



Freedom of Information

Business Rules

PURPOSE

This document sets out the key roles, responsibilities and procedures the Department of the Prime Minister and Cabinet (PM&C) will follow in managing and responding to requests made to the Department under the *Freedom of Information Act 1982* (Cth) (FOI Act).

WHAT IS FREEDOM OF INFORMATION?

The FOI Act provides a legally enforceable right of access to government documents subject to certain exemptions. It applies to Australian Government ministers and most agencies (including PM&C).

Complying with the FOI Act is a statutory obligation with enforceable timeframes. An FOI applicant who is dissatisfied with a PM&C decision can ask for the decision to be reviewed internally; by the Office of the Australian Information Commissioner or by the Administrative Appeals Tribunal. FOI decisions can also receive scrutiny by Parliament, parliamentary committees, the media and the general public.

ROLES AND RESPONSIBILITIES

Decision Maker

This is a PM&C employee who is authorised by the Secretary of PM&C to make decisions on PM&C FOI requests. The Secretary has authorised all SES officers to make decisions. Usually, the decision maker for an individual request is identified by the FOI team as the SES officer with the closest connection or interest in the subject matter of the FOI request.

A decision maker is responsible (with the assistance of the FOI team and their line area) for:

- making key decisions under the FOI Act about how PM&C will handle and respond to the request (eg is the request too large to process, should charges be issued or should documents be released);
- ensuring that reasonable searches for documents have been across the department;
- deciding whether other agencies and third parties should be consulted;
- ensuring relevant areas of the department, the Prime Minister's Office and other portfolio Minister's offices are informed as appropriate.

Contact Officer

This is person in the line area that supports the decision maker for a particular FOI request.

The Contact Officer is responsible for:



- supporting (together with the FOI team) the decision maker in responding to the request;
- assisting the Decision Maker to monitor and meet timeframes for the FOI request
- conducting searches and retrieving relevant documents in all areas that may have relevant documents
- consulting internally within PM&C on the handling of the request (including Cabinet Division in relation to any Cabinet related documents);
- keeping records of the searches undertaken and time spent on searches;
- assisting the FOI team in responding to the request by identifying sensitivities and other agencies or third parties that may need to be consulted.

FOI Case Officers

FOI Case Officers work with the decision maker and the line area to respond to the FOI request.

The Case Officer is responsible for:

- supporting (together with the line area) the decision maker in responding to the request;
- providing specialised advice to the decision maker and line area on how the FOI Act applies to the request and documents, including
 - drafting a statement of reasons,
 - preparing the schedule of documents and
 - redacting documents;
- managing consultations with agencies and third parties;
- communicating with the FOI applicant about how the request is being processed (including the scope of the request, providing updates and managing any queries that the FOI applicant may have);
- providing regular progress reports—PM&C executive, the Prime Minister's office and other PM&C portfolio Minister's offices;
- managing the following request types:
 - internal review
 - review by the Office of the Australian Information Commissioner
 - Administrative Appeals Tribunal Review
 - Court appeals



KEEPING FOI APPLICANTS INFORMED

The FOI Act requires the Department to contact an FOI applicant about their request at certain times (eg acknowledge receipt of the request or advise transfer of the request to another agency). The Act also requires an agency to take reasonable steps to assist a person to make a valid FOI request and to take reasonable steps to assist a person to direct their request to the appropriate agency or minister.

Taking account of the Guidelines issued by the Office of the Australian Information Commissioner and, as a matter of good administrative practice, the Department (through the FOI team) will contact the applicant to discuss their request as soon as practicable after receiving the request especially if the scope of the request is not clear or the formal requirements of the FOI Act have not been met.

The Department will also contact the applicant as soon as practicable if a preliminary assessment of the request indicates that:

- there may be a practical refusal reason—such as the request is too large to process or the terms of the request are not clear;
- the estimated charges for processing the request may be high; or
- the Department may not have the documents sought or another agency or minister may be more appropriate.

PROCESSING FOI REQUESTS

How PM&C processes FOI Requests- see Attachment A

PM&C actions FOI requests in three stages:

- Stage 1 – determining validity, assigned the case and undertaking searches
- Stage 2 – assessment of relevant documents within the scope of the request and drafting a decision (after a practical refusal reason is removed and/or any charges have been paid)
- Stage 3 – finalising the request

Attachment A sets out key timeframes and responsibilities.

STAGE ONE—Determining validity and tasking

WHO	WHAT
FOI team	<ul style="list-style-type: none"> • Determines if request is a valid FOI request. • If valid, identifies the appropriate decision maker by consulting the SES officer likely to be the decision maker. • If a decision maker cannot be identified, the Deputy Secretary Governance will decide who the decision maker will be. • Notify the decision maker, with a copy to FAS Gov Div, Dep Sec Governance, FAS of line area, EA to Line Area FAS, Dep Sec of line area, PMO, relevant Portfolio Minister's Office, AS LPB, Director, Public Affairs and Media, media inbox, and the FOI inbox.
FOI team Contact Officer Decision maker	<ul style="list-style-type: none"> • Meet to discuss: <ul style="list-style-type: none"> ○ Scope and terms of request, including whether it is clear ○ Key timeframes for managing the request ○ The conduct of reasonable initial searches for documents ○ Whether other agencies or third parties should be consulted about request ○ Whether charges should be imposed for processing the request ○ Whether processing the request is likely to be a substantial and unreasonable diversion of resources.
FOI team	<ul style="list-style-type: none"> • Depending on outcome of initial searches and discussions, the FOI team will contact the FOI applicant to: <ul style="list-style-type: none"> ○ Clarify the scope / terms of the FOI request to assist the Department to process, and/or ○ Start a practical refusal consultation process, and/or ○ Advise of an estimate of charges (if necessary), and/or ○ Advise of consultation with third parties.
Contact Officer FOI team Decision maker	<ul style="list-style-type: none"> • Consider what work, if any, can be undertaken while waiting for the FOI applicant to respond to a charges notice or a practical refusal consultation notice (for example, consultations with third parties or other agencies may be able to be commenced).

STAGE TWO—Assessment and Drafting

WHO	WHAT
Contact Officer	<ul style="list-style-type: none"> • Finalises searches - refer to the <u>Assessment Checklist</u>. • Collates documents that fall within the scope of the FOI request, prepares a schedule and sends them to the FOI team. • Together with FOI team and decision maker consider whether any exemptions or redactions should be made to the documents.
FOI team	<ul style="list-style-type: none"> • Carries out consultations with third parties and provides responses to decision maker and line area to be considered. • In consultation with the Decision Maker, drafts statement of reasons for the decision maker to consider. • Prepares documents for release in accordance with instructions from the decision maker.
Decision maker Contact Officer	<ul style="list-style-type: none"> • Manages notification of relevant departmental executives (including the Secretary, Deputy Secretary Governance and relevant Deputy Secretary), PM&C Media and Prime Minister's Office / Ministerial offices regarding sensitivities throughout the management of the request (copying in FOI team).

