

Freedom of Information Standard 30 day timeline

TIME	STAGES	FOI OFFICER (RESPONSIBILITY)	LINE AREA/CONTACT OFFICER	FOI DECISION MAKER
		<p>The primary source of advice and guidance on FOI requests. Authorised decision-makers.</p> <ul style="list-style-type: none"> Undertakes case management for FOI requests. Makes decisions on consultation, charges and disclosure with consideration to Information Commissioner's guidelines & FOI Legislation Responsible for preparing documents for release in consultation with line area and decision-maker. Conduit between Department and MOs on FOI matters. Second counsel on decisions etc . Monitors quality of documents. Escalates issues to Principle Legal Counsel as required. Provides administration and procedural support to decision-makers. 	<ul style="list-style-type: none"> Identifies, locates and retrieves all relevant documents within the scope of the request. Identifies and communicates any sensitivities to the FOI Officers. Addresses and communicates any risks presented by decision to management. 	<p>Authorised decision-makers.</p>
Day 0	Validity Check	<ul style="list-style-type: none"> Receives request. Determines validity Identify decision-maker. Identifies significant requests 		
CLOCK STARTS NOW				
By Day 01	Create LEX & Content Manager Records and DSM	<ul style="list-style-type: none"> Creates a Content Manager and LEX record. Creates a Document Search Minute (DSM). 		
By day 02	Document Search & Decision Maker Notification	<ul style="list-style-type: none"> Sends DSM to Decision Maker and Line Area. Ongoing discussion regarding scope with line area. Records request in Statistics spreadsheet. Schedules and monitors deadlines. 	<ul style="list-style-type: none"> Identifies and retrieves relevant documents (including from contracted service provider) <p>OR</p> <ul style="list-style-type: none"> Identifies whether scope of request too large and provides information for drafting practical refusal notice including obtaining sample of documents. 	<ul style="list-style-type: none"> Considers request and nominates a contact officer
By day 14	Acknowledgment	<ul style="list-style-type: none"> Acknowledges request. 		
Other By day 9 Personal By day 14	Provision of Documents	<ul style="list-style-type: none"> Receives documents. Preliminary review of documents to determine whether within scope, whether they contain sensitivities, whether consultation is required or whether a practical refusal reason exist Discusses sensitivities with line area. 	<ul style="list-style-type: none"> Arranges Branch Manager sign-off of DSM. Provides copy of original documents to FOI Officer, identifies sensitivities and provides estimate of search/retrieval time. 	
Other By Day 10	Charges Decision and Notification	<ul style="list-style-type: none"> Calculates charges (if non-personal) using AGS calculator and makes appropriate adjustments. Makes a decision on whether to apply charges. If applied, creates Charges File Note and Charges Notice. Sends charges notice to Applicant. 		
CLOCK STOPS UNTIL RESPONSE TO CHARGES NOTIFICATION RECEIVED				
Other Days 11-18 Personal By day 21	Document Analysis, Preparation & Third Party Identification	<ul style="list-style-type: none"> Prepares practical refusal notice if required. Identifies and marks up exempt material. Identifies whether consultation is necessary (including third party consultation and courtesy consultation) and prepares documents. Discusses concerns and sensitivities with line area. 	<ul style="list-style-type: none"> Provides information to FOI Officer to facilitate decisions on whether documents/material are exempt. Identifies and communicates sensitivities. 	
CLOCK PAUSED BY UP TO 14 DAYS IF PRACTICAL REFUSAL NOTIFICATION SENT TO APPLICANT CLOCK EXTENDED BY 30 DAYS IF THIRD PARTY CONSULTATION (timeframes are marked in italics and with an *)				
Other By Day 22 Personal By day 26 <i>*(47-50)</i>	Draft Access Decision	<ul style="list-style-type: none"> Prepares and finalises draft decision, schedule of documents and marked-up documents for consideration. Maintains Content Manager and LEX records to support and provide evidence of the proposed decision. Prepares and sends draft decision and documents to Decision Maker Provides assistance and support to decision-maker in making final decision 		<ul style="list-style-type: none"> Considers final decision letter, schedule of documents, marked up documents. Decision Maker to provide signed decision by return due date provided by the FOI Officer
By Day 28 <i>*(50-58)</i>	Decision Finalisation and Notification	<ul style="list-style-type: none"> Notifies MO, Media and General Counsel of proposed decision (if required). (48 hours if possible) Makes any required changes to decision letter and redactions to documents for release. Maintains LEX record. 		
By Day 30 <i>*(60)</i>	Final Decision	<ul style="list-style-type: none"> Sends final decision and documents to Applicant. Update LEX record. 		
				PRINCIPAL LEGAL COUNSEL
By Day 40 <i>*(74)</i>	Disclosure Log	<ul style="list-style-type: none"> Makes decision on Disclosure Log publication and prepares Disclosure Log Decision File Note. Arranges for Disclosure Log Update. Update LEX and Content Manager record 		<ul style="list-style-type: none"> Reviews Disclosure Log Decision. File Note (if required). Approves final Disclosure Log publication.



