers, records warehouses)		
<input type="checkbox"/>	PDMS		
<input type="checkbox"/>	G:Drive		
<input type="checkbox"/>	Other: (please specify)		

Search Certification

I have located document/s that may be relevant to the request and uploaded these to the relevant SharePoint folder provided by the FOI team.

Despite a thorough and diligent search, I have been unable to locate any documents relevant to the terms of the FOI request and have completed the File Note at Annexure C.

I am satisfied that I have undertaken a thorough search for documents relevant to this request and that all reasonable steps have been taken to identify relevant documents.

Signature: Date:

Name: Position:

Schedule of Documents

Annexure B

Document number	Date	Number of pages	Description	Any comments, concerns or sensitivities with the release of the documents
Example	<i>Date(s) document created (or date received)</i>	<i>Number of pages or other physical descriptor</i>	<i>Describe the nature of the document and provide details of the author and/or addressee</i>	<i>Identify any concerns or sensitivities with the release of the document/s or parts of the document/s. Refer to the FOI Exemptions & Conditional Exemptions Factsheet for guidance. For example: "The document contains protected information relating to a third party" or "The document is a draft document and discusses matters that are still under deliberation" or "The document is a Cabinet document and requires consultation with the Minister's Office before release", etc.</i>
1				
2				
3				
4				

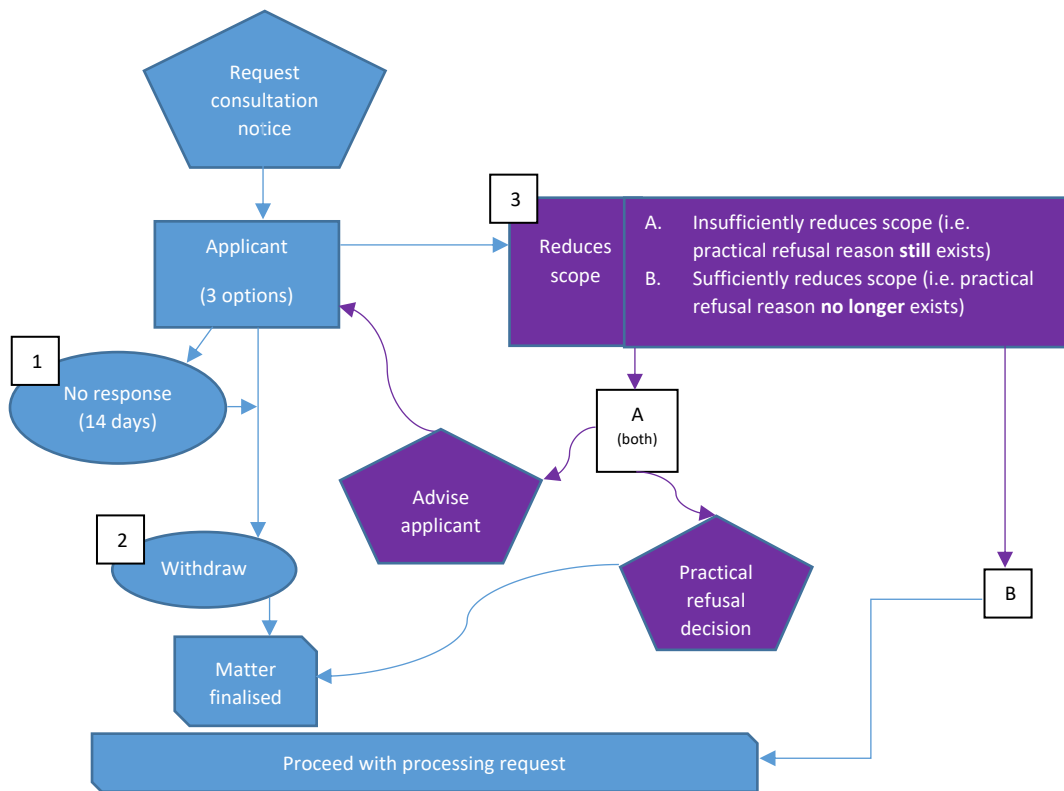
Annexure C

File Note

Documents cannot be found, do not exist, or have not been received

[include wording (up to a page long) that explains the record of searches, including which systems were used to complete searches, potential reasons that the document is not available, any relevant background or contextual information]

Freedom of Information Act 1982 at a glance - Substantial diversion of resources (last updated 24 February 2023)



Key concepts

- The FOI Act enables an agency to refuse to process a request, referred to as a practical refusal reason, if the work involved in processing the request would substantially and unreasonably divert Finance’s resources from its other operations.
- As a general guide, a practical refusal reason may exist if it is estimated that it would take 40+ hours to process the request, and exists if the request would exceed 88.5+ hours. For the factors to be considered in estimating the number of hours involved in processing a request, see page 2 below.
- OAIC recommends that a sample (10-15%) of the documents be processed, and the processing time recorded to inform an estimate of the total time it would take to process the request.
- Before refusing to process a request, we are required to send a ‘request consultation notice’ to the applicant, which sets out the reasons for why we intend to refuse the request. In response the applicant can: 1) seek to proceed with their request 2) narrow the scope of their request, or 3) withdraw (deemed withdrawn if no response within 14 days).

Recent Finance FOI Matters where a request consultation notice was sent

FOI No.:	Hours	Outcome / Reasons
22/90	88	Deemed withdrawn (applicant did not respond). Identified approximately 2,000 pages.
22/68	Not calculated	Deemed withdrawn (applicant did not respond). Applicant was seeking all documents that contained a number of keywords (without subject specific references), and included all SES level staff.
22/59	Not calculated	Access refusal (practical refusal). Identified approximately 123 documents, consisting of approximately 845 pages. Documents contained legally privileged material and commercially valuable information. Extensive third party consultation also required.
22/56	Not calculated	Deemed withdrawn (applicant did not respond). Sought data, which did not exist in a discrete form. Would require checking over 1,000 entries per year to confirm the accuracy of any data.
22/54	Not calculated	Access refusal (document exempt in full). Applicant was seeking a list of all .gov.au domain names. It was originally decided that all government agencies would need to be consulted, which would be an enormous task. Subsequently it was decided that as the document was exempt in full, breach of confidence. Consultation was not required.
22/27	107	Access refusal (no documents). Identified 865 files with at least 1 page per file, significant amount of anticipated redactions, extensive third party consultation
21/52	55	Practical refusal decision. Applicant did not adequately reduce the scope of their request
21/12	440	Deemed withdrawn (applicant did not respond). Identified a sample of 120 files consisting of 5,311 pages.
21/09	560	Deemed withdrawn (applicant did not respond). Approximately 773 documents were identified as relevant to your request, consisting of an estimated 4,638 pages,
20/35	146	Deemed withdrawn (applicant did not respond). Excess of 300 documents (number of pages unknown)