STAGE THREE—Finalising the Decision

WHO	WHAT
FOI team	<ul style="list-style-type: none"> Continues to assess timeframe to determine if request will be completed on time—in doing so considers issues such as progress of document searches; drafting of the decision and status of third party consultations. If required, consult with decision maker regarding timeframes and any remedial action required—such as extension of time (from applicant or OAIC). If an extension is required, FOI team will contact the applicant or the OAIC.
Decision maker	<ul style="list-style-type: none"> In consultation with the FOI team finalise decision on access to the documents sought under the FOI request. During this time identify sensitivities. Briefs the Deputy Secretary (Governance) on the decision within the following parameters: <ol style="list-style-type: none"> If the decision is a 'no documents' or 'practical refusal' decision with no sensitivities, use a simple email to notify the DepSec of your intended decision If the decision is to release a small number of documents with no identified sensitivities, use a simple email to notify the DepSec, including the documents proposed for release. <i>If there is any doubt about any possible sensitivities, the DepSec should be briefed as per the protocol below.</i> In any other circumstances, a meeting should be set with the DepSec and FOI case officer, to provide an overview of the proposed decision, decision making process, and any possible sensitivities. The relevant adviser in the Prime Minister's Office or minister's office and the Prime Minister's Office FOI adviser must be given at least 2 business days to consider the proposed decision. The decision is not held for a longer period unless by specific agreement with the Prime Minister's Office or the relevant Minister's Office. PM&C Media should be alerted to matters with sensitivities to determine if Talking Points are required.
Decision maker	<ul style="list-style-type: none"> Signs the decision and completes Final Stage Checklist

FOI team	<ul style="list-style-type: none"> • Final packaging of documents and internal check to ensure documents are consistent with decision. • Provides documents and decision to applicant. • Arranges for documents to be uploaded to the PM&C FOI disclosure log unless exempt from publication under the FOI Act.
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ATTACHMENT A

Day	FOI Team	Decision Maker (DM)	Line Area Contact Officer (CO)
Day 0 Request Received	<ul style="list-style-type: none"> Determine Validity 		
By day 2 Request Assigned	<ul style="list-style-type: none"> FOI Officer appointed Decision maker appointed Acknowledge Request 	<ul style="list-style-type: none"> Appoint Line Area Contact Officer 	
By Day 7 Document Retrieval	<ul style="list-style-type: none"> Determine Scope (in consultation with DM and CO) If relevant: Prepare and process Practical Refusal Consultation Notice AND/OR Prepare and process Charges Notice 	<ul style="list-style-type: none"> Determine Scope (in consultation with FOI Team and CO) Determine practical refusal reason exists (through review of Assessment stage checklist) AND/OR Agree charges notice 	<ul style="list-style-type: none"> Determine Scope (in consultation with DM and FOI Team) Undertake reasonable searches Complete Assessment stage check list Provide captured documents to FOI Team and complete schedule of documents
CLOCK STOPS FOR CONSULTATION ON PRACTICAL REFUSAL and/or CLOCK STOPS UNTIL CHARGES FINALISED (Paid or Withdrawn)			
Day 8 Charges Assessment	<ul style="list-style-type: none"> Calculate charges Prepare charges notification for DM Issue charges notification 	<ul style="list-style-type: none"> Make decision on charging 	
Day 9-17 Assessment and Drafting	<ul style="list-style-type: none"> Review documents for content and potential third party consultation Consult with CO on likely exempt documents Prepare schedule regarding reviewed and consulted documents 	<ul style="list-style-type: none"> Make any decision about consultation Make any decision on practical refusal grounds 	<ul style="list-style-type: none"> Undertake internal consultations where necessary (keeping FOI Team informed) Provide information regarding exemptions and sensitivities to FOI Team
THIRD PARTY CONSULTATIONS—ADDITIONAL 30 DAYS PROVIDED			
ISSUE PRACTICAL REFUSAL DECISION			
Day 18-20 Draft Decision	<ul style="list-style-type: none"> Draft decision package for consideration and consultation with DM Collates evidence in relation to the proposed decision 	<ul style="list-style-type: none"> Liaise with PMO / Minister's office and prepare draft talking points as necessary 	<ul style="list-style-type: none"> Liaise with PMO / Minister's office and prepare draft talking points as necessary
Day 21-27 Finalise Decision	<ul style="list-style-type: none"> Provide assistance and support to DM to finalise decision Conducts consultation with DM—amending draft as necessary 	<ul style="list-style-type: none"> Consider decision and revise as necessary—in consultation with the FOI Team Consider any proposed talking points and notifies relevant senior executives—manager (FAS/Dep Sec) Notify the following of proposed decision and any sensitivities: <ul style="list-style-type: none"> Deputy Secretary (Governance) Including CCing and FOI Team, relevant Deputy Secretary/Associate Secretary and FAS Director of Public Affairs and Media 	<ul style="list-style-type: none"> Provide assistance and support to DM to finalise decision Make any changes to talking points as necessary
Day 28-29 Final Decision		<ul style="list-style-type: none"> Finalise and signs decision and completes Final stage checklist Advise PMO / Minister's Office of decision as necessary (including PMO FOI Adviser) Provide talking points to PMO / Minister's office as necessary 	<ul style="list-style-type: none"> Provide decision to the FOI Adviser
Day 30 Issue Decision	<ul style="list-style-type: none"> Issue decision to applicant Notify DM and CO 		
By Day 44 Disclosure Log	<ul style="list-style-type: none"> Publish documents on Departments Disclosure Log 		





FREEDOM OF INFORMATION

Team Fact Sheet

ROLES AND RESPONSIBILITIES

Decision Maker and Line Area

- Coordinating and conducting reasonable searches for relevant documents within PM&C.
- Providing copies of relevant documents to the FOI adviser, within 8 business days, along with the following advice:
 - A summary of searches undertaken;
 - The time spent searching for documents;
 - The number of documents and pages; and
 - The third parties that should be consulted on the documents.
- Identifying third parties that should be consulted on the documents, where the documents contain personal information of an individual, the business information of a business or information that originated from a State or Territory, Minister, another Department or foreign government.
- Consulting internally, including with the Cabinet Secretariat, regarding the sensitivities in relation to the request and applicable exemptions.
- Following consideration and consultations, identifying sensitivities in relation to the release of the documents and providing advice to the FOI adviser on whether the document should be released or exempted.
- Advise and/or consult with their FAS, Executive and PMO advisers (or other internal parties) on the FOI request, before finalising the decision. The decision-maker and action officer are responsible for drafting and providing email notification to the Deputy Secretary Governance (copying the relevant Deputy Secretary and FAS) on the proposed decision and documents for release (if applicable), at least 3 days before finalising the decision.

FOI Adviser

The **FOI adviser** is responsible for:

- Providing advice to the decision-maker and the line contact action officer on the application of FOI exemptions and the processing of the FOI request in accordance with the *Freedom of Information Act 1982* (Cth).
- Working with the decision-maker in determining most appropriate exemptions (if any) and consulting throughout the drafting of decisions.
- Liaising with the FOI applicant and external third parties in accordance with the *Freedom of Information Act 1982* (Cth)—this includes providing final decisions, updating the applicant on application progress and third party consultation notices
- Completing weekly reports to the Executive Leadership Group on the progress and status of the FOI request and reporting the statistics in relation to the FOI request in accordance with the *Freedom of Information Act 1982* (Cth).