Our ref: LEX NUMBER

Name
Title
Business name

By email: EMAIL address

Dear Name

Freedom of Information Act 1982 – Notice of Decision

I refer to your correspondence, received by the Department of Industry, Innovation and Science (the department) on DATE, and subsequent correspondence to clarify the scope of your request, for access under the *Freedom of Information Act 1982 (FOI Act)* as follows:

Insert scope of request

Background

On [date] you were issued with a notice of intention to refuse the request on the basis that the work involved would amount to a substantial and unreasonable diversion of the department's resources. You were invited to refine the scope of your request within 14 days.

On [date] you provided a revised scope (as set out above).

On [date] the department confirmed that a practical refusal reason no longer existed in relation to your request.

On [date] you were notified that you were liable to pay a charge for the processing of your request in the amount of \$XX.XX, and you were asked to pay a deposit of \$XX.XX. You were also advised at this time of the need to conduct a third party consultation in relation to your request.

On [date] the department received a deposit in the amount of \$XX.XX for the processing of your request. The third party consultation was subsequently initiated.

On [date] you agreed to a XX day extension under section 15AA of the FOI Act for the processing of your FOI request.

On [date] the department was granted a XX day extension under section 15AB of the FOI Act for the processing of your FOI request by the Office of the Australian Information Commissioner (OAIC).

Final Decision on Charges

The preliminary estimate of charges associated with processing this FOI request was \$XX.XX, which includes the first five hours of decision making at no cost.

In accordance with the *Freedom of Information (Charges) Regulations 1982* (the Charges Regulations), I have calculated the actual costs associated with processing your request and have decided that the final total amount for processing this FOI request is \$XX.XX. While these charges exceed the estimate of charges previously provided to you, the Charges Regulations provides that a higher amount can be charged if providing full access to the documents. As my decision is to give you full access to the documents, I have decided to impose the actual charges associated with processing your request. **OR** However, given the number of documents and the minor difference between the estimate and actual charges, I have decided not to impose the actual charges. **OR** However, I am not providing access to the documents in full and therefore you are not required to pay the actual charges.

As you have already paid the estimate of \$XX.XX in full, the documents are now being released to you.

OR

As you have already paid a deposit of \$XX.XX, you are required to pay the balance owing of \$XX.XX before the documents can be released to you.

OR

As you have already paid the estimate in full, you are required to pay the balance of the actual costs, being \$XX.XX, before the documents can be released to you.

Please make the cheque payable to the Collector of Public Monies and mark it attention to:

The FOI team
Department of Industry, Innovation and Science
GPO Box 2013
CANBERRA ACT 2601

The department accepts visa or master card. If you would like to pay by credit card please complete the enclosed credit card payment request form, return a scanned copy to CPM@industry.gov.au and copy the FOI team in your email at FOI@industry.gov.au.

Decision

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

On the outset, I have decided not to impose any charges for the processing of your request.

I am satisfied that all reasonable searches have been undertaken for documents relevant to your request. I am advised that the department has in its possession XX documents that are relevant to your request. These documents are described in the Schedule of Documents at **Attachment A**.

I have decided to:

- grant access to XX documents in full
- grant access to XX documents in part, and
- refuse access to XX documents in full.

Optional: (delete section regarding charges)

I have decided to refuse access to XX documents in full. I accept the deposit of \$XXX as the final payment for the processing of your request, and I have decided you are not required to pay the remaining balance of \$XXX.

I have found that the requested documents contain material which is exempt under:

- Section 33(a) of the FOI Act because disclosure would affect national security, defence or international relations;
- Section 34(3) of the FOI Act because disclosure would reveal a deliberation or decision of Cabinet which has not otherwise been officially disclosed;
- Section 37(1)(a) of the FOI Act because disclosure may prejudice the conduct of an investigation of a breach, or possible breach, of the law;
- Section 42 of the FOI Act because the information is of such a nature that it would be privileged from production in legal proceedings on the grounds of legal professional privilege;
- Section 47C of the FOI Act because disclosure would reveal deliberative processes involved in the functions of the agency;
- Section 47E(a) of the FOI Act because disclosure would prejudice the effectiveness of procedures for the conduct of examinations by an agency;
- Section 47E(d) of the FOI Act because disclosure would have a substantial adverse effect on the proper and efficient conduct of the operations of an agency;
- Section 47F(1) of the FOI Act because disclosure of the information would be an unreasonable disclosure of an individual's personal information; and
- Section 22 of the FOI Act because the documents contain material that is irrelevant to your request.

