

# Attachment A – Reasons – Freedom of Information Request No. LEX6865

---

## Authority

As a Senior Government Lawyer, Legal and Property Branch, I am an authorised decision-maker under section 23 of the FOI Act.

## Retrieval process

To identify documents for your request, I arranged for relevant staff likely to be able identify documents to undertake a comprehensive search of the relevant electronic holdings used by the AEC.

## Relevant Documents

With regard to the Relevant Documents you have requested, I have decided to refuse the request on the basis that a practical refusal reason exists.

This is because the request does not sufficiently identify the request documents (s 24AA(1)(b)); and the resource impact of processing the request would be substantial and unreasonable (s 24AA(1)(a)).

## Material taken into account

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

- a) the content of the documents identified that may fall within the scope of your FOI Request;
- b) the FOI Act;
- c) the guidelines ([‘FOI Guidelines’](#)) issued by the Australian Information Commissioner under section 93A of the FOI Act;
- d) the [FOI Guidance Notes](#), July 2011 issued by the Department of Prime Minister and Cabinet; and
- e) the *Privacy Act 1988*.

## Findings

In the initial request, you outline the request to include 5 different subject matter areas, of which specify up to 11 different classes of documents sought within each subject matter areas. This includes but is not limited to:

- personal information of staff related to the DVA within the last 10 years,
- policies and procedures related to the DVA within the last 10 years,
- records of any kind related to the DVA within the last 10 years,
- information sharing arrangements with the DVA (policies, procedures, but also including emails, letters, meeting minutes, file transfer logs, internal reports, and any other details),

- Data storage procedures, guidelines, frameworks that govern how the AEC requests, stores, handles, or uses DVA client information (including security approval, and retention and destruction measures),
- Internal committee meetings, governance decisions, and any other documents regarding deliberations of obtaining DVA client data,
- Any documents that outline any use or intended use of DVA client information and the outcomes or benefits of doing so.

#### Request does not sufficiently identify documents

I note that while the request seeks specific types of documents, it appears to also include any document related to 5 different subject matters, each of which are broad and relate to substantial functions of an agency. Additionally, the scope of this request covers a significant time period of 10 years, further impeding the agency's ability to identify relevant documents.

With respect to the documents retrieved, I am satisfied that the broad scope of the request in the context of the wide variety of functions the AEC conducts in relation to employment, roll-sharing and management, engagement with internal and external stakeholders, and internal government obligations, the AEC cannot sufficiently identify which retrieved documents are relevant to the request.

#### Resource impact of processing request would be substantial and unreasonable

Further, I am satisfied that the retrieval, assessment, and processing of these documents in accordance with the FOI Act would impose a resource impact which would be substantial and unreasonable.

This is because, due to the broad and unclear scope, the agency would be required to undertake substantial searches across a number of areas of the agency which are responsible for the various functions that may be relevant to the scope of this request. Additionally, it is likely that any documents retrieved would require:

1. Consultation with both DVA and any individuals identified in the documents.
2. Significant time spent reviewing these documents and making redactions to remove potentially sensitive/exempt content (for example, personal information under section 47F of the FOI Act).

In deciding whether the impact would be unreasonable or substantial, I have had regard to the resources required to:

- identify and locate the relevant documents;
- decide whether to grant, refuse or defer access to those documents;
- consult with other parties (internal and external to the Commonwealth)
- to make copies or edit documents; and
- to notify the final decision on the request.

I have also considered the following in accordance with 3.117 of the FOI Guidelines:

- the staffing resources available to the agency,
- the impact that processing a request may have on other work in the agency;
- whether there is a significant public interest in the documents requested and retrieved; and
- whether an applicant has cooperated in framing a request to reduce the processing workload.

I confirm I excluded the following reasons in deciding if a practical refusal reason exists:

- any reasons that the applicant gives for requesting access
- the agency's belief as to the applicant's reasons for requesting access
- any maximum amount, specified in the regulations, payable as a charge for processing a request of that kind (s 24AA(3)).

### ***Final Outcome***

Accordingly, I am satisfied that the request does not provide information as is reasonably necessary to enable me to identify the documents that are requested. Further, resources required to process this request would unreasonably divert the resources of the agency from its other operations in the lead-up to a federal election. As the scope of this request is broad and unclear, it is unclear what significant public interest would be derived from the documents sought. Finally, I note that the applicant has not assisted to refine the scope to reduce the processing workload.