PROCESS

Key Steps for FOI Officer

DAY
Day 0 Request Received
By day 2 Request Assigned
By Day 7 Document Retrieval
Day 8 Charges Assessment
Day 9-17 Process
Day 18-20 Draft Decision
Day 21-27 Finalise Decision
Day 28-29 Final Decision
Day 30 Issue Decision
By Day 44 Disclosure Log



FREEDOM OF INFORMATION

Decision Maker and Contact Officer Fact Sheet

ROLES AND RESPONSIBILITIES OVERVIEW

Decision Maker and Line Area

The **decision-maker** and **line area contact officer** are responsible for:

- Coordinating and conducting reasonable searches for relevant documents within PM&C.
- Within 8 business days, provide copies of relevant documents to the FOI adviser, along with a complete Assessment Stage Checklist—this includes:
 - A summary of searches undertaken;
 - The time spent searching for documents;
 - The number of documents and pages; and
 - The third parties that should be consulted on the documents.
- Identifying third parties that should be consulted on the documents, where the documents contain personal information of an individual, the business information of a business or information that originated from a State or Territory, Minister, another Department or foreign government.
- Consulting internally, including with the Cabinet Secretariat, regarding relevant exemptions.
- Following consideration and consultations, identifying sensitivities in relation to the release of the documents and providing advice to the FOI adviser on whether the document should be released or exempted.
- Advise and/or consult with their FAS, Executive and PMO advisers (or other internal parties) on the FOI request, before finalising the decision (including completing the Final Stage Checklist).
 - the decision-maker and action officer are responsible for drafting and providing email notification to the Deputy Secretary Governance (CCing the relevant Deputy Secretary and FAS), ensuring relevant other senior officers are included, on the proposed decision and documents for release, at least 3 days before finalising the decision.

FOI Adviser

The **FOI adviser** is responsible for:

- Providing advice to the decision-maker and the line area contact action officer on the application of FOI exemptions and the processing of the FOI request in accordance with the *Freedom of Information Act 1982* (Cth).
- Working with the decision-maker in determining most appropriate exemptions (if any) and consulting throughout the drafting of decisions.
- Liaising with the FOI applicant and external third parties in accordance with the *Freedom of Information Act 1982* (Cth)—this includes providing final decisions, updating the applicant on application progress and third party consultation notices
- Completing weekly reports to the Executive Leadership Group on the progress and status of the FOI request and reporting the statistics in relation to the FOI request in accordance with the *Freedom of Information Act 1982* (Cth).

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By Day 7 Document Retrieval	<ul style="list-style-type: none"> Determine Scope (in consultation with DM and CO) If relevant: Prepare and process Practical Refusal Consultation Notice 	<ul style="list-style-type: none"> Determine Scope (in consultation with FOI Team and CO) Determine practical refusal reason exists (through review of Assessment stage checklist) 	<ul style="list-style-type: none"> Determine Scope (in consultation with DM and FOI Team) Undertake reasonable searches Complete Assessment stage check list Provide captured documents to FOI Team and complete schedule of documents
CLOCK STOPS FOR CONSULTATION ON PRACTICAL REFUSAL and/or CLOCK STOPS UNTIL CHARGES FINALISED (Paid or Withdrawn)			
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Day 9-17 Assessment and Drafting	<ul style="list-style-type: none"> Review documents for content and potential third party consultation Consult with CO on likely exempt documents Prepare schedule regarding reviewed and consulted documents 	<ul style="list-style-type: none"> Make any decision about consultation Make any decision on practical refusal grounds 	<ul style="list-style-type: none"> Undertake internal consultations where necessary (keeping FOI Team informed) Provide information regarding exemptions and sensitivities to FOI Team
THIRD PARTY CONSULTATIONS—ADDITIONAL 30 DAYS PROVIDED			
ISSUE PRACTICAL REFUSAL DECISION			
Day 18-20 Draft Decision	<ul style="list-style-type: none"> Draft decision package for consideration and consultation with DM Collates evidence in relation to the proposed decision 	<ul style="list-style-type: none"> Liaise with PMO / Minister's office and prepare draft talking points as necessary 	<ul style="list-style-type: none"> Liaise with PMO / Minister's office and prepare draft talking points as necessary
Day 21-27 Finalise Decision	<ul style="list-style-type: none"> Provide assistance and support to DM to finalise decision Conducts consultation with DM—amending draft as necessary 	<ul style="list-style-type: none"> Consider decision and revise as necessary—in consultation with the FOI Team Consider any proposed talking points and notifies relevant senior executives—manager (FAS/Dep Sec) Notify the following of proposed decision and any sensitivities: <ul style="list-style-type: none"> Deputy Secretary (Governance) Including CCing and FOI Team, relevant Deputy Secretary/Associate Secretary and FAS 	<ul style="list-style-type: none"> Provide assistance and support to DM to finalise decision Make any changes to talking points as necessary
Day 28-29 Final Decision		<ul style="list-style-type: none"> Finalise and signs decision and complete Final stage checklist Advise PMO / Minister's Office of decision as necessary (including PMO FOI Adviser) Provide talking points to PMO / Minister's office as necessary 	<ul style="list-style-type: none"> Provide decision to the FOI Adviser
Day 30 Issue Decision	<ul style="list-style-type: none"> Issue decision to applicant Notify DM and CO 		
By Day 44 Disclosure Log	<ul style="list-style-type: none"> Publish documents on Departments Disclosure Log 		



DECISION-MAKER'S CHECKLIST—ASSESSMENT STAGE

Document 4

No.	DESCRIPTION	YES/NO	COMMENTS
1.	Are the terms of the request clear and unambiguous (that is, can I clearly identify which documents are being sought)?		
2.	Are any relevant documents likely to be held in other areas of the department? If so, where?		
3.	Are any relevant documents known to be held in by another agency or Ministers Office, including the Prime Ministers Office (other than copies of documents already held by PM&C)?		
4.	Is the subject-matter of the request more closely connected with the functions of another agency (including any minister's office)?		
5.	Does the request seem too large to process within existing resources and within the statutory time frame?		
6.	Who will be the primary contact officer in my Branch for this request?		
7.	Is it likely we will need to consult with other agencies, other governments, individuals or business entities? If so, see 12 below.		
8.	Is this a sensitive matter that requires consultation with the Secretary, the Prime Minister's office and/or another portfolio Minister's office?		
9.	Is it likely charges will be imposed for processing the request? If so, see 13 below.		
10.	Have milestone dates for completion of searches and document analysis been identified and communicated to the FOI action officer? What are these dates?		
11.	<p>Have all reasonable searches been conducted? In locating relevant material, consider searching all possible locations:</p> <ul style="list-style-type: none">• PDMS• Legacy Systems—ie slipstream and TRIM (RMU)• IT (e.g. backups of emails)• Team emails <p>Paper source searches:</p> <ul style="list-style-type: none">• Office files & other records held by my area or by other areas of PM&C• Filing cabinets and safes• Desk & desk drawers of relevant officers• Bookshelves & cupboards• Personal folders, notebooks, calendars & diaries of relevant officers• Offsite locations, e.g. contractors, files in storage (specify) <p>Electronic source searches:</p> <ul style="list-style-type: none">• Computer (electronic documents on group and personal drives and e-mails) Including G Drive and Sharehub• Personal electronic notebooks, calendars & diaries• USBs, disks, CDs and other storage devices		
12.	<p>Has the FOI action officer been advised what consultations are required with third parties in relation to:</p> <ul style="list-style-type: none">• Commonwealth/State relations• Personal information• Business affairs• Documents that originated from other Commonwealth departments or agencies• Documents that may impact foreign relations		
13.	<p>Has the following information been provided to the FOI action officer (to calculate charges or assess practical refusal reason)? <u>Estimates</u> of:</p> <ul style="list-style-type: none">• time spent on search and retrieval• number of relevant files• number of relevant pages• number of relevant documents• number of pages that may be exempt in full• number of pages that may be released with deletions• number of third parties that may need to be consulted		