The reasons for my decision are set out below, as required by section 26 of the FOI Act, in Part A of the Annexure.

If you are dissatisfied with my decision, your review rights are set out in Part B of the Annexure.

Yours sincerely

Name

General Manager

Branch

Month Year

Enclosures

Annexure (Part A – Statement of Reasons and Part B – Review Rights)

Attachment A – Schedule of Documents

Annexure
Part A – Reasons for Decision (section 26 FOI Act)
Request: APPLICANT – XX Month Year (LEX XXXXX)
Decision Maker: NAME, General Manager, BRANCH

1. Evidence/Material on which my findings were based

1.1 In reaching my decision, I relied on the following information and documentary evidence:

- the FOI Act;
- the contents of the documents described in Attachment A;
- your correspondence setting out the particulars of your request;
- the documents identified to be within the scope of the request;
- consultation with departmental officers as to the nature of the documents;
- consultation with affected third parties as to the nature of the documents;
- consultation with the department of Prime Minister and Cabinet (PM&C) as to the nature of the documents; and
- the Guidelines issued by the Office of the Australian Information Commissioner under section 93A of the FOI Act (FOI Guidelines).

2. Section 22 – Deletion of exempt or irrelevant material

2.1 Subsections 22(1) and (2) of the FOI Act permit an agency to decide to provide a copy of a document (modified by redaction) edited to remove information that would reasonably be regarded as irrelevant to the request (edited copy).

Subsection 22(1)

Scope

(1) *This section applies if:*

(a) *an agency or Minister decides:*

- (i) *to refuse to give access to an exempt document; or*
- (ii) *that to give access to a document would disclose information that would reasonably be regarded as irrelevant to the request for access; and*

(b) *it is possible for the agency or Minister to prepare a copy (an edited copy) of the document, modified by deletions, ensuring that:*

- (i) *access to the edited copy would be required to be given under section 11A (access to documents on request); and*
- (ii) *the edited copy would not disclose any information that would reasonably be regarded as irrelevant to the request; and*

(c) *it is reasonably practicable for the agency or Minister to prepare the edited copy, having regard to:*

- (i) *the nature and extent of the modification; and*
- (ii) *the resources available to modify the document; and*

(d) *it is not apparent (from the request or from consultation with the applicant) that the applicant would decline access to the edited copy.*

Subsection 22(2)

Access to edited copy

(2) *The agency or Minister must:*

- (a) *prepare the edited copy as mentioned in paragraph (1)(b); and*
- (b) *give the applicant access to the edited copy.*

- 2.2 On XX Month Year, the department advised you that unless you indicated otherwise, the names and contact details of APS staff below the SES level would be treated as out of scope and deleted under section 22 of the FOI Act.
- 2.3 On XX Month Year, you confirmed that all/Commonwealth staff/third party personal information can be excluded from the scope of your request but specified you are seeking [details of personal information sought] mentioned in the documents.
- 2.4 I consider that to provide you with full access to the documents would disclose information that does not fall within the scope of your FOI request. Accordingly, where possible, I have decided that the irrelevant information will be deleted under section 22(1) of the FOI Act and a copy of the documents, with the irrelevant information deleted, will be provided to you.
- 2.5 These deletions are identified in the Schedule of Documents.

3. Section 33(a)(iii) – International Relations

- 3.1 Paragraph 33(a)(iii) of the FOI Act provides that:

A document is an exempt document if disclosure of the document would, or could reasonably be expected to, cause damage to the international relations of the Commonwealth.

- 3.2 Provide reasoning based on individual request.

4. Section 34 – Cabinet documents

- 4.1 Section 34 of the FOI Act relevantly provides:

A document is an exempt document to the extent that it contains information the disclosure of which would reveal a Cabinet deliberation or decision, unless the existence of the deliberation or decision has been officially disclosed.

- 4.2 Provide reasoning based on individual request.

5. Section 37(1)(a) – Enforcement of law

- 5.1 Subsection 37(1)(a) of the FOI Act provides that:

(1) A document is an exempt document if its disclosure under this Act would, or could reasonably be expected to:
(a) Prejudice the conduct of an investigation of a breach, or possible breach, of the law...

