



Our ref: 67239

Ellie

By email: foi+request-6785-873f1e53@righttoknow.org.au

Dear Ellie

Freedom of Information Act 1982 – Notice of Decision

I refer to your correspondence, received by the Department of Industry, Science, Energy and Resources (**the department**) on 9 October 2020, for access under the *Freedom of Information Act 1982 (FOI Act)* as follows:

“I REQUEST documents containing the telephone record(s) of the call(s) Mr Hilvert-Bruce purports to have made to the line area, with the date(s), time(s) and length(s) of the call(s), including the destination telephone number(s) and the name(s) of the subject matter expert(s) if available.”

Decision

I am an authorised decision maker under section 23 of the FOI Act.

The relevant electronic databases, files and corporate file lists in the department have been searched for the documents you have requested, and following these searches I am satisfied that all reasonable steps have been taken to find the documents requested and that the documents you have requested do not exist in the form of a discrete document as requested.

Section 17 of the FOI Act provides that in instances where it appears from the request that the applicant is seeking information that is not available in discrete form in written documents of the agency, and the agency could produce a written document containing the information in discrete form by the use of a computer or other equipment ordinarily available to the agency, the agency shall deal with the request as if it were a request of access to a written document so produced and containing that information.

An agency is not, however, required to produce such a document if it would substantially and unreasonably divert the resources of the agency from its other operations.


My view is based on a conservative estimate that over 38 hours of search and retrieval time is required to deal with this request because it is estimated that there are over 4000 pages of landline call details (for each billing month) to then conduct searches through to identify the relevant information.

Under subsection 24AA(1) of the FOI Act, I am satisfied that a practical refusal reason exists in relation to your request. The work involved in processing the request would substantially and unreasonably divert the resources of the department from its other operations (s 24AA(1)(a)).

If you are dissatisfied with any part of my decision, your review rights are set out in **Attachment A**.

Please do not hesitate to contact the FOI team at FOI@industry.gov.au if you require any further clarification.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Sasha Pesic', written over a vertical line.

Sasha Pesic
Senior FOI Officer
Legal, Audit & Assurance

5 November 2020

REVIEW RIGHTS

Application for Internal Review

Section 54 of the FOI Act gives you the option to apply for a departmental internal review of my decision. If you make an application for internal review it will be conducted by an officer of the department (other than me) appointed by the Secretary of the department to conduct a review and make a completely fresh decision on the merits of the case.

Application for a review of the decision must be made within 30 days after the day of receipt of this letter, or within 15 days of receipt of the documents to which this decision relates (whichever is the longer period). You do not have to pay any fees or processing charges for an internal review, except for charges relating to the provision of any additional relevant material located as a result of the review (for example photocopying). While a specific form is not required, it would assist the decision maker if your application specifies the grounds on which you consider the decision should be reviewed.

Application for a review of a decision should be addressed to:

FOI Coordinator
Department of Industry, Science, Energy and Resources
GPO Box 2013
CANBERRA ACT 2601

or by e-mail to: FOI@industry.gov.au.

Review by the Australian Information Commissioner

If any decision on internal review were not satisfactory to you, section 54L of the FOI Act gives you the right to apply for review of my decision by the Information Commissioner.

An application for review by the Information Commissioner may be made regardless of whether the decision was the subject of a departmental internal review. An application for review by the Information Commissioner must be made within 60 days of receipt of this notice. There is no fee for review by the Information Commissioner.

You must apply in writing and you can lodge your application in one of the following ways:

Online: www.oaic.gov.au
Post: GPO Box 5218, Sydney NSW 2001
Fax: +61 2 9284 9666
Email: enquiries@oaic.gov.au

An application form is available on the website at www.oaic.gov.au. Your application should include a copy of this notice and your contact details. You should also set out why you are objecting to the decision.

Complaints to the Australian Information Commissioner

You may complain to the Australian Information Commissioner concerning action taken by an agency in the exercise of powers or the performance of functions under the FOI Act. There is no fee for making a complaint. The Australian Information Commissioner will make a completely independent investigation of your complaint. A complaint to the Australian Information Commissioner must be made in writing and can be lodged online using the Information Commissioner Complaint Application form on the Australian Information Commissioner's website at www.oaic.gov.au.

industry.gov.au

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