Recent Administrative Appeals Tribunal decisions on practical refusal decisions

No.:	Citation	Hours	Outcome / Reasons
1.	Urquhart; Chief Executive Officer, Services Australia and (Freedom of Information) [2021] AATA 1407 (19 May 2021)	118 hours	Upheld Service Australia’s decision that a practical refusal reason exists. Documents consisted of 3581 pages, and 17 minutes of phone records
2.	Cambridge; Chief Executive Officer, Services Australia and (Freedom of information) [2021] AATA 1142 (5 May 2021)	88.5 hours	Upheld Service Australia’s decision that a practical refusal reason exists. Unclear how many documents/pages were involved.

Freedom of Information Act 1982 at a glance - Substantial diversion of resources (last updated 24 February 2023)**Tasks and resources**

We are required to have regard to the resources required to perform the following activities (s 24AA(2) and the OAIC FOI Guidelines at 3.117), together with providing a breakdown of the time estimated for each stage of the process:

- identifying, locating or collating documents within the filing system of the agency or minister
- examining the documents
- deciding whether to grant, refuse or defer access
- consulting with other parties
- redacting exempt material from the documents
- making copies of documents
- notifying an interim or final decision to the applicant.
- the staffing resources available to an agency or minister for FOI processing
- whether the processing work requires the specialist attention of a minister or senior officer, or can only be undertaken by one or more specialist officers in an agency who have competing responsibilities
- the impact that processing a request may have on other work in an agency or minister's office, including FOI processing
- whether an applicant has cooperated in framing a request to reduce the processing workload
- whether there is a significant public interest in the documents requested
- other steps taken by an agency or minister to publish information of the kind requested by an applicant
- (only relevant to the Minister) other responsibilities of the minister and demands on the minister's time, and whether it is open to the minister to obtain assistance from an agency in processing the request.

Substantial and unreasonable

Where there is significant public interest value in the disclosure of the information contained in the documents, and/or where an individual has been significantly personally affected by decisions of government, the agency may find it difficult to justify that a practical refusal reason exists on the basis that processing the request would have an unreasonable effect on the agency even where the FOI processing burden is substantial.

OFFICIAL

**Australian Government****Department of Finance**

Reference: FOI YY-YY/NN
Contact: FOI Team
e-mail: foi@finance.gov.au

[First name] [Surname]
[Position (if appropriate)]
[Organisation (if appropriate)]

By email only: [email address]
[Second email address - if applicable]

Dear [First Name],

Freedom of Information Request – FOI YY-YY/NN

On DD Month 20XX, the Office of the Minister for Finance (Minister's Office)/Department of Finance (Finance)/Transferring agency (acronym/abbreviation) received your email requesting access under the Commonwealth *Freedom of Information Act 1982* (FOI Act) to the following documents:

Insert wording of applicant's FOI request – if greater than half a page, include as an attachment.

Delete if not applicable - On DD Month 20XX, the Minister's Office/Transferring agency, partially/fully transferred your request to Finance [if a partial transfer detail the part that was transferred].

Delete if not applicable - On DD Month 20XX, Finance wrote to you notifying that your request was too broad and requested that you narrow the scope of your FOI request.

Delete if not applicable - On DD Month 20XX, you agreed to amend the scope of your request by the following:

Insert wording of the amended scope – this may be a direct quote if the whole request was rephrased, or this may be listing limitations (e.g. limited the time period between 1 January 2020 to 30 March 2021, excluded bank account details, excluded employee details).

The purpose of this letter is to provide you with notice that the work involved in processing your request in its current form would substantially and unreasonably divert Finance's resources from its other operations. This is called a 'practical refusal reason'. The availability of the practical refusal reason in the FOI Act is to ensure that the capacity of Finance to discharge their normal functions are not undermined by processing requests that are unreasonably burdensome.

OFFICIAL

On this basis of the above practical refusal reason, I intend to refuse access to the documents you requested. However, before I make a final decision to do this, you have an opportunity to revise your request. This is called a 'request consultation process'.

Authorised decision-maker

I am authorised by the Secretary of Finance to grant or refuse access to documents.

Why I intend to refuse your request

Under subsection 24AA(2) I must have regard to the resources that would have to be used by Finance for:

- identifying, locating or collating the documents within Finance's filing system
- deciding whether to grant, refuse or defer access to a document to which the request relates, or to grant access to an edited copy of such a document (including resources that would have to be used for examining the document or consulting with any person or body in relation to the request)
- making a copy or an edited copy, of the document
- notifying any interim or final decision on the request.

I decided that a practical refusal reason exists because your request requires Finance to:

- review [insert number of documents] documents consisting of [insert number of pages if known] pages, which are relevant to your request. **Delete if not applicable**
- each page [OR a significant number of pages] will likely require redactions. **Delete if not applicable**
- your request relates to documents that contain extensive third party information, which requires Finance to undertake third party consultation, and to consider any objections to release submitted by those third parties. **Delete if not applicable**
- a sample of [insert percentage e.g. 10%] of your request was processed in order to extrapolate the time and resources required to complete the full request, and based upon this sample I estimate that it would take [insert number of hours] hours to complete. **Delete if not applicable**
- **Optional - Provide details of the estimated number of documents that fall within the request and the types of documents. Types may include: internal agency emails, executive briefs, report drafts, stakeholder correspondence etc. Explaining document types may assist applicants in deciding what they do or do not want included in their request.**
- **Optional - It may also be useful to provide some context to the subject of the applicant's request. For example, if an applicant has requested all documents on a particular policy initiative, it may help to explain the extent and wide-scope of the initiative, the length of time it has been under development, the different facets of the initiative, relevant documents that are already publicly available.**

Request consultation process: clarifying the terms of your request

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

OFFICIAL

Revising your request can mean narrowing the scope of the request to make it more manageable or explaining in more detail the documents you wish to access. For example, by providing more specific information about exactly what documents you are interested in, so that Finance will be able to pinpoint the documents quickly and avoid using excessive resources to process documents you are not interested in.