- 5.2 Provide reasoning based on individual request.

6. Section 42 – Legal Professional Privilege

- 6.1 I have found that certain documents contain material which is exempt from release under section 42(1) of the FOI Act. Section 42(1) provides that a document is an exempt document if it is of such a nature that it would be privileged from production in legal proceedings on the ground of legal professional privilege.

6.2 Provide reasoning based on individual request.

7. Section 47C – Deliberative Matter

7.1 Subsection 47C(1) of the FOI Act provides that:

A document is conditionally exempt if disclosure under the FOI Act would disclose a matter in the nature of, or relating to, opinion, advice or recommendation obtained, prepared or recorded, or consultation or deliberation that has taken place, in the course of, or for the purposes of, the deliberative processes involved in the functions of an agency or Minister or of the Government of the Commonwealth.

7.2 Provide reasoning based on individual request.

8. Section 47E(a) – Certain operations of agencies

8.1 Subsection 47E(a) of the FOI Act provides that:

A document is conditionally exempt if its disclosure under this Act would, or could reasonably be expected to, do any of the following:

(a) Prejudice the effectiveness of procedures or methods for the conduct of tests, examinations or audits by an agency;

8.2 Provide reasoning based on individual request

9. Section 47E(d) – The Conduct of the Operations of an Agency

9.1 Subsection 47E(d) of the FOI Act permits an agency to conditionally exempt material in a document in circumstances where:

... its disclosure under this Act would, or could reasonably be expected to, do any of the following:

...

(d) have a substantial adverse effect on the proper and efficient conduct of the operations of an agency.

9.2 Provide reasoning based on individual request.

10. Section 47F – Personal Information

10.1 Subsection 47F(1) of the FOI Act provides that:

A document is conditionally exempt if its disclosure under this Act would involve the unreasonable disclosure of personal information about any person (including a deceased person).

10.2 Provide reasoning based on individual request

11. Publication

11.1 Section 11C of the FOI Act requires agencies to publish documents released through an FOI request on our website within 10 days of release, except in certain circumstances including when the documents contain personal or business information that would be unreasonable to publish.

11.2 The documents being released to you do not contain any personal or business information that would be unreasonable to publish. As a result, they will be published on our disclosure log shortly. **OR** The documents being released to you do contain personal or business information that would be unreasonable to publish. As a result, they will not be published on our disclosure log.

Part B – 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, Innovation and Science
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.

Request for Access under the *Freedom of Information Act 1982 (Cth)*
 Department of Industry, Innovation and Science
 FOI Applicant: **Name of Applicant**
 SCHEDULE OF DOCUMENTS

Doc No	Description of document	Pages	Decision	Reasons
1.				



Australian Government
Department of Industry,
Innovation and Science

Our ref: [insert ref]

[Applicant's name]

[Position]

[Company]

[Address]

By email: [applicant's email address]

Dear [applicant's name]

Freedom of Information Act 1982 – Notice of Decision

I refer to your correspondence, received by the Department of Industry, Innovation and Science (the department) on [insert date the request was received], for access under the *Freedom of Information Act 1982* (FOI Act) to the following documents:

[insert scope of the request]

Decision

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

I am satisfied that reasonable searches have been undertaken to locate all documents held by the department that are relevant to your request. There are [insert number] documents (consisting of [insert number] pages) relevant to your request and I have decided that it is appropriate to release the documents in full.

The documents [are attached / have been sent to you by express post].

If you are dissatisfied with my decision, your review rights are set out at **Attachment A**.

Please do not hesitate to contact the FOI team on [insert your phone number], or via e-mail at FOI@industry.gov.au, if you require any further clarification.

Yours sincerely

Decision-makers name

Position

Branch name

Division name

Month / year

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. 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, Innovation and Science
GPO Box 9839
CANBERRA ACT 2601

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

Review by the Australian Information Commissioner

If the decision on internal review was not satisfactory to you, section 54L of the FOI Act currently gives you the right to seek review of my decision by the Information Commissioner.

We note, however, that the Freedom of Information Amendment (New Arrangements) Bill 2014 (the FOI Bill) is currently under consideration by the Australian Senate and, if the FOI Bill is passed by the Senate, the right to seek review by the Information Commissioner will cease. In the event that the FOI Bill is passed, any outstanding requests for review by the Information Commissioner will be transferred to the Administrative Appeals Tribunal (AAT). For further information please refer to the Information Commissioner's website: www.oaic.gov.au.