DECISION-MAKER'S CHECKLIST—FINAL STAGE

Document 5

No.	DESCRIPTION	YES/NO	COMMENTS
1.	Has the Assessment Stage checklist been completed and provided to the FOI action officer?		
2.	Have all external third parties requiring consultation been consulted and their submissions considered in reaching my decision?		
3.	<p>Have the following internal parties been advised or consulted as appropriate with regards to sensitivities on the potential release of information:</p> <ul style="list-style-type: none">• Executive• Other areas of PM&C (please identify)• PMO• Other Ministerial offices in the portfolio (please identify) <p>Note: foi@pmc.gov.au should be copied into any such consultation.</p>		
4.	Have my FAS and Deputy Secretary (any other relevant officer) been kept informed of sensitivities and consultations relevant to those sensitivities?		
5.	Has an assessment of all documents been completed (against the FOI Act) and relevant documents/information been collated in consultation with the FOI officer?		
6.	<p>Have the following been notified of the intended decision and provided with copies of documents intended for release?</p> <ul style="list-style-type: none">• Deputy Secretary (Governance)• Relevant Deputy Secretary• PMO Policy and FOI Adviser• Other Ministerial Offices Policy and FOI Advisers		

[First name, last name]

[Title]

Department of the Prime Minister and Cabinet

[Month] [Year]

Freedom of Information and privacy

This section of the Intranet concerns the Department's policies, practices and guidelines dealing with Freedom of Information (FOI) and Privacy.

Freedom of Information

Application of the Freedom of Information Act 1982

The FOI Act provides the public with a right of access to documents the Department holds. Anything produced in the context of work can potentially be released under FOI (e.g. briefs, reports, emails).

When an FOI request is made to the Department, there are strict time limits for processing the request. The Department has developed new business process rules for all those involved in processing FOI requests. The new rules and checklists are now available.

[FOI Business Rules](#)

[Decision maker's checklist - Stage 1](#)

[Decision maker's checklist - Stage 2](#)

Queries about FOI can be directed to the Department's FOI coordinator on 6271 5849.

Guidance material and related links

[Guidelines issued by the Australian Information Commissioner](#) can be found on the Office's website.

Other information relating to the FOI Act can be found at:

- [Freedom of Information Act 1982](#)
- [Office of the Australian Information Commissioner](#)

Privacy

The Department's obligations under the Privacy Act 1988

As an Australian Government agency, the Department is bound by the standards, rights and obligations in relation to the handling and maintenance of personal information in the [Privacy Act 1988](#) (Privacy Act). The Privacy Act defines personal information as information or an opinion about an identified individual, or an individual who is reasonably identifiable whether it is true or not and whether it is recorded in a material form or not.

The Australian Privacy Principles (APPs) contained in the Privacy Act regulate how the Department may collect, use, store and disclose personal information, and how individuals may access and correct personal information held about them. Schedule 1 of the Privacy Act outlines the APPs:

- APP 1 – open and transparent management of personal information

- APP 2 – anonymity and pseudonymity
- APP 3 – collection of solicited personal information
- APP 4 – dealing with unsolicited personal information
- APP 5 – notification of the collection of personal information
- APP 6 – use or disclosure of personal information
- APP 7 – direct marketing
- APP 8 – cross-border disclosure of personal information
- APP 9 – adoption, use or disclosure of government related identifiers
- APP 10 – quality of personal information
- APP 11 – security of personal information
- APP 12 – access to personal information
- APP 13 – correction of personal information

For information and guidance on the APPs, the Office of the Australian Information Commissioner (OAIC) issues guidelines and information to assist agencies and organisations comply with the Privacy Act. This material can be found at [OAIC guidance material](#). Alternatively, you can contact the Department's Privacy Contact Officer on s22 or at privacy@pmc.gov.au for assistance.

Changes to the Privacy Act

PM & C has made a commitment to raise awareness of the Privacy Act, and the significant changes which came into force on 12 March 2014. These changes are outlined in the [Australian Privacy Principles slides - PPTX 4.3MB](#) produced by the Office of the Australian Information Commissioner.

What can you do?

Take some time in your work to familiarise yourself with these Privacy Principles.

Add some time to your team meeting to discuss the changes.

Make contact with the Privacy Contact Officer with any questions at privacy@pmc.gov.au.

Privacy Impact Assessments

If you are developing a project or proposal a Privacy Impact Assessment can help identify what needs to be done to ensure compliance with the Privacy Act. Privacy Impact Assessments can also be useful when considering programmes, legislation, surveys, funding agreements or contracts to ensure that privacy issues are taken into account. See [OAIC Privacy Impact Assessment Guide](#).

Privacy Impact Assessments should be conducted at an early stage, so that there is time to address any relevant privacy issues in the design of the project.

The role of the Privacy Contact Officer

The Department's Privacy Contact Officer is the first point of contact for the Department on privacy matters related to the Department.

Generally, the role of the Privacy Contact Officer will include:

- providing advice on the general application of the Privacy Act;

- handling, or providing advice on the handling of privacy complaints or inquiries;
- assisting staff with information about aspects of the Privacy Act that apply to their day-to-day activities; and
- being the primary privacy contact for the OAIC on behalf of the Department.

Queries and complaints about the Department's handling of personal information

Having a clearly expressed and up-to-date Privacy Policy is a requirement under APP 1 of the Privacy Act. It is available on the Department's website at: [Privacy Policy](#). The Department's Privacy Policy outlines:

- how the Department manages personal information (including the types of personal information collected, how it is collected and held, the purpose for its collection, use and any disclosures;
- how an individual may access and seek correction to their personal information; and
- how an individual may complain about a breach of the APPs and how the Department will deal with such a complaint.

If your area handles personal information outlined in schedule 1 of the Department's Privacy Policy and that information need to be updated, please alert the Department's Privacy Contact Officer.

The Privacy Act allows a person to make a complaint about the handling of their personal information either to the Department directly or to the OAIC.

If you receive a complaint from an individual about the Department's handling of their personal information, or if you are contacted by the OAIC in relation to a privacy complaint, please refer the matter to the Privacy Contact Officer at privacy@pmc.gov.au or s22

Requests received from current employees of the Department

Requests for access to personal information by current employees seeking access to their personnel files should first be referred to the Department's People, Capability and Performance Branch (PCP Branch) at HRHelp@pmc.gov.au. PCP Branch will determine if the matter can be dealt with informally pursuant to PCP Branch's normal administrative arrangements as an easier and less formal means of dealing with particular requests.

Requests received from members of the public

Requests from members of the public complaining about the Department's handling of their personal information or seeking access or correction to their personal information should be referred directly to the Department's Privacy Contact Officer for handling and advice.

How requests will be dealt with by the Privacy Contact Officer

The Department's Privacy Contact officer will liaise with individuals about the most appropriate avenue for their inquiry. This may include guidance on whether the matter is most appropriately dealt with informally, pursuant to the Privacy Act or pursuant to the Freedom of Information Act 1982 (FOI Act).

The Privacy Act stipulates that where an individual seeks access to, correction of, or to make a complaint pursuant to the Privacy Act, certain minimum requirements will apply in responding. These minimum requirements include:

- responding to a request within 30 calendar days;
- giving access to the information in the manner requested by the individual (if practicable);
- the prohibition on imposing charges; and
- giving written notice where access or the correction is refused, or not provided in the manner requested.

Requests for access or correction will be handled along similar lines to the processes the Department has in place for processing Freedom of Information requests (see [FOI Business Rules](#)). This means the Privacy Contact Officer will coordinate a response in consultation with line areas and decisions will be made applying the same approval of arrangements as in place for the purpose of the FOI Act.