Delete if not applicable Finance considers that if you were to narrow the scope of your request to the following, then Finance would be in a position to process your request:

- Insert the amended scope.

Delete if not applicable You could narrow the scope of your request by a combination of the following:

- Insert example [this could be a suggestion to narrow by time (e.g. only documents created between 1 Jan and 31 Jan 2022)]

You are required to take further action

Before the end of the consultation period, you must do one of the following, in writing:

- withdraw your request
- revise your request
- tell Finance that you seek to proceed with your original request.

The consultation period runs for **14 days** starting on the day after you receive this notice. This means you must respond to this notice in one of the ways set out above on or before **[Day XX Month Year]**.

During this period, you are welcome to seek assistance from the contact officer I have listed below to revise your request. If you revise your request in a way that adequately addresses the practical refusal grounds outlined above, Finance will recommence processing your request.

Please note, the time taken to consult with you regarding your request is not taken into account for the purposes of the 30 calendar day statutory processing period in which Finance is required to finalise your request.

If you do not respond electing to do one of the three options listed above during the consultation period or you do not consult the contact person during this period, the FOI Act deems your request to have been withdrawn. If your request is deemed withdrawn, you are not prevented from making a new request in the future.

Contact officer

If you would like to revise your request or have any questions, the contact officer for your request is:

[Insert name of contact person]

FOI Officer

Foi@finance.gov.au

Yours sincerely,

OFFICIAL

Decision maker's details

[First and last name]

Assistant Secretary

[Branch] | [Division]

Department of Finance

MONTH 20YY

OFFICIAL



Australian Government
Department of Finance

Reference: FOI **YY-YY/NN**
Contact: FOI Team
E-mail: foi@finance.gov.au

[First name] [Surname]
[Position (if appropriate)]
[Organisation (if appropriate)]

By email only: [email address]
[Second email address - if applicable]

Dear [First Name],

Freedom of Information Charges Decision Letter – FOI **xx-xx/nn**

On **DD Month 202X**, the **Office of the Minister for Finance (Minister's Office)/Department of Finance (Finance)/[Transferring agency]** received your email, in which you sought access under the Commonwealth *Freedom of Information Act 1982* (FOI Act) to documents held by Finance. A copy of your request is at **Attachment A**.

Initial Charges Estimate

On **DD Month 202X**, Finance notified you of the **\$XX.XX** preliminary assessment of the charges payable by you for Finance to process your request.

Contention of the charges

On **DD Month 202X**, you outlined your contention of the preliminary assessment charge and sought waiver of the charges. A copy of your contention is at **Attachment B**.

Authorised decision-maker

I am authorised by the Secretary of Finance to issue a charge for access to documents.

Charges decision

I have decided to **affirm/reduce/waive** the preliminary charge assessment of **\$XX.XX** by **x percent on the basis of financial hardship/public interest**, which reduces the charge amount to **\$XX.XX** **OR** waiving the charge in full.

OFFICIAL

Consideration of contention

In considering whether charges should be reduced or waived, I have had regard to the following:

- the terms of your FOI request;
- the submissions set out in your contention of **DD Month 202X**;
- the content of the documents that fall within the scope of your request;
- the relevant provisions of the FOI Act and the *Freedom of Information (Charges) Regulations 2019* (Regulations);
- the FOI Guidelines issued by the Office of the Australian Information Commissioner (OAIC).

Subsection 29(5) of the FOI Act provides:

Without limiting the matters the agency or Minister may take into account in determining whether or not to reduce or not to impose the charge, the agency or Minister must take into account:

- (a) whether the payment of the charge, or part of it, would cause financial hardship to the applicant, or to a person on whose behalf the application was made; and
- (b) 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.

Assessment of charge – delete if not raised by applicant

In your contention you sought an assessment of the charge. The FOI charges calculator that Finance uses to assist in estimating a charge for processing a FOI request, together with the data inputs relevant to this request, are at **Attachment C**.

I am satisfied that **XX.XX** hours of decision making time is reasonable in the circumstances of your request for the following reasons:

- The [number of documents] documents identified as being relevant to your request have [number of pages] pages [if applicable provide a reason for added complexity, for example - significant complex legal drafting that requires careful assessment].
- [delete if not applicable] The documents relate to [a large number of] third parties who may reasonably seek to object to the disclosure of the information as it relates to their **personal/business** information, which requires consultation.
- Drafting a decision letter requires careful consideration of the FOI Act, the FOI Guidelines, and relevant case law decisions from FOI review bodies.

I consider that the estimate of **XX.XX** hours of work, and the associated charges estimate of **\$XX.XX** is a reasonable estimate of the time required to process your request.

Financial hardship

I am required to consider whether payment of the charges would cause you financial hardship. You have not provided any contentions or evidence that this may be the case, as such, I have not considered this factor any further.

Public Interest

Paragraph 29(5)(b) of the FOI Act requires me 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’.

OFFICIAL

The FOI Guidelines at paragraph 4.109 has a non-exhaustive list of factors that may constitute 'public interest' for the purposes of charging under the FOI Act.

[insert reasons]

[For example - The documents relate to the standard contractual provisions in relation to the provision of services for the administration of .au and the .gov.au domain name registry, together with the standard steps required to be undertaken by Finance to consult with third parties. I do not consider that the documents that you have requested relate to a matter of public debate, or to a policy issue under discussion, or that disclosure would assist the public to comment on, or participate in, the debate or discussion].

I have not identified any relevant public interest factors that warrant a reduction or waiver of the charge amount of **\$XX.XX**.

Liability to pay a charge

Timeframe

Within 30 days of the date of this notice, you need to either:

- agree to pay the charge of **\$XX.XX**; or
- seek an internal review of this charges decision, or
- withdraw your request.

Notice must be provided to Finance in writing. If you fail to notify Finance in a manner described above within 30 days of the date on this notice, being on or before **Weekday DD Month 202X**, it will be taken that you have withdrawn your request.

The time period for processing your request remains suspended from the date of this notice and resumes on either the day you pay the charges amount or the day on which Finance makes a decision not to impose a charge. However, the actual processing time would also be affected by third party consultation.

Payment of charges

You can agree to pay the charge. If you agree, processing of your request will resume as soon as Finance receives payment.

Payment is **\$XX.XX**. Payment entitles you to receive a decision in relation to your request and any documents released.

If you agree to pay the charge please notify the FOI team and they will prepare an invoice for you to complete, sign and return.