An application for review by the Australian Information Commissioner may be made regardless of whether the decision was the subject of a departmental internal review. An application for review by the Australian Information Commissioner must be made within 60 days of receipt of this notice. There is no fee for review by the Australian 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 2999, Canberra ACT 2601
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 Commonwealth Ombudsman

The Information Commissioner has advised that from 1 November 2014 onwards, FOI applicants may complain to the Commonwealth Ombudsman 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 Commonwealth Ombudsman will make a completely independent investigation of your complaint. You can make a complaint by telephone, in person, in writing, by fax, or using the online complaint form. Further information about making a complaint is available at <http://www.ombudsman.gov.au/pages/making-a-complaint/>.



Our ref: [insert ref]

[Applicant's name]

[Position]

[Company]

[Address]

By email: [applicant's email address]

Dear [applicant's name]

Freedom of Information Act 1982 – Notice of Decision

I refer to your request received by the Department of Industry, Innovation and Science (the department) on [insert date request received], for access under the *Freedom of Information Act 1982* (FOI Act) to the following:

[insert scope of original request]

On [insert date], you were provided with a notice of the department's intention to refuse your request on practical refusal grounds. The practical refusal grounds being that processing your request would unreasonably and substantially divert the resources of the department from its other operations. In this notice you were informed that a conservative estimate indicated it would take the department at least xx hours to process the request, and you were invited to revise the scope of your request.

On [insert date], you revised the scope of your request to the following:

[insert scope of revised request]

Decision

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

I have decided to refuse your request under section 24(1) of the FOI Act on practical refusal grounds. The practical refusal ground being that processing your request would unreasonably and substantially divert the resources of the department from its other operations.

The reasons for my decision are set out below as required by section 26 of the FOI Act.

Reasons for Decision

Under subsection 24(1) of the FOI Act, if an agency is satisfied that a practical refusal reason exists in relation to a request, the agency must undertake a request consultation process in accordance with section 24AB of the FOI Act. However, if after the request consultation process the agency is satisfied that the practical refusal reason still exists, the agency may refuse the request.

I am satisfied that a request consultation process has been undertaken by the department in accordance with section 24AB of the FOI Act. On [insert date practical refusal notice was sent to

[applicant] you were issued a practical refusal notice informing you of the voluminous scope of your request and that it would require over xx hours of processing and decision making time to process your request. Accordingly, the processing of your request as originally framed would be unreasonable and substantially divert the resources of the department from its other operations.

I am satisfied that the department also took reasonable steps to assist you to revise the scope of your request so that a practical refusal reason would no longer exist. The department provided you with a reasonable opportunity to consult with the department and you were provided with information to assist you to narrow the scope of your request. ****include details of assistance provided, for eg: I note that during the request consultation process you engaged in a 45 minute phone conversation with a departmental FOI officer on ways you could revise and narrow the scope of your request, during which you were informed that your request could be narrowed by specifying timeframes, identifying specific documents and limiting your request to particular topics or individuals.** I am therefore satisfied that the department has taken reasonable steps to assist you to revise the scope of your request.

I am also satisfied that a practical refusal reason exists in relation to your revised request of [insert date of revised request], after a request consultation process had been undertaken. ****include details of why revised request does not remove practical refusal reason, for eg: While you did introduce timeframes, they failed to narrow the scope of the request, instead referring to broad periods of time ranging between 9 and 50 years. Furthermore, your revised request added several new requests for documents, naming additional organisations and individuals that were not in the original request, including the request to "provide any documentation from any date over the past 50 years from or to the Government of the USA". A conservative estimate indicates that it would take the department at least 630 hours to process the revised request. This is based on an estimate that there are at least 55 files, consisting of at least 4,560 folios, relevant to the scope of the revised scope. Also, there are at least 25 third parties the department would need to consult with on the disclosure of their business or personal information. I note that this estimate does not include an estimate of the time it would take the department to collect and process documents dated over the past 50 years from or to the Government of the USA.**

Accordingly, I am satisfied that a practical refusal reason remains in relation to your request and I have decided to refuse your request under section 24(1) of the FOI Act.

Review rights

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

Please do not hesitate to contact the FOI team on [insert contact number], or by e-mail at FOI@industry.gov.au, if you require any further clarification.

Yours sincerely

[Decision-maker]
General Manager
[Name of Branch]

Month / year

REVIEW RIGHTS

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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.