There are certain grounds outlined in the Privacy Act about when the Department is not required to give access to the information sought, or to refuse the request. The Privacy Contact Officer will provide advice in these situations on a case by case basis.



Freedom of Information

Processes during the Caretaker Period

OVERVIEW

- This note sets out the obligations on agencies to process requests under the FOI Act continue during the Caretaker Period.

GUIDANCE

General principles applying during the caretaker period

- In relation to FOI requests, agencies should not consult or exchange views with the Minister or the Minister's Office (MO) beyond what is required by legislation, for instance in relation to third party consultation.
- Agencies can continue to provide administrative support and information to the Minister or the MO in relation to FOI requests that are addressed to the Minister.

Practical applications

- Regular factual reports can continue to be provided to the Minister or the MO.
- Consistently with the Guidance on Caretaker Conventions, agencies should not provide policy advice to the Minister or the MO.
 - Agencies can describe the options available to the Minister or MO, but should not advise which course to follow.
- Agencies can consult the Minister or the MO as a third party in accordance with statutory obligations, e.g. personal information contained in documents requested under FOI.
- It is not appropriate for the Minister or the MO to offer views beyond facts, or to direct the agency in relation to FOI matters which are the responsibility of the agency.
- Copies of ministerial documents subject to FOI, in their original form and/or with proposed redactions, can be provided to the Minister or the MO, as usual.
 - It may not be appropriate to share departmental documents subject to FOI with the Minister or the MO.
- There is no obligation, and it would be inappropriate, to provide information to the Opposition regarding FOI requests.

Notifying the Minister or the MO of a decision

- Decisions on FOI requests made to the Department must be noted only by the Deputy Secretary Governance, not by the Minister or MO.
- The Minister or MO can be advised of an FOI decision, but only on a "for your information" basis, not on a "for noting" basis.
 - Instead of saying "We intend to make an FOI decision", it may be more appropriate to say "For your information, we have made an FOI decision".

**Australian Government****Department of the Prime Minister and Cabinet****ONE NATIONAL CIRCUIT
BARTON**

FOI

FOI/<insert reference number>

<address details>

Dear <applicant>

I am writing in relation to your request under the *Freedom of Information Act 1982* (the FOI Act) in the following terms:

<request details>

On <date> the department wrote to you notifying that you were liable to pay charges should you wish to proceed with your request. I enclose a copy of the department's correspondence.

Subsection 29(2) of the FOI Act provides if you do not respond within 30 days of receiving a notification, the request will be taken to have been withdrawn. As we have not received a response from you in relation to continuing with your request, I am writing to advise that your request has been deemed withdrawn.

Should you wish to discuss any aspect of your request, I may be contacted by telephone on (02) 6271 5849.

Yours sincerely

<signatory>

Access & Administrative Review
Government Division

<date>



Australian Government

Department of the Prime Minister and Cabinet

ONE NATIONAL CIRCUIT
BARTON

FOI

FOI/[insert]

[insert applicant address]

Dear [insert]

I refer to your [insert correspondence type] of [insert date] in which you made a request to the Department of the Prime Minister and Cabinet (the Department) under the *Freedom of Information Act 1982* (the FOI Act) in the following terms:

[insert terms of the request]

The authorised decision-maker for your request is [insert decision-maker name and position].

Processing charge

The FOI Act provides that charges can be imposed for processing requests. Unless a decision is made to waive the processing charge in whole or in part, the combined effect of paragraph 11A(1)(b) of the FOI Act and subsection 11(1) of the *Freedom of Information (Charges) Regulations 2019* (the Charges Regulations) is that an applicant is required to pay any charge before access is given to a document.

The Charges Regulations specify different rates for the various activities involved in processing a request with the first five hours of decision-making time free for all FOI applicants.

The decision-maker has decided that you are liable to pay a charge should you wish to proceed with your FOI request.

The preliminary assessment of the charge for processing your request is [insert amount \$ / set out below]:

Task	Rate	Units	Charge
Search & retrieval	\$15 per hour	hours	\$ 0.00
Decision-making	\$20 per hour	hours	\$ 0.00
<i>less first 5 hours free</i>		5 hours	\$ -100.00
Photocopies	0.10 per page	0 pages	\$ 0.00
TOTAL			\$ -100.00

Section 29 of the FOI Act requires you to exercise one of the following options in writing within 30 days of receipt of this letter:

- (1) You can agree to pay the charge. If you agree, processing of your request will resume as soon as the Department receives a payment, either in full or a deposit.
 - Payment in full is \$[insert]. Payment in full entitles you to receive a decision in relation to your request, a schedule which lists the documents relevant to your request, and any documents released.
 - Alternatively, payment of a deposit in the amount of \$[insert] entitles you to receive a decision in relation to your request and a schedule which lists the documents relevant to your request. Relevant documents would only be released on payment of the balance of the charge. The deposit paid by an applicant is not refundable unless the Department decides to waive the charge, or fails to make a decision on the FOI request within the statutory time limit including any extension, or may be refundable in part if the final charge is less than the deposit paid.
 - You may pay by direct debit or by credit card.

Direct debit

You may pay by direct debit into the following account:

Account Name: Department of the Prime Minister and Cabinet Official
Departmental Account

BSB: 032-722

Account: 132263

Reference: [insert FOI reference number]

Credit card

You may pay by credit card over the phone by contacting the Department's Accounts Receivable team on 02 6271 6000 select option 4 then option 3.

- Please advise the FOI and Privacy Section at foi@pmc.gov.au once you have made payment. Once the Department receives your payment, the Department will send you a receipt.
- (2) You can contend that the charge has been wrongly assessed, or that it should be reduced or not imposed, or both. You should provide reasons for contending any charge. In determining whether or not to reduce or not impose the charge, the FOI Act requires the Department to take into account whether payment of the charge, or part of it, would cause financial hardship and whether the giving of access would be in the public interest. The Department may also consider any other relevant matters.
 - (3) You can withdraw your request.

Processing timeframe

In accordance with section 31 of the FOI Act, the time limit for processing your request is suspended from the day that you receive this letter and will resume on either:

- the day you pay the charge (in full or the required deposit); or
- if you contend under (2) above that charge should be reduced or not imposed and the Department decides not to impose a charge, the day of that decision.

If you contend under (2) above that a charge should be reduced or not imposed and the Department confirms that a charge is payable (either the original amount or a reduced amount), the time limit for processing your request would resume on the day you pay that charge (in full or the required deposit).

Subsection 29(2) of the FOI Act provides if you do not respond within 30 days of receiving this letter, you will be taken to have withdrawn your request.

If you have any queries, I can be contacted by telephone on (02) 6271 [insert].

Yours sincerely

[insert]

Adviser
Legal Policy Branch

[day, month, year]



Australian Government

Department of the Prime Minister and Cabinet

ONE NATIONAL CIRCUIT
BARTON

FOI/2018/xxx

FREEDOM OF INFORMATION ACT 1982

REQUEST BY: **Name (the applicant)**

DECISION BY: **Name**
 Title
 Branch/Division

The FOI request

In an email dated [DATE], the applicant made a request to the Department of the Prime Minister and Cabinet (the Department) under the *Freedom of Information Act 1982* (the FOI Act) in the following terms:

XXXX

Authorised decision-maker

I am authorised to make this decision in accordance with arrangements approved by the Department's Secretary under section 23 of the FOI Act.