Review and Appeal Rights

You are entitled to request an internal review by Finance or an external review to the Office of the Australian Information Commission (OAIC) of my decision to impose a charge of **\$XX.XX**. Your review rights are set out in **Attachment D** [may need to update the letter].

OFFICIAL

Please contact the FOI Team if you wish to discuss your request.

Yours sincerely,

Decision maker's details

[First and last name]

Assistant Secretary

[Branch] | [Division]

Department of Finance

MONTH 20YY



Australian Government

Department of Finance

Freedom of Information – Your Review Rights

If you disagree with a decision made by the Department of Finance (Finance) or the Minister for Finance (Minister) under the *Freedom of Information Act 1982* (the FOI Act) you can have the decision reviewed. You may want to seek review if you sought certain documents and were not given full access, if you have been informed that there will be a charge for processing your request, if you have made a contention against the release of the documents that has not been agreed to by Finance or the Minister, or if your application to have your personal information amended was not accepted. There are two ways you can seek a review of our decision: an internal review (IR) by Finance or the Minister, or an external review (ER) by the Australian Information Commissioner (IC).

Internal Review (IR)

If, Finance or the Minister (we/our), makes a Freedom of Information (FOI) decision that you disagree with, you can seek a review of the original decision. The review will be carried out by a different decision maker, usually someone at a more senior level.

You must apply for an IR within 30 calendar days of being notified of the decision or charge, unless we agree to extend your time. You should contact us if you wish to seek an extension.

We are required to make an IR decision within 30 calendar days of receiving your application. If we do not make an IR decision within this timeframe, then the original decision stands.

Review by the Australian Information Commissioner (IC)

The Office of the Australian Information Commissioner (OAIC) is an independent office who can undertake an ER of our decision under the FOI Act. The IC can review access refusal decisions, access grant decisions, refusals to extend the period for applying for an IR, and IR decisions.

If you are objecting to a decision to refuse access to a document, impose a charge, or a refusal to amend personal information, you must apply in writing to the IC within 60 calendar days of receiving our decision.

Third parties

If you are a third party objecting to a decision to grant someone else access to your information, you must apply to the IC within 30 calendar days of being notified of our decision to release your information. Further assistance is located [here](#).

Do I have to go through the internal review process?

No. You may apply directly to the OAIC for an ER by the IC.

If I apply for an internal review, do I lose the opportunity to apply for an external review?

No. You have the same ER rights of our IR decision as you do with our original decision. This means you can apply for an ER of the original decision or of the IR decision.

Do I have to pay for an internal review or external review?

No. Both the IR and ER are free.

OFFICIAL

How do I apply?***Internal review***

To apply for an IR of the decision of either Finance or the Minister, you must send your review in writing. We both use the same contact details, and you must send your review request in writing.

In your written correspondence, please include the following:

- a statement that you are seeking a review of our decision;
- attach a copy of the decision you are seeking a review of; and
- state the reasons why you consider the original decision maker made the wrong decision.

Email: foi@finance.gov.au

Post: The FOI Coordinator
Legal and Assurance Branch
Department of Finance
One Canberra Avenue
FORREST ACT 2603

External review (Information Commissioner Review)

For an ER, you must apply to the OAIC in writing. The OAIC ask that you commence a review by completing their online form [here](#).

Your application must include a copy of the notice of our decision that you are objecting to, and your contact details. You should also set out why you are objecting to the decision.

Email: FOIDR@oaic.gov.au

Post: Office of the Australian Information Commissioner
GPO Box 5218
Sydney NSW 2001

The IC's enquiries phone line is 1300 363 992.

Can I appeal the Information Commissioner's external review decision?

Yes. You can appeal the Information Commissioner's ER decision to the Administrative Appeals Tribunal (AAT).

There is a fee for lodging an AAT application (as at 12 October 2022 it is \$1,011).

Further information is accessible [here](#).

The AAT's number is 1800 228 333.

Complaints***Making a complaint to the Office of the Australian Information Commissioner***

You may make a written complaint to the OAIC about actions taken by us in relation to your application.

Further information on lodging a complaint is accessible [here](#).

Investigation by the Commonwealth Ombudsman

The Ombudsman can also investigate complaints about action taken by agencies under the FOI Act. However, if the issue complained about either could be, or has been, investigated by the IC, the Ombudsman will consult with the IC to avoid the same matter being investigated twice. If the Ombudsman decides not to investigate the complaint, then they are to transfer all relevant documents and information to the IC.

The IC can also transfer a complaint to the Ombudsman where appropriate. This could occur where the FOI complaint is only one part of a wider grievance about an agency's actions. You will be notified in writing if your complaint is transferred.

Complaints to the Ombudsman should be made online [here](#).

The Ombudsman's number is 1300 362 072.



Australian Government
Department of Finance

Reference: FOI YY-YY/NN
Contact: FOI Team
E-mail: foi@finance.gov.au

[First name] [Surname]
[Position (if appropriate)]
[Organisation (if appropriate)]

By email only: [email address]
[Second email address - if applicable]

Dear [First Name],

Freedom of Information Preliminary Charges – FOI YY-YY/NN

On DD Month 20XX, the Office of the Minister for Finance (Minister's Office)/Department of Finance (Finance)/[Transferring agency] received your email, in which you sought access to the following under the Commonwealth *Freedom of Information Act 1982* (FOI Act):

Insert wording of applicant's FOI request – if greater than half a page, include as an attachment.

Delete if not applicable - On DD Month 20XX, the Office of the Minister for Finance/[Transferring agency], partially/fully transferred your request to Finance [if a partial transfer detail the part that was transferred].

Delete if not applicable - On DD Month 20XX, you agreed to amend the scope of your request by the following:

Insert wording of the amended scope – this may be a direct quote if the whole request was rephrased, or this may be listing limitations (e.g. limited the time period between 1 January 2020 to 30 March 2021, excluded bank account details, excluded employee details).

Authorised decision-maker

I am authorised by the Secretary of Finance to issue a charge for access to documents.

Liability to pay a charge

In accordance with the *Freedom of Information (Charges) Regulations 2019* (Regulations), and the FOI Act, I have decided that you are liable to pay a charge in respect of processing your request and am notifying you accordingly.

My preliminary assessment of that charge is as follows:

Task	Rate	Units	Charge
Search & retrieval	\$15 per hour	00.00 hours	\$ 00.00
Decision-making	\$20 per hour	00.00 hours	\$ 00.00
<i>less first 5 hours free</i>		5 hours	\$ -100.00
TOTAL			\$ 00.00

In accordance with the Regulations, this estimate has included five hours of decision making time free of charge.