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CANBERRA ACT 2601

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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:

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Post: GPO Box 5218, Sydney NSW 2001
Fax: +61 2 9284 9666
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Australian Government
**Department of Industry,
Innovation and Science**

Our ref: [LEX number]

[Applicant's name]

[Position]

[Company]

[Address]

By email: [applicant's email address]

Dear [applicant's name]

Freedom of Information Act 1982 – Notice of charge and consultation

I refer to your correspondence received by the Department of Industry, Innovation and Science (the department) on [insert date request received], and subsequent correspondence to clarify the scope of your request, in which you sought access under the *Freedom of Information Act 1982* (the FOI Act) to the following:

[insert scope of request]

Background

insert any relevant matter background here

Notice of Consultation

Your request covers documents that contain information which originated with, or was received from, the State or an authority of the State/ information about the business affairs of certain organisations/about an individual .

Under sections 26A/27/27A of the FOI Act where a request is made for a document containing information about:

- state government or an authority of the state (section 26A); and/or
- the business affairs of an organisation (section 27); and/or
- a person, or any information that could reasonably identify a person (section 27A);

and it appears the state/organisation/individual may reasonably wish to contend that the information is exempt or conditionally exempt, the department must give the state/organisation/individual a reasonable opportunity to make a submission in support of the contention.

Under sections 26A/27/27A of the FOI Act the department must have regard to any submissions made by the state and/or organisation before making a decision to give access to the document.

Timing for consultation with third parties

Given that consultation with third parties is required, subsection 15(6) of the FOI Act extends the standard statutory 30-day time limit for processing requests by another 30 days. Accordingly, this will give the department 60 days within which to notify you of its decision on access to the documents.

Notice of Liability to Pay a Charge

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

In accordance with section 29 of the FOI Act, I have decided that you are liable to pay a charge in respect of the processing of your request, being \$00.00.

Estimate of charge

My preliminary assessment of that charge is based on approximately xx documents (consisting of xx pages) falling within the scope of your request and at least [number of third parties] third parties who will need to be consulted under section 27 of the FOI Act. I have also taken into account the fact that the first five hours of decision making time are free to all applicants requesting documents other than their own personal information.

****insert calculation of preliminary estimate of charge below****

Search and Retrieval – xx hours at \$15 per hour	\$	00.00
Decision making time – xx hours at \$20 per hour	\$	00.00
Total	\$	00.00
First 5 hours free	\$	-100.00
Final amount	\$	00.00
Deposit	\$	00.00

Payment of the deposit will only entitle you to a decision. The document will be released upon payment of the balance of the charge.

Processing your FOI request

Please note that the department will not make a decision on the potential release of any documents until charges are paid to, or remitted by, this department. In accordance with section 31 of the FOI Act, the time limit for processing your request is suspended from the day you receive this notice and will resume on either the day the charge or deposit is paid, or on the day on which the department makes a decision not to impose a charge.

Your rights and alternatives

You may contend that the charge has been wrongfully assessed, should be reduced or not imposed. In deciding whether to reduce or not impose a charge the decision maker must, among other things, take into account whether payment of the charge, or part of it, would cause you financial hardship and whether the giving of access to the documents is in the general public interest.

If you would like the department to continue processing your request, you must notify the department in writing within 30 days of receiving this notice that you:

- A. agree to pay the charge;
- B. wish to contend that the charge:
 - (i) has been wrongly assessed; or
 - (ii) should be reduced or not imposed; or
 - (iii) both
- C. withdraw the request for access.

Further information on options A, B and C is set out below.

Option A – pay the charge

****delete the option that does not apply****

As the charge exceeds \$100, you are required to pay a deposit of \$xx which is 25% of the total amount, within 30 days of receiving this notice. You may, of course, elect to pay the charge in full at this point.

OR

As the charge exceeds \$20 but is less than \$100, you are required to pay a deposit of \$20.00, within 30 days of receiving this notice. You may, of course, elect to pay the charge in full at this point.

Please make the cheque payable to the Collector of Public Monies and mark it attention to:

The FOI team
Department of Industry, Innovation and Science
GPO Box 2013
CANBERRA ACT 2601

The department accepts visa or master card. If you would like to pay by credit card please complete the enclosed credit card payment request form, return a scanned copy to the CPM@industry.gov.au and copy the FOI team in your email at FOI@industry.gov.au.

Option B – seek reduction or non-imposition of the charge

You may contend that the charge has been wrongly assessed, or should be reduced or not imposed. Subsection 29(5) of the FOI Act provides that in deciding whether to reduce or not to impose a charge, the decision maker must take into account any relevant reasons. This included whether payment of the charge, or part of it, would cause you financial hardship, and whether the giving of access to the documents is in the general public interest or in the interest of a substantial section of the public.

