



Request consultation notice due to existence of a practical refusal reason

Applicant: Mr Alan Ashmore

Decision date: 10 May 2024

FOI reference number: LEX 66674

Sent by email: foi+request-11292-4d759a4e@righttoknow.org.au

Dear Ashmore,

Freedom of Information Request: LEX 66674

Purpose of this notice

1. The purpose of this notice is to undertake an informal consultation process prior before providing you with a statement of reasons in accordance with paragraph 3.161 of the FOI Guidelines issued by the Australian Information Commissioner under section 93A of the *Freedom of Information Act 1982*:

“Where an access refusal decision is deemed to have been made before a substantive decision is made, the agency or minister continues to have an obligation to provide a statement of reasons on the FOI request. This obligation to provide a statement of reasons on the FOI request continues until any IC review of the deemed decision is finalised.”

2. No statutory powers under the *Freedom of Information Act 1982* are being exercised in this informal process. Any reference to statutory provision in this notice should not be taken as the Department exercising a power under the FOI Act.
3. Based on the terms of your request, and from initial searches undertaken to respond to your request, I am of the view that a practical refusal reason exists because:

- a. Your request does not provide sufficient information to enable the department to identify the documents you are seeking.

Authority to make decision

4. I, Zoey (Position Number 62214764), Senior Information Access Officer, Information Access Unit, Client and Information Access Branch, am an officer authorised by the Secretary of the Department to make decisions about access to documents in the possession of the Department.

Scope of your request

5. On 04 April 2024 you made a request for access to documents in the possession of the Department. Your request sought access to:

'...I am seeking EVERY client satisfaction survey covering the period 1 July 2022 to 31 March 2024...'

6. On 10 April 2024, the Department acknowledged your request via email.
7. After preliminary searches were conducted, it was evident that the scope of your request was too broad. As such, on 03 May 2024 I informally consulted you to help understand your request. Specifically I sought clarification to the following :
 - Which business area/s may hold the documents;
 - Who "client" references (e.g., Staff, veterans, other);
 - Please identify a general theme/context which the content refers to (e.g. feedback for a certain activity, involvement with certain services/providers, other); and
 - Any other relevant information.
8. On 07 May 2024 you replied with clarification to the meaning of client. Thank you for taking the time and clarifying that with us. Unfortunately however, no additional information was provided that would allow the Department to identify the documents you are seeking by way of identifying specific business areas or a theme/context.
9. Additionally, I would like to reiterate that we provided the following information in relation to a similar request. This similar request was under LEX 65732 and the information provided to you on 04 April 2024:

“There were no results from a ‘2022-2023 client satisfaction survey’ as this is not a survey which took place and the last survey in the project is the 2021-2022 survey.”

Power to refuse a request

10. If the Department is satisfied that a practical refusal reason exists in relation to a request, the Department must undertake a consultation process with you, and if, after that consultation process, the Department remains satisfied that the practical refusal reason still exists, the Department may refuse to give you access to the documents subject to the request.
11. However, before I make a decision to refuse your request you have an opportunity to revise your request to remove the practical refusal reason. This is called a ‘request consultation process’. You have 07 days to respond to this notice in one of the ways set out below. As mentioned below, you can request more time to consider and respond to this notice. Please let me know if you would like additional time to respond.

When does a practical refusal reason exist.

12. The practical refusal reason applicable to your request is that:
 - a. Your request does not provide sufficient information to enable the department to identify the documents you are seeking.

Identification of documents

13. A practical refusal reason exists in relation to a request for a document if the request does not provide sufficient information to enable the department to identify the documents you are seeking. A request must provide such information concerning the document as is reasonably necessary to enable a responsible officer of the agency to identify it.
14. I am unable to identify the specific documents you are requesting. This is because the language of your request is unclear and it does not contain sufficient information to enable me to undertake reasonable and effective searches to identify relevant documents for the following reasons:
15. The wording of your request refers broadly to *“EVERY client satisfaction survey covering the period 1 July 2022 to 31 March 2024.”* In order to assist us in conducting searches, please consider providing a business area or business areas that we can engage with in order to source the documents you are seeking.

16. Please see find the link to the DVA Organisational Chart to identify a relevant Business Area via <https://www.dva.gov.au/about/overview/organisational-chart>.

Ways you can revise the scope of your request

17. You now have an opportunity to revise your request so that the grounds for a practical refusal are removed.
18. 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, we will be able to pinpoint the documents more quickly and avoid using excessive resources to process documents you are not interested in.
19. For example, you may want to consider:
- providing further clarification about the specific documents you are seeking access to (eg. title of the survey);
 - a narrower scope of documents to a more specific time frame;
 - indicating which business area or business areas where we should request the documents related to your scope.
20. Please note that even if you do modify your request, it is possible that a practical refusal reason may still exist and the Department may need further time to process your revised request. This will depend on the revision you agree to make. As far as is reasonably practicable, we are happy to provide you with further information to assist you in revising your request so that it removes the practical refusal grounds.

Next steps

21. Before the end of the consultation period, which is **COB Friday 17 May 2024** (being 7 days from receiving this notice), you must do one of the following, in writing:
- withdraw the request;
 - make a revised request; or
 - indicate that you do not wish to revise the request.

22. During this period, you can ask me for help to revise your request. If you revise your request in a way that adequately addresses the practical refusal grounds outlined above, we will recommence processing it.
23. If you indicate you do not wish to revise your request, the Department will proceed to make a decision on whether to refuse the request on the grounds that processing your request will result in a diversion of the Department's resources.
24. If you do not respond in one of these ways within 7 days (by **COB Friday 17 May 2024**), the request will be taken to have been withdrawn.
25. If you need more time to respond, please contact the Information Access Unit via the below contacts, within the 7 day period to discuss your need for an extension of time.

Contact us

26. If you wish to discuss this decision, please do not hesitate to contact the Information Access Unit using the following details:

Post: Information Access Unit,
Department of Veterans' Affairs
GPO Box 9998, Brisbane QLD 4001

Email: Information.Access@dva.gov.au

Yours sincerely,

Zoey (Position Number 62214764)

Senior Information Access Officer
Information Access Unit
Client and Information Access Branch
Department of Veterans' Affairs

10 May 2024