{Searches for relevant documents}

The Department has undertaken searches of its relevant electronic and paper records. The documents identified as relevant to the FOI request are described in the schedule at Attachment A.

Decision

{My decision on access to the documents is set out in the schedule at Attachment A.}

{OR I have decided to refuse access to the requested documents under subsection 7(2) of the FOI Act.

My reasons for decision are set out below.}

In making this decision, I have had regard to the following material: *{Amend as necessary}*

- the FOI request;
- the documents identified as relevant to the FOI request;
- comments received in response to consultations regarding possible release of the documents under the FOI Act;
- the FOI Act; and

- the ‘Guidelines issued by the Australian Information Commissioner under section 93A of the Freedom of Information Act 1982’.

{Statement of reasons}

{OR Notice of practical refusal reason

Request consultation process}

Processing and access charges

{I have decided not to impose processing charges in respect of the applicant’s request.}

{Publication of Documents

Under section 11C of the FOI Act, the Department will make arrangements to publish the documents released to the applicant on the Department’s website in its FOI Disclosure Log.}

OR WHERE NO DOCUMENTS EXIST

{Search for documents undertaken by the Department

Having regard to my knowledge of where documents potentially relevant to the applicant’s request would be held, if they existed, I arranged for the following searches to be undertaken:

- The Department’s file management system was searched for potentially relevant files.
- The Department’s ministerial correspondence database (Slipstream) was searched.
- [other relevant searches]

As a result of these searches, no relevant documents were found in the Department.

Decision

I have decided to refuse the request under subparagraph 24A(1)(b)(ii) of the FOI Act. My reasons for decision are set out below.

Reasons for decision

Subsection 24A(1) of the FOI Act provides that:

An agency or Minister may refuse a request for access to a document if:

- (a) all reasonable steps have been taken to find the document;
and
- (b) the agency or Minister is satisfied that the document:
 - (i) is in the agency’s or Minister’s possession but cannot be found; or
 - (ii) does not exist.

I am satisfied that all reasonable steps have been taken to identify documents relevant to the applicant’s request and that no documents relevant to the request are in the possession of the Department. I have therefore decided to refuse the request under subparagraph 24A(1)(b)(ii) of the FOI Act.

Processing and access charges

I have decided not to impose processing charges in respect of the applicant's request.}

{OR describe details of charges and that documents will be released on payment of charges.}

Review rights

Information about the applicant's rights of review is attached to this decision.

Complaint rights

The applicant may make a complaint to the Information Commissioner about the Department's actions in relation to this decision. Making a complaint about the way the Department has handled an FOI request is a separate process to seeking review of the Department's decision. Further information about how to make a complaint is available at <https://www.oaic.gov.au/freedom-of-information/foi-complaints>.

Decision Maker signature block

Title

Branch/Division

[Date]



Australian Government

Department of the Prime Minister and Cabinet

ONE NATIONAL CIRCUIT
BARTON

FOI

FOI/20xx/xxx

FREEDOM OF INFORMATION ACT 1982

REQUEST BY: [applicant]

DECISION BY: [decision maker]
[position title]
[branch/division title]

FOI request

In an email/letter dated [date] to the Department of the Prime Minister and Cabinet ('the Department'), the applicant made a request under the *Freedom of Information Act 1982* (FOI Act), in the following terms:

[Scope of request]

Authorised decision-maker

I am authorised to make this decision in accordance with arrangements approved by the Department's Secretary under section 23 of the FOI Act.

Search for documents undertaken by the Department

Having regard to my knowledge of where documents potentially relevant to the applicant's request would be held, if they existed, I arranged for the following searches to be undertaken:

- The Department's file management system was searched for potentially relevant files.
- The Department's ministerial correspondence database (Slipstream) was searched.
- [other relevant searches]

As a result of these searches, no relevant documents were found in the Department.

Decision

I have decided to refuse the request under subparagraph 24A(1)(b)(ii) of the FOI Act. My reasons for decision are set out below.

Reasons for decision

Subsection 24A(1) of the FOI Act provides that:

An agency or Minister may refuse a request for access to a document if:

- (a) all reasonable steps have been taken to find the document;
and
- (b) the agency or Minister is satisfied that the document:
 - (i) is in the agency's or Minister's possession but cannot be found; or
 - (ii) does not exist.

I am satisfied that all reasonable steps have been taken to identify documents relevant to the applicant's request and that no documents relevant to the request are in the possession of the Department. I have therefore decided to refuse the request under subparagraph 24A(1)(b)(ii) of the FOI Act.

Processing and access charges

I have decided not to impose processing charges in respect of the applicant's request.

Review rights

Information about the applicant's rights of review is attached to this decision.

Complaint rights

The applicant may make a complaint to the Information Commissioner about the Department's actions in relation to this decision. Making a complaint about the way the Department has handled an FOI request is a separate process to seeking review of the Department's decision. Further information about how to make a complaint is available at <https://www.oaic.gov.au/freedom-of-information/foi-complaints>.

[Decision maker]

[Position title]

[Branch/Division title]

[Month, Year]



Australian Government

Department of the Prime Minister and Cabinet

ONE NATIONAL CIRCUIT
BARTON

FOI/20nn/nmn

FOI

FREEDOM OF INFORMATION ACT 1982

REQUEST BY: Name of Applicant

DECISION BY: Name of decision-maker
Position
Branch

FOI request

In an email dated nn Month Year to the Department of the Prime Minister and Cabinet (the Department), the applicant made a request under the *Freedom of Information Act 1982* (the FOI Act) in the following terms:

Terms of request.

Notice of Practical Refusal

In a letter dated nn Month Year, the Department notified the applicant of its intention to refuse the request for a practical refusal reason under section 24AB of the FOI Act, and the intention of the Department to undertake a Practical Refusal Reason.

In an email of nn Month Year, the applicant responded to the practical refusal notice with the following revised terms:

Revised terms of request

This revised request did not remove the practical refusal reasons.

Authorised decision-maker

I am authorised to make this decision in accordance with arrangements approved by the Department's Secretary under section 23 of the FOI Act.

Decision

I am satisfied that following the request consultation process a practical refusal reason still exists and, therefore, I have decided to refuse the applicant's FOI request under section 24(1) of the FOI Act. My reasons for refusing the request have not changed from those specified in the practical refusal consultation notice of nn Month Year. I have re-stated my reasons for refusal below.

Reasons for decision

Reason for practical refusal

I acknowledge that the processing of requests for access to documents is a legitimate part of each agency's functions, and that FOI requests may require reallocation of resources within an agency. However, I note that the Department could not reasonably divert resources to assist in processing the request.

In reaching this view, I have had regard to the public interest in giving access to information held by the Department and consider that the public interest in access is outweighed by the competing public interest in the ability of the Department to undertake its ordinary functions without substantial impairment. Accordingly, I have decided to refuse to give access to the documents sought in accordance with paragraph 24(1)(b) of the FOI Act.

Processing and access charges

A decision has been made not to impose processing charges in respect of the request.

Review rights

Information about the applicant's rights of review is attached to this decision.

Complaint rights

The applicant may make a complaint to the Information Commissioner about the Department's actions in relation to this decision. Making a complaint about the way the Department has handled an FOI request is a separate process to seeking review of the Department's decision. Further information about how to make a complaint is available at <https://www.oaic.gov.au/freedom-of-information/foi-complaints>.