If you wish to contend that the charge has been wrongly assessed or should be reduced or not imposed, please set out your reasons and the evidence in support of your reasons as clearly as possible. If you believe that payment of the charge would cause you financial hardship, please provide sufficient details of your financial circumstances to enable the decision maker to make a well-informed decision in this regard.

Option C – withdraw your request

If you wish to withdraw your request you may do so in writing.

If you fail to notify the department in a manner mentioned above within 30 days of receipt of this notice it will be taken that the request has been withdrawn.

Should you have any queries in relation to this matter please contact the FOI team on **[insert your phone number]** or by e-mail: FOI@industry.gov.au.

Yours sincerely

[decision maker]

Senior FOI Officer

Legal, Audit and Assurance

Month / year



Our ref: [insert ref]

[Applicant's name]

[Position]

[Company]

[Address]

By email: [applicant's email address]

Dear [applicant's name]

Freedom of Information Act – Notice of intention to refuse

I refer to your request received by the Department of Industry, Innovation and Science (the department) on [insert date the request was received], in which you sought access under the *Freedom of Information Act 1982* (the FOI Act) to the following:

[insert scope of request]

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

My view is based on a conservative estimate that over xx hours of decision making and processing time is required to deal with this request. I also wish to advise that:

- I estimate that there are over xx documents and approximately xx pages relevant to your request as presently framed;
- There are at least xx third parties identified in the relevant documents and consultation will be required prior to considering possible release of many of the documents falling within the scope of the request.
- There are additional areas where searches have not been completed which are likely to have additional relevant documents and therefore the total number of relevant documents is likely to be higher than the estimate; and
- Many of the documents you are seeking contain sensitive information that requires more decision making time, thus adding to the voluminous nature of your request.
- *Insert any other relevant factors as appropriate*

In accordance with section 24(1)(a) and 24AB of the FOI Act, I am writing to provide you with written notice that I intend to refuse your request on the grounds that a practical refusal reason exists and to initiate a request consultation process in accordance with section 24AB of the FOI Act.

Request consultation process

Before I make a decision to refuse your request under section 24(1)(b) of the FOI Act, I would like to provide you with the opportunity to revise the scope of your request so that a 'practical refusal reason' no longer exists. **Although it is your responsibility to suggest ways that your request may be revised and**

narrowed, you may consider limiting your request to particular topics or particular timeframes. **OR** Although it is your responsibility to suggest ways that your request may be revised and narrowed, you may consider the following suggestions to revise the scope of your FOI request (please note that these are suggestions only and do not guarantee the practical refusal reason/s will no longer exist):

- Consider...
- Clarify...

Should you wish to revise your request, you must do so **within 14 days** after the day you are given this notice (unless extended by agreement with the department). If you are unable to meet this deadline and wish to arrange an extension of time in which to consider this matter, or would like to discuss how you could best revise the scope of the request, please contact the FOI team by email at FOI@industry.gov.au.

Under subsection 24AB(6) of the FOI Act, you must, before the end of the 14-day consultation period, do one of the following by written notice to the department:

- a) withdraw the request;
- b) make a revised request; or
- c) indicate that you do not wish to revise the request.

Please note that under subsection 24AB(7), the request is taken to have been withdrawn at the end of the 14 day consultation period if:

- (a) the applicant does not consult the contact person during the consultation period in accordance with this notice; or
- (b) the applicant does not do one of the things mentioned in subsection(6) before the end of the consultation period.

In accordance with subsection 24AB(8) of the FOI Act, the 14-day consultation period is to be disregarded in calculating the processing period for the request.

Your written response should be addressed to:

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

Or by email to: FOI@industry.gov.au

Should you wish to discuss this matter further, please contact the FOI team on [insert your phone number] or by email at FOI@industry.gov.au.

Yours sincerely

Decision maker's name
Senior FOI Officer
Legal, Audit & Assurance
Month year

Sent: Wednesday, 20 February 2019 4:10 PM
Cc: Freedom of Information
Subject: Your FOI Request - Acknowledgement - XXXXX

From: FOI@industry.gov.au
To: applicant
Subject: add LEX ref
Attach: original request

Dear XXX

We refer to the attached Freedom of Information request received by the Department of Industry, Innovation and Science (the Department) on XX Month Year.

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

- the names, signatures and contact details of departmental staff who are not in the Senior Executive Service (SES);
- the mobile phone numbers of SES officers; and
- the names, signatures and contact details of ministerial staff below the level of Chief of Staff.

The names and other details of SES officers will be released unless the information is exempt from disclosure.