Fee reduction – delete if not applicable

In the circumstances of this request, I have decided that it is in the public interest to reduce the remaining amount of the charge by X per cent. This means the charge payable is \$XXX.

Timeframe

Within 30 days of the date of this notice, you need to either:

- agree to pay the charge indicated above and forward payment in full; or
- contend that the charge has been wrongly assessed, or should be reduced or not imposed (you should provide full reasons for your contention); or
- withdraw your request.

Notice must be provided to Finance in writing. If you fail to notify Finance in a manner described above within 30 days of the date on this notice, being on or before **date**, it will be taken that you have withdrawn your request.

The time period for processing your request is suspended from the date of this notice and resumes on either the day you pay the balance in full or the day on which Finance makes a decision not to impose a charge. However, the actual processing time may also be affected by third party consultation.

Payment of charges

You can agree to pay the charge. If you agree, processing of your request will resume as soon as Finance receives payment in full.

Payment in full is \$00.00. Payment in full entitles you to receive a decision in relation to your request, a schedule (if there are more than 3 documents) which lists the documents relevant to your request, and any documents released.

If you agree to pay the charge please notify the FOI team and they will prepare an invoice for you to complete, sign and return.

If you disagree with the charge

If you contend that the charge has been wrongly assessed, or should be reduced or not imposed, such a contention is not a request for internal review. You will be advised of your review rights following my consideration of your contentions. In deciding whether to reduce or not impose a charge, I must take into account whether payment of the charge would cause you financial hardship and whether the giving of access to the documents is in the general public interest.

The Office of the Australian Information Commissioner (OAIC) sets out the process for [calculating and imposing charges](#), together with information regarding when an agency should [correct, reduce or waive charges](#).

Please contact the FOI Team on the above contact details if you wish to discuss your request.

Yours sincerely,

Decision maker's details

[First and last name]
Assistant Secretary
[Branch] | [Division]
Department of Finance
MONTH 20YY

OFFICIAL

**Australian Government****Department of Finance**

Reference: FOI 24-25/NN
Contact: FOI Team
E-mail: foi@finance.gov.au

[First name] [Surname]
[Position (if appropriate)]
[Organisation (if appropriate)]

By email only: [email address]
[Second email address - if applicable]

Dear [Last Name],

Freedom of Information Request – FOI YY-YY/NN

On DD Month 20XX, the Office of the Minister for Finance (Minister's Office)/Department of Finance (Finance)/Transferring agency received your email, in which you sought access under the Commonwealth *Freedom of Information Act 1982* (FOI Act) to the following:

Insert wording of applicant's FOI request – if greater than half a page, include as an attachment.

Delete if not applicable - On DD Month 20XX, the Minister's Office/Transferring agency, partially/fully transferred your request to Finance [if a partial transfer detail the part that was transferred].

Delete if not applicable - On DD Month 20XX, you agreed to amend the scope of your request by the following:

Insert wording of the amended scope – this may be a direct quote if the whole request was rephrased, or this may be listing limitations (e.g. limited the time period between 1 January 2020 to 30 March 2021, excluded bank account details, excluded employee details).

The purpose of this letter is to provide you with notice of my decision under the FOI Act.

Authorised decision-maker

I am authorised by the Secretary of Finance to grant or refuse access to documents.

Decision [if no documents – otherwise delete]

Section 24A of the FOI Act provides that an agency may refuse a request for access to a document if after taking reasonable steps to find the document, the agency is satisfied that the document does not exist. In line with this provision, I have decided to refuse your request.

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In making my decision, I have had regard to the following:

- the terms of your FOI request;
- searches for documents held by Finance;
- the relevant provisions of the FOI Act;
- the FOI Guidelines issued by the Office of the Australian Information Commissioner (FOI Guidelines).

In coming to my decision, I have:

- consulted with the relevant business areas within Finance who are responsible for <insert subject matter>, I have been advised that there are no areas within Finance that have any knowledge or records of documents within the scope of your request; and
- ensured that thorough searches were undertaken of relevant Finance systems where any such documents may have been stored.

As a result of these consultations and searches, I am satisfied that all reasonable steps have been taken to find any a document that may fall within the scope of your request. As no such document exists, I have decided to refuse your request.

Decision

I have identified **Number** document/s falling within the scope of your request.

I have decided to:

- release **number** *[if 'one' document use the word, otherwise use the number for 2 or more documents]* document/s
- release **number** document/s with some information redacted as the document/s contain **name of the exemptions** (e.g. cabinet document/s and commercially valuable information).
- refuse to release **number** document/s as they contain **name of the exemptions** (e.g. cabinet documents and commercially valuable information).

In making my decision, I have had regard to the following:

- the terms of your FOI request;
- the content of the document/s that fall within the scope of your request;
- consultations with third parties in accordance with the FOI Act and submissions made by those third parties;
- the relevant provisions of the FOI Act; and
- the following FOI cases; **insert case citations**; and
- the FOI Guidelines issued by the Office of the Australian Information Commissioner (FOI Guidelines).

Delete if 3 or fewer attachments - The documents are identified in the Schedule at **Attachment A**.

Locating and identifying documents

The documents were identified by conducting searches of Finance's information management systems including:

- SharePoint/OneDrive;
- Outlook;

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- [if relevant: Parliamentary Expenses Management System, Parliamentary Document Management System, G:Drive]
- [Use information from the FOI Search Minute completed by the BA to assist with drafting of this section]

using all reasonable search terms that could return documents relevant to your request. [If relevant, advise that documents were searched for within a particular time frame].

Relevant Finance staff able to identify documents within the scope of the request were also consulted.

Delete if not applicable - Irrelevant information removed from the document/s

Section 22 of the FOI Act relevantly provides:

(1) This section applies if:

(a) an agency or Minister decides:

- (i) to refuse to give access to an exempt document; or
- (ii) that to give access to a document would disclose information that would reasonably be regarded as irrelevant to the request for access; and

(b) it is possible for the agency or Minister to prepare a copy (an edited copy) of the document, modified by deletions, ensuring that:

- (i) access to the edited copy would be required to be given under section 11A (access to documents on request); and
- (ii) the edited copy would not disclose any information that would reasonably be regarded as irrelevant to the request...