Yours sincerely,

Decision-maker
Position
Branch

nn Month Year



Australian Government

Department of the Prime Minister and Cabinet

ONE NATIONAL CIRCUIT
BARTON

Ref

Name

Position

Organisation

Address

SUBURB/CITY STATE Postcode

email address

Dear title, surname

Thank you for your email of date in which you made a request under the *Freedom of Information Act 1982* (the FOI Act) in the following terms:

Insert details of request

Your request was received by the Department of the Prime Minister and Cabinet (the Department) on date.

The authorised decision-maker for your request is title, full name, Assistant Secretary, insert relevant Branch.

Searches for documents

The following searches were undertaken to locate documents relevant to the requests in the department:

- a search of the Department's records management system to identify possibly relevant files and a search of those files for relevant documents; and
- a search by officers who would be expected to have had involvement in the subject-matter of the request of their email accounts, files, and other documentary holdings for relevant documents.

As a result of these searches, the following documents relevant to the request was/were located in the department:

Insert description of documents (list if necessary)

OR indicate to see attached schedule

Consultation

Insert details as to third party consultation, on what grounds

Decision on access

Title, surname has made a decision to grant access to the documents identified as relevant to the requests.

Processing and access charges

Title, surname has made a decision not to impose processing charges in respect of your requests on the basis that the department was able to process your requests at only marginal cost.

OR describe details of charges and that documents will be released on payment of charges

I enclose a copy of the documents released to you under the FOI Act.

Publication of Documents

In accordance with the government's pro-disclosure policy embodied in section 11C of the FOI Act, agencies are now required to publish information which has been released under FOI. Section 11C(6) of the FOI Act requires agencies to publish information released within 10 working days of granting the applicant access to the documents.

Review rights

Information about the applicant's rights of review is attached to this decision.

Complaint rights

The applicant may make a complaint to the Information Commissioner about the Department's actions in relation to this decision. Making a complaint about the way the Department has handled an FOI request is a separate process to seeking review of the Department's decision. Further information about how to make a complaint is available at <https://www.oaic.gov.au/freedom-of-information/foi-complaints>.

Should you wish to discuss any aspect of your requests, I can be contacted by telephone on (02) 6271 5849.

Yours sincerely

Senior Adviser
FOI & Privacy Section
Legal Policy Branch

November 2016



FOI REQUEST: FOI/[YEAR]/[NUMBER]

SCHEDULE OF DOCUMENTS

FOI

Document	Date	Description	Number of pages	Decision



Australian Government

Department of the Prime Minister and Cabinet

ONE NATIONAL CIRCUIT
BARTON

FOI

FOI/20xx/xxx

[Appliant]

[Address]

By email: [email address]

Dear Mr/Ms [Surname]

I refer to your email/letter of [Date] in which you made a request to the Department of the Prime Minister and Cabinet (the Department) under the *Freedom of Information Act 1982* (the FOI Act) in the following terms:

[Scope of request]

The authorised decision-maker for your request is [Name], [Position title], [Branch/Division title].

Notice of practical refusal reason

I write to advise you that, subject to possible clarification which would narrow your request, the decision maker considers that the work involved in processing your request in its current form would substantially and unreasonably divert the resources of the Department from its other operations. This constitutes a 'practical refusal reason' under section 24AA of the FOI Act. On this basis, the decision maker intends to refuse access to the documents you have requested.

However, before the decision maker makes a final decision to refuse the request for a practical refusal reason, you have an opportunity to revise your request. This is called a 'request consultation process' as set out under section 24AB of the FOI Act. You have 14 days to respond to this notice in one of the ways set out below.

Reasons for intention to refuse your request

The decision maker advises that [details of why the request constitutes an unreasonable diversion of resources]. The decision maker considers the effort required to process your request would be a substantial and unreasonable diversion of the Department's resources.

In reaching this view, the decision maker has had regard to the public interest in access to information held by the Department and considers that the public interest in access is outweighed by the competing public interest in the ability of the Department to undertake its ordinary functions without substantial impairment.

The decision maker acknowledges that the processing of requests for access to documents is a legitimate part of each agency's functions, and that FOI requests may require reallocation of resources within an agency. However, the decision maker considers that the Department could not reasonably divert resources to assist in processing your request.

Request consultation process

You now have an opportunity to revise your request to enable it to proceed. Revising your request can mean narrowing the scope of the request to make it more manageable or explaining in more detail the specific documents you wish to access.

[The decision maker's suggestion of how the request may be revised, if applicable].

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

- withdraw your request;
- make a revised request; or
- tell us that you do not wish to revise your request.

The consultation period runs for 14 days and will start on the day after you receive this notice. I am the relevant person for you to contact for the consultation process.

If you were to revise your request in a way that adequately addresses the practical refusal grounds outlined above, we would recommence processing it. Please note that the time taken to consult with you regarding the scope of your request is not taken into account for the purposes of the initial 30 day time limit for processing your request.

If you do not do one of the three things listed above during the consultation period or you do not consult with me during this period, your request will be taken to have been withdrawn.

Should you wish to discuss any aspect of your request, please contact the Department by email at foi@pmc.gov.au or by phone on 02 6271 5849.

Yours sincerely

[Name]
FOI Adviser
Legal Policy Branch

[Month, Year]



Australian Government

Department of the Prime Minister and Cabinet

ONE NATIONAL CIRCUIT
BARTON

FOI

FOI/20xx/xxx

FREEDOM OF INFORMATION ACT 1982

REQUEST BY: [Applicant]

DECISION BY: [Decision maker]
[Position]
[Branch/Division]

FOI request

In an email/letter dated [date] to the Department of the Prime Minister and Cabinet (the Department), the applicant made a request under the *Freedom of Information Act 1982* (the FOI Act) in the following terms:

[Scope of request]

Revised request following request consultation process

In a letter dated [date], the Department notified the applicant of its intention to refuse the request for a practical refusal reason (copy enclosed).

In an email/letter of [date], the applicant responded to the practical refusal notice but did not make a revised request or withdraw the request. Since I have received no further correspondence from the applicant during the consultation period, I am satisfied that the submissions received from the applicant during the consultation period are an indication that the applicant does not wish to revise the request and therefore, the scope of the request remains the same.

Authorised decision-maker

I am authorised to make this decision in accordance with arrangements approved by the Department's Secretary under section 23 of the FOI Act.

Decision

I am satisfied that following the request consultation process a practical refusal reason still exists and, therefore, I have decided to refuse the applicant's FOI request under section 24(1) of the FOI Act. My reasons for refusing the request have not changed from those specified in the practical refusal notice of [date]. I have re-stated my reasons for refusal below.

Reasons for decision

I consider that the consultation and decision-making required, in order to respond to your request, would substantially and unreasonably divert the Department's resources from its ordinary functions. A preliminary review indicated that X documents comprising over X pages would fall within the scope of your request.

[Further details regarding the practical refusal]

I acknowledge that the processing of requests for access to documents is a legitimate part of each agency's functions, and that FOI requests may require reallocation of resources within an agency. However, I note that the Department could not reasonably divert resources to assist in processing the request.

In reaching this view, I have had regard to the public interest in giving access to information held by the Department and consider that the public interest in access is outweighed by the competing public interest in the ability of the Department to undertake its ordinary functions without substantial impairment. Accordingly, I have decided to refuse to give access to the documents sought in accordance with paragraph 24(1)(b) of the FOI Act.

Processing and access charges

A decision has been made not to impose processing charges in respect of the request.

Review rights

Information about the applicant's rights of review is attached to this decision.

