

Our reference: LEX418

Ms Vanessa Teague

By email to: [foi+request-7394-4c4bb7a0@righttoknow.org.au](mailto:foi+request-7394-4c4bb7a0@righttoknow.org.au)

Dear Ms Teague

## **FREEDOM OF INFORMATION REQUEST NO. LEX418**

I refer to your online request made 8 June 2021 10:30 AM and your follow up online message dated 8 June 2021 10:33 AM in which you request ('your FOI Request') to the Australian Electoral Commission ('AEC') under the Freedom of Information Act 1982 for access to documents relating to the Senate Counting Solution.

### **SCOPE OF YOUR FOI REQUEST**

I have taken your request to be for:

all documents related to this other "suitable arrangement" for the Senate Counting Solution referred to in the released email dated Friday October 12, 2018.

### **INVITATION TO WITHDRAW YOUR FOI REQUEST**

The "suitable arrangement" for the Senate Counting Solution was the AEC's proprietary software EasyCount. EasyCount remains a trade secret of the AEC.

The existence of the trade secret was determined in the Administrative Appeals Tribunal see its decision in *Cordover and Australian Electoral Commission (Freedom of information)* [\[2015\] AATA 956](#) (11 December 2015).

Accordingly, I invite you to withdraw your request.

If you do not withdraw the FOI Request within the next 7 days, I will proceed with processing the request as follows.

### **HOW YOUR FOI REQUEST WILL PROCESSED IF IT PROCEEDS**

We received your request on 8 June 2021 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 8 July 2021. The period of 30 days may be extended if we need to consult third parties, impose a charge or for other reasons. We will advise you if this happens.

You will be notified of any charges in relation to your request as soon as possible, before we process any requested documents or impose a final charge. I should warn you that the source code is a very large document that when produced in written form fills over 10 arch leaf folders. There is also a charge for retrieval of the source code and its production in visible form.

Please note that documents released under the FOI Act may later be published online on the AEC's disclosure log [at http://www.aec.gov.au/information-access/foi/](http://www.aec.gov.au/information-access/foi/), subject to certain exceptions. (For example, personal information will not be published where this would be unreasonable.)

We will contact you using the email address that you provided. Please advise if you would prefer us to use an alternative means of contact. If you have any questions, please contact me at:

email:	legal@aec.gov.au
fax:	02 6293 7657
post:	Locked bag 4007, Canberra ACT 2601
telephone:	02 6271 4528

Yours sincerely



Owen Jones  
Senior Lawyer  
Legal Services  
Legal and Procurement Branch

8 June 2021