[describe what information is irrelevant, including by reference to the policy set out in the acknowledgement email]

On [XX date], Finance advised that subject to any objections raised by you, the names and contact details of junior staff (non-SES officers) and staff employed under the *Members of Parliament (Staff) Act 1984* (adviser level and below) would be redacted under subparagraph 22(a)(ii) of the FOI Act on the basis that these details are irrelevant to the request.

The documents within scope of your request contain information which is not relevant to your request under paragraph 22(a) of the FOI Act. Accordingly, this information is irrelevant to your request and Finance has prepared an edited copy of the documents that has removed this information in accordance with paragraph 22(b) of the FOI Act.

Delete if not applicable - Information removed as it contains name of exemption (e.g. Cabinet document/s)

Copy from document -> Exemptions [located in MIE - > Templates]

Complete section.

Repeat for each exemption that applies.

Delete if not applicable - Information removed as it contains name of conditional exemption (e.g. private information)

Copy from document -> Exemptions [located in MIE - > Templates]

Complete section.

Repeat for each conditional exemption that applies.

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Delete the below if not applicable**Public interest test**

Section 11A of the FOI Act relevantly provides:

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

In finding that [*the document/Document X etc*] **is/are** conditionally exempt in **part/full**, I am required to consider whether it would be contrary to the public interest to give access to the information in the documents at this time.

Factors favouring disclosure

Section 11B of the FOI Act relevantly provides:

- (3) Factors favouring access to the document in the public interest include whether access to the document would do any of the following:
- (a) promote the objects of this Act (including all the matters set out in sections 3 and 3A);
 - (b) inform debate on a matter of public importance;
 - (c) promote effective oversight of public expenditure;
 - (d) allow a person to access his or her own personal information.

In considering the scope of your request and the content of the documents, I have taken into account the intention of the FOI Act to provide for open Government and that the release of the documents would promote transparency of Government activities. I consider that the release of the documents would promote the objects of the FOI Act [*add other factors from above if relevant*]. Further, I have balanced this consideration against the factors against disclosure below.

[Note – previous letters have indicated Finance gives minimal weight, which is not the case. Positively indicate factors in favour of disclosure.]

Factors against disclosure

Paragraph 6.233 the FOI Guidelines provides a non-exhaustive list of factors against disclosure. I consider that the following factors apply to these documents, in that the release of the information in the documents could reasonably be expected to:

- prejudice [*insert from Para 6.233 of the FOI Guidelines – other factors may also be relevant eg for section 47C deliberative matter see that part of the Guidelines*]

[Explain the factors against disclosure in sufficient detail to justify the factor claimed]

Irrelevant factors

Section 11B of the FOI Act relevantly provides:

- (4) The following factors must not be taken into account in deciding whether access to the document would, on balance, be contrary to the public interest:
- (a) access to the document could result in embarrassment to the Commonwealth Government, or cause a loss of confidence in the Commonwealth Government;
 - (b) access to the document could result in any person misinterpreting or misunderstanding the document;

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- (c) the author of the document was (or is) of high seniority in the agency to which the request for access to the document was made;
- (d) access to the document could result in confusion or unnecessary debate.

I have not taken into account any of these irrelevant factors.

Balancing public interest factors

The FOI Guidelines relevantly provide:

[6.238] To conclude that, on balance, disclosure of a document would be contrary to the public interest is to conclude that the benefit to the public resulting from disclosure is outweighed by the benefit to the public of withholding the information. The decision maker must analyse, in each case, where on balance the public interest lies based on the particular facts of the matter at the time the decision is made.

I acknowledge that there is public interest in providing access to the information in the documents. However, on balance, I consider that the factors against disclosure outweigh the factors favouring disclosure.

[Explain why there is a public interest benefit in refusing to disclose]

Charges

I have decided that a charge **is/is not** payable in this matter. **OR if an individual (or their agent) is seeking their own personal information – No charge is payable in this matter.**

(Only use the following paragraphs if a charge was imposed. Delete this from the final decision letter.)

On DD Month 20YY, we sent you our preliminary charges notice in the amount of \$XXX.XX.

Delete if not applicable - On DD Month 20YY, you paid the **charge/deposit** of \$XXX.XX.

(Only use if the applicant contested the preliminary charges notice. Add in extra lines if the charges decision was also contested and an internal review is required. Delete this from the final decision letter.)

Delete if not applicable - On DD Month 20YY, you contested the amount of the preliminary charges notice.

Delete if not applicable - On DD Month 20YY, we sent you our decision in relation to your charges contention, in which we **affirmed/set aside/varied** our preliminary charges decision to impose a charge of \$XXX.XX. This meant that **there was no charge / you were required to pay \$XXX.XX.**

Delete if not applicable - On DD Month 20YY, you paid the **remaining** charge of \$XXX.XX. **OR** We will provide you with the document/s once we have received the remaining payment of \$XXX.XX into our bank account.

Delete if not applicable -Third party consultation

Finance consulted with **a third party / third parties** and provided them with a copy of the document/s with our proposed redactions (delete if this did not occur). We **did not receive any / received** objections to the release of the document/s.

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Delete if not applicable – A third party objected to our proposed decision to release the document/s [if only some documents were objected to, identify the documents] to you. This means we are not able to provide a copy of the document/s to you at this time. The third party has 30 calendar days to seek an internal review of our decision to release the documents to you, or to appeal to the Office of the Australian Information Commissioner. We will notify you if the third party seeks a further review. If no review is made, we will release the documents to you after DD Month 20YY.

Review and appeal rights

You are entitled to request an internal review or an external review by the Office of the Australian Information Commissioner (OAIC) of my decision. The process for review and appeal rights is set out at **Attachment B**. Change the attachment number to A if there are 3 or fewer documents.

Publication

Finance will / will not publish the document/s released to you on our [Disclosure Log](#). Finance's policy is to publish the document/s the working day after they are released to you.

If you have any questions about this request, please contact the FOI Team on the above contact details.