Complaint rights

The applicant may make a complaint to the Information Commissioner or the Commonwealth Ombudsman about the Department's actions in relation to this decision. Making a complaint about the way the Department has handled an FOI request is a separate process to seeking review of the Department's decision.

Please note: From 1 November 2014 the Information Commissioner will refer all FOI complaints to the Commonwealth Ombudsman.

A complaint to the Information Commissioner must be in writing and identify the agency in respect of which the complaint is made. The Office of the Australian Information Commissioner (OAIC) may be contacted by phone (1300 363 992), email (enquiries@oaic.gov.au) or by letter (GPO Box 2999, Canberra ACT 2601). Further information about the OAIC can be found on their website: <https://www.oaic.gov.au/>.

A complaint to the Commonwealth Ombudsman may be made orally or in writing. You may make a complaint to the Office of the Commonwealth Ombudsman by phone (1300 362 072), by letter (GPO Box 442 Canberra ACT 2601), by fax (02 6276 0123), in person or through their online complaint form. Further information about the Commonwealth Ombudsman can be found on their website: <http://www.ombudsman.gov.au/>.

Yours sincerely,

[Decision maker]

[Position]

[Branch/Division]

[Month, Year]

Review rights

Information about the applicant's rights of review is attached to this decision.

Complaint rights

The applicant may make a complaint to the Information Commissioner or the Commonwealth Ombudsman about the Department's actions in relation to this decision. Making a complaint about the way the Department has handled an FOI request is a separate process to seeking review of the Department's decision.

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A complaint to the Commonwealth Ombudsman may be made orally or in writing. You may make a complaint to the Office of the Commonwealth Ombudsman by phone (1300 362 072), by letter (GPO Box 442 Canberra ACT 2601), by fax (02 6276 0123), in person or through their online complaint form. Further information about the Commonwealth Ombudsman can be found on their website: <http://www.ombudsman.gov.au/>.

From: FOI Inbox

Subject – Acknowledgement – PM&C FOI request (FOI/XXXX/XXX) – applicant – subject FOI/20XX/XXX

Dear [insert applicant's name]

Thank you for your letter/email [delete whichever not applicable] dated [insert date of letter/email], received by the Department of the Prime Minister and Cabinet (the Department), in which you made a request to the Department under the *Freedom of Information Act 1982* (the FOI Act) in the following terms:

[insert terms of request]

Timeframe for receiving your decision

We received your request on [insert date of receipt of request] and the 30 day statutory period for processing your request commenced from the day after that date. You should therefore expect a decision from us by [insert due date for access decision]. The period of 30 days may be extended in certain circumstances. We will advise you if there is any extension of time.

Charges

Agencies may decide that an applicant is liable to pay a charge in respect of a request for access to documents. If the Department decides that you are liable to pay a charge, we will send you a preliminary assessment of the charge as soon as possible.

Publication of documents

Please note that information released under the FOI Act may later be published online on our disclosure log at <http://www.dpmc.gov.au/pmc/accountability-and-reporting/freedom-information/foi-disclosure-logs/foi-disclosure-log>, subject to certain exceptions. If you think you might wish to raise any objections to the publication of any of the information which may be released to you please contact us by email at foi@dpmc.gov.au. If you do wish to object to the publication of information, you would need to provide supporting reasons.

Exclusion of officers' names and contact details

For documents that fall within scope of the request, it is the Department's policy to withhold:

- any person's signature;
- the names and contact details of Australian Public Service officers not in the Senior Executive Service (SES);
- the mobile or direct numbers of SES officers;
- the names and contact details of Ministerial staff at a level below Chief of Staff.

The names and other details of SES officers will not be withheld unless there is some reason for that information to be exempt from release. If you require signatures, the names and contact details of non-SES officers or Ministerial staff below the level of Chief of Staff, or the mobile or direct numbers of SES officers please let us know at foi@dpmc.gov.au so the decision-maker may consider; otherwise we will take it that you agree to that information being excluded from the scope of your request (that is, the information will be treated as irrelevant and redacted from any documents for release).

We will write again when the Department has more information. Further information on FOI processing can be found at the website of the Office of the Australian Information Commissioner at http://www.oaic.gov.au/foi-portal/about_foi.html.

From: FOI Inbox
Subject: Invalid FOI Request

Dear XXXX

We refer to your correspondence of XXXXX to the Department of the Prime Minister and Cabinet (the Department) (as below).

Validity

Section 15 of the FOI Act requires that a request for access meets certain requirements. These requirements are:

- It must be in writing;
- It must state it is a request for the purposes of the FOI Act;
- It must provide such information as is reasonably necessary to enable the agency to identify the document/s.

Your request, in its current form, does not constitute a valid request as it is a request for information rather than documents. The FOI Act provides for access to *documents* and not to 'information'. / the Department is unable to reasonably identify the specific documents you are seeking access to.

Preliminary inquiry results and clarification

We have been liaising with the prospective line area within the Department about the scope of your correspondence in an attempt to ascertain how the Department might be able to process the request (if at all).

At this preliminary stage, to assist us in determining how to best action your enquiry, we would be grateful if you could please clarify the following:

- Please provide further information about the nature of documents and data referred to in your correspondence; and/or

In order for your request to be processed under the provisions of the FOI Act we require further information to enable us to identify the document or documents you are seeking.

For example, you may wish to consider submitting the following scope:

XXXX

Please note that this scope is a sample only. At this early stage, a search and retrieval has not been conducted and the Department is unable to advise on whether it may be too voluminous to process or if any documents will be returned.

Alternatively, I would greatly appreciate if you could provide us with more information on the specific documents that you require.

We would be grateful for your response by COB XXXday XX Month XXXX. If a response is not received by this date, the Department will take no further action in relation to your enquiry.

Please don't hesitate to contact me should you have any further questions.

s22

To: <insert applicant's email>
Cc: FOI
Subject: FOI/20xx/0xx - applicant - subject

Good afternoon [applicant],

I'm writing in relation to your FOI request with the Department of the Prime Minister and Cabinet – reference FOI/20xx/0xx.

The due date for a decision on the FOI request is [date]. Regrettably, the Department is not currently in a position to finalise the decision on the FOI request. Accordingly, we are seeking your consent to a 30-day extension of time to the processing period, in accordance with section 15AA of the FOI Act. We will endeavour to notify you of the decision prior to this extended date but have requested this amount of time to finalise the Department's decision.

We kindly request you confirm your consent to the extension by way of return email. If you are not inclined to agree to an extension of time, we ask that you let us know as soon as possible so the decision-maker may consider seeking an extension of time from the Office of the Australian Information Commissioner, in accordance with section 15AB of the FOI Act.

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

[sign off]

s22

To: <insert applicant's email>
Cc: FOI
Subject: FOI/20xx/0xx - Refund of charges

Dear <Applicant>

I refer to the FOI decision from the Department of the Prime Minister and Cabinet (Department) provided to you by email dated [date] – reference: [FOI/20xx/0xx].

As the decision was overdue you are entitled to a refund of the deposit paid, being \$XX.XX. Please see **attached** a copy of your receipt for the charge paid. The Department's preference is to refund the money to your chosen bank account. If you are happy to receive the refund in this way, please forward the below details to FOI@pmc.gov.au regarding the chosen account. Alternatively, the Department can issue a cheque for the refund amount.

Account name:
Account number:
BSB number:

The Department will only use your banking details for processing payments and refunds relating to FOI requests and keeps the information filed secure and limited to those who need to know.

We look forward to hearing from you soon.

<Signoff>