Yours sincerely,

Decision maker's details

[First and last name]
Assistant Secretary
[Branch] | [Division]
Department of Finance
MONTH 20YY

[Delete this page if there are 3 or fewer documents] SCHEDULE OF DOCUMENTS RELEVANT TO FOI YY-YY/NN

(AutoFit the table to the contents as well as the window. To do this, select the table > click 'Layout' tab > Click on 'AutoFit' > Select 'AutoFit contents'. Repeat this step, and also select 'AutoFit window'. Delete this sentence from final decision letter)

Document No.	Date of Document	No. of Pages	Description of Document	Decision
1	DD/MM/YYYY	N	[E.g. Letter from Minister A to Minister B notifying of matter XYZ]	Release in full/part OR Refused Delete if not applicable - Irrelevant material redacted under section 22 AND/OR Exempt material redacted under section/s insert
2				
3				
4				



Australian Government

Department of Finance

Freedom of Information – Your Review Rights

If you disagree with a decision made by the Department of Finance (Finance) or the Minister for Finance (Minister) under the *Freedom of Information Act 1982* (the FOI Act) you can have the decision reviewed. You may want to seek review if you sought certain documents and were not given full access, if you have been informed that there will be a charge for processing your request, if you have made a contention against the release of the documents that has not been agreed to by Finance or the Minister, or if your application to have your personal information amended was not accepted. There are two ways you can seek a review of our decision: an internal review (IR) by Finance or the Minister, or an external review (ER) by the Australian Information Commissioner (IC).

Internal Review (IR)

If, Finance or the Minister (we/our), makes a Freedom of Information (FOI) decision that you disagree with, you can seek a review of the original decision. The review will be carried out by a different decision maker, usually someone at a more senior level.

You must apply for an IR within 30 calendar days of being notified of the decision or charge, unless we agree to extend your time. You should contact us if you wish to seek an extension.

We are required to make an IR decision within 30 calendar days of receiving your application. If we do not make an IR decision within this timeframe, then the original decision stands.

Review by the Australian Information Commissioner (IC)

The Office of the Australian Information Commissioner (OAIC) is an independent office who can undertake an ER of our decision under the FOI Act. The IC can review access refusal decisions, access grant decisions, refusals to extend the period for applying for an IR, and IR decisions.

If you are objecting to a decision to refuse access to a document, impose a charge, or a refusal to amend personal information, you must apply in writing to the IC within 60 calendar days of receiving our decision.

Third parties

If you are a third party objecting to a decision to grant someone else access to your information, you must apply to the IC within 30 calendar days of being notified of our decision to release your information. Further assistance is located [here](#).

Do I have to go through the internal review process?

No. You may apply directly to the OAIC for an ER by the IC.

If I apply for an internal review, do I lose the opportunity to apply for an external review?

No. You have the same ER rights of our IR decision as you do with our original decision. This means you can apply for an ER of the original decision or of the IR decision.

Do I have to pay for an internal review or external review?

No. Both the IR and ER are free.

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How do I apply?***Internal review***

To apply for an IR of the decision of either Finance or the Minister, you must send your review in writing. We both use the same contact details, and you must send your review request in writing.

In your written correspondence, please include the following:

- a statement that you are seeking a review of our decision;
- attach a copy of the decision you are seeking a review of; and
- state the reasons why you consider the original decision maker made the wrong decision.

Email: foi@finance.gov.au

Post: The FOI Coordinator
Legal and Assurance Branch
Department of Finance
One Canberra Avenue
FORREST ACT 2603

External review (Information Commissioner Review)

For an ER, you must apply to the OAIC in writing. The OAIC ask that you commence a review by completing their online form [here](#).

Your application must include a copy of the notice of our decision that you are objecting to, and your contact details. You should also set out why you are objecting to the decision.

Email: FOIDR@oaic.gov.au

Post: Office of the Australian Information Commissioner
GPO Box 5218
Sydney NSW 2001

The IC's enquiries phone line is 1300 363 992.

Can I appeal the Information Commissioner's external review decision?

Yes. You can appeal the Information Commissioner's ER decision to the Administrative Appeals Tribunal (AAT).

There is a fee for lodging an AAT application (as at 17 February 2023 it is \$1,011).

Further information is accessible [here](#).

The AAT's number is 1800 228 333.

Complaints***Making a complaint to the Office of the Australian Information Commissioner***

You may make a written complaint to the OAIC about actions taken by us in relation to your application.

Further information on lodging a complaint is accessible [here](#).

Investigation by the Commonwealth Ombudsman

The Ombudsman can also investigate complaints about action taken by agencies under the FOI Act. However, if the issue complained about either could be, or has been, investigated by the IC, the Ombudsman will consult with the IC to avoid the same matter being investigated twice. If the Ombudsman decides not to investigate the complaint, then they are to transfer all relevant documents and information to the IC.

The IC can also transfer a complaint to the Ombudsman where appropriate. This could occur where the FOI complaint is only one part of a wider grievance about an agency's actions. You will be notified in writing if your complaint is transferred.

Complaints to the Ombudsman should be made online [here](#).

The Ombudsman's number is 1300 362 072.



Privacy Process Paper

APP12 Searching Tips

Version: August 2019

Access to Personal Information

APP 12 of the *Privacy Act 1988* (Privacy Act) outlines an APP entity's obligations when an individual requests to be given access to personal information held about them by the entity. This includes a requirement to provide access unless a specific exception applies.

APP 12 operates alongside and does not replace other informal or legal procedures by which an individual can be provided with access to information, including, for agencies, the *Freedom of Information Act 1982* (FOI Act) that provides a right of access to information held by agencies.

Upon receiving a request for access, an APP entity should search the records that it possesses or controls to assess whether the requested personal information is contained in those records. For example, an entity may search hard copy records and electronic databases and make enquiries of staff or contractors with relevant knowledge.

When searching for personal information held by the Department of Finance (Finance), consider the following tips.

Tip 1 – Start with HR

It is best to start retrieving personal information from the relevant human resources area. HR hold a great deal of personal information held by Finance.

Example 1: If the request is from an employee of the Department of Finance, contact the human resources area.

Example 2: If the request is from a *Members of Parliament (Staff) Act 1984* employee, contact the Ministerial and Parliamentary Services division.

Tip 2 – Other Platforms

Finance uses a multitude of platforms in which it holds personal information. For example, consider whether the applicant corresponded with the Secretary or the Minister. Personal information may be held by Finance in PDMS.

Tip 3 – Teams

If the request is from an employee or contractor, contact the team they were engaged with to ensure you have all the personal information in possession or control.

Tip 4 – Other areas of Finance

Think about other areas of Finance that may hold personal information about the applicant.

Example : contact Security to obtain information about whether they applied for AGSVA clearance.

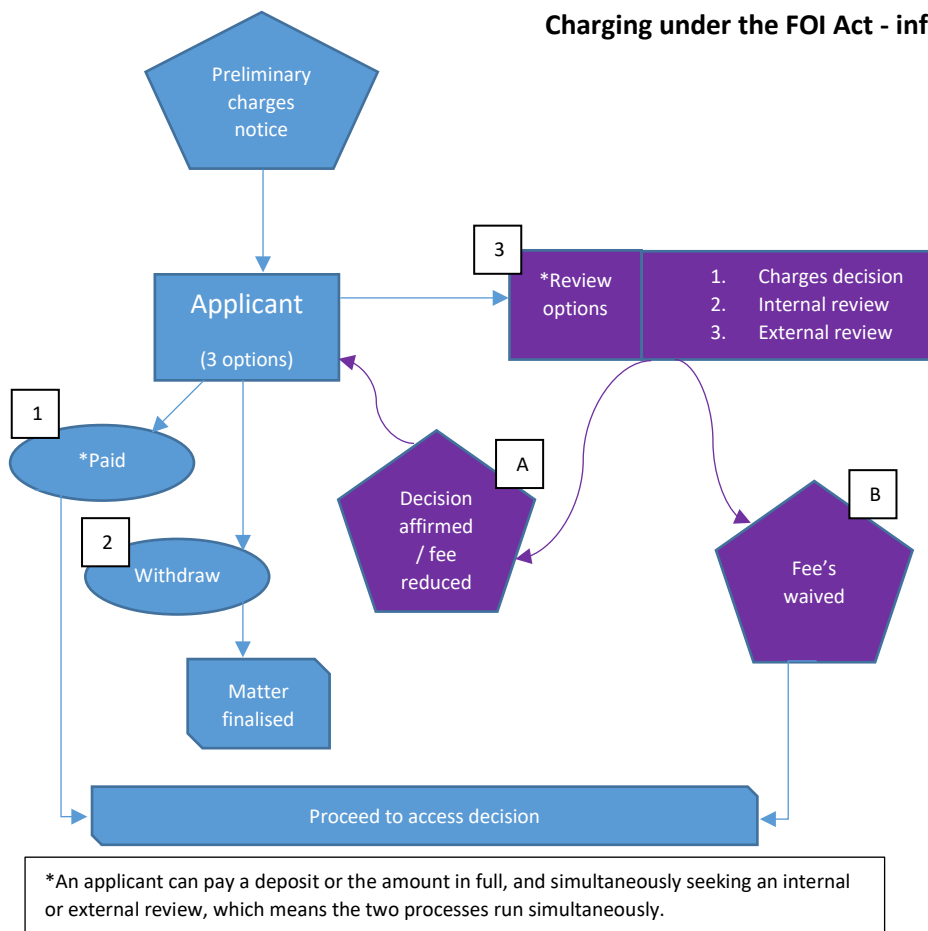
Insert title of newsletter here

Example 2: if it is an applicant for discretionary payment, contact the Risk and Claims Branch.

Tip 5 – No Charge

Unlike with the FOI Act process, an APP agency may not charge for time spent in searching and retrieving personal information requests.

Charging under the FOI Act - information for decision makers (last updated 29 September 2022)



Key concepts

- Charging is completely at the decision maker’s discretion
- Lowest reasonable cost objective (only charge if the money recouped will exceed the money spent issuing and collecting a charge notice)
- Public interest factors (to consider in deciding to reduce or waive the calculated charge)
- The FOI Act requires an agency or minister to consider ‘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’ (s 29(5)(b)).

Recent Finance FOI Matters where the decision-maker exercised their discretion to charge.

FOI No.:	No. of Pages	Amount	Applicant	Outcome / Reasons
22/65	13*	\$133.41	Right to Know	Withdrawn – applicant did not respond to preliminary charges notification. Public interest factor – 50% discount as documents related to the reduction of staff to crossbenchers *Note – although the page numbers were very low, there were 8 third parties that needed to be consulted.
22/64	130	\$231.33	Right to Know	Pending – response from applicant (deemed withdrawn if no response by 7 October) No – public interest factors identified
21-81	97	\$279.34	Reporter	Paid – 25% fee reduction – public interest factors – not identified in preliminary charges notice. Request related to a motor vehicle accident involving a MP.
21-69	48	\$199	Individual	Withdrawn - 25% fee reduction – public interest factors – applicant is an individual
21-42	486	\$1,877	Reporter	Withdrawn - 10% fee reduction for public interest factors (request sought information in relation to superannuation and government stabling reforms that impact all CSC superannuation members)
21-34	1215	\$4,184	Grattan Institute	Withdrawn - 25% fee reduction for public interest factors (nomination processes and parties to the boards of Government Business Enterprises)
21-07	121	\$635	Reporter	Paid - 25% fee reduction for public interest factors (Government Grants approved by Minister’s in own electorate and against recommendations). There were 36 third parties consulted.

Charging under the FOI Act - information for decision makers (last updated 29 September 2022)

Indicators of public interest:

- The document relates to a matter of public debate, or to a policy issue under discussion within an agency, and disclosure will assist public comment on, or participation in, the debate or discussion.
- The document relates to an agency decision that has been a topic of public interest or discussion, and disclosure of the document will better inform the public as to why or how the decision was made, including highlighting any problems or flaws that occurred in the decision making process.^[39]
- The document will add to the public record on an important and recurring aspect of agency decision making.^[40]
- The document is to be used for research that is to be published widely or that complements research being undertaken in an agency or elsewhere in the research community.^[41]
- The document is to be used by a community or non-profit organisation in preparing a submission to a parliamentary or government inquiry, for example, on a law reform, social justice, civil liberty, financial regulation, or environmental or heritage protection issue.^[42]
- The document is to be used by a Member of Parliament in parliamentary or public debate on an issue of public interest or general interest in the member's electorate.^[43]
- The document is to be used by a journalist to prepare a story for publication that is likely to be of general public interest.^[44]

Other grounds for reduction or waiver

- The cost of calculating and collecting a charge might exceed the cost to the agency of processing the request.^[53]
- A member of Parliament has requested access on behalf of a constituent to a document containing personal information, for which the constituent would not have been required to pay a charge.
- The applicant needs the document for a pending court or tribunal hearing.
- Giving access to the document could assure the agency that it has accorded procedural fairness to the applicant in an administrative proceeding the agency is conducting.
- The document is required for research purposes for which no commercial benefit will flow to the applicant.^[54]
- Reduction or waiver of the charge would enhance the agency-client relationship.
- The agency was able to identify and retrieve the document easily and at minimal cost.
- The Information Commissioner or AAT has decided in similar circumstances that charges should not be imposed.