If you require the names or contact details listed above, please let us know by return email at foi@industry.gov.au, otherwise we will consider that you agree to that information being excluded from the scope of your request.

Optional:

Personal Information

In relation to third parties and other Commonwealth staff, to enable more timely and cost effective processing of your request, please confirm the scope of your request excludes 'personal information' (e.g. the names and contact details of any individuals, or any information that could reasonable identify an individual) contained in documents.

If you are seeking access to specific types of personal information, please clarify.

We look forward to your response at your earliest convenience but no later than XXXday XX Month Year.

If you have any questions, please contact the FOI team.

Regards

FOI Team

Legal, Audit and Assurance Branch | Corporate Division
Department of Industry, Innovation and Science
GPO Box 2013, Canberra ACT 2601

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Cc: Freedom of Information
Subject: Third Party Consultation - XXXXX

From: FOI@industry.gov.au
To: third party
Subject: add LEX ref, Courtesy or Third Party
Attach: letter (if applicable), documents for consultation

Option 1
Dear XXX

The Department of Industry, Innovation and Science (the department) has received a Freedom of Information request seeking access to certain documents regarding FOI subject. A document/Documents which contain your personal information/information about your business or professional affairs has/have been identified as falling within the scope of the request.

Please find attached correspondence for your consideration.

To ensure that the department meets its statutory obligations, please provide a response at your earliest convenience but no later than **XXXday XX Month Year**.

Should you have any queries or wish to discuss, please do not hesitate to contact me (02) XXXX XXXX.

OR
Option 2
Dear XXX

The Department of Industry, Innovation and Science (the department) has received a Freedom of Information request seeking access to certain documents regarding FOI subject. A document/Documents which contain your personal information/information about your business or professional affairs has/have been identified as falling within the scope of the request.

The department is seeking your views on the disclosure of the document/documents attached.

Please review the document/documents and consider whether deletion of any specific information (such as words, sentences or paragraphs) would eliminate or substantially reduce any objections you may have to the release of the document/documents.

Please note that any information that you are not required to comment on, either because it is outside of the scope of the request, or the decision maker is considering exempting it under another provision, has been omitted from the documents.

While your comments will be taken into account in the decision making process, the decision-maker within the department is obliged to form their own view regarding the appropriateness of release.

To ensure that the department meets its statutory obligations, please provide a response at your earliest convenience but no later than **XXXday XX Month Year**.

Should you have any queries or wish to discuss, please do not hesitate to contact me (02) XXXX XXXX.

Regards
XXX

FOI Team

Legal, Audit and Assurance Branch | Corporate Division
Department of Industry, Innovation and Science
GPO Box 2013, Canberra ACT 2601

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s22

To: s22
Cc: Freedom of Information
Subject: For Signature - LEX XXXXX - Disclosure Log Determination - DUE XX Month Year

From: FOI@industry.gov.au
Subject: Add LEX ref, and due date
Attach: disclosure log determination, and applied redacted documents (if applicable)

Hi s22

This email addresses the issue of publishing on the disclosure log the documents that have been released to an FOI applicant in response to their FOI request.

Please find attached the disclosure log determination for your consideration.

Subject to any changes you may have, please sign and date the attached decision and return a scanned copy to foi@industry.gov.au at your earliest convenience but no later than **Friday 15 November 2019**.

Below is a summarised version of the information provided by the Office of the Australian Information Commissioner's Freedom of Information Guidelines (**Guidelines**) on the disclosure log.

Kind regards
XXX

[insert signature block]

DISCLOSURE LOG DETERMINATION

Attached are the documents that have been released to the FOI applicant.

The table below lists the categories for exempting the disclosure on the disclosure log of information released to an FOI applicant, applies those categories to each document listed in the Schedule of Documents including the application of the reasonableness test.

The attached decision about publishing this information has applied the Guidelines to the documents released, the Schedule of Documents and the table below.

Guidelines

The following information about the disclosure log is from the Guidelines.

Disclosure Log

Agencies and ministers must publish information that has been released in response to each FOI access request, subject to certain exceptions (s 11C). This publication is known as a 'disclosure log'.

Nature and content of the disclosure log

1. A disclosure log lists information that has been released in response to an FOI access request for documents held by the agency or minister (s 11C(1)).

2. Agencies and ministers must publish this information **within ten working days (ie. By XX Month Year)** of giving the FOI applicant access to the information (s 11C(6)).
3. The disclosure log requirement does not apply to:
 - personal information about any person, if it would be ‘unreasonable’ to publish the information (s 11C(1)(a))
 - information about the business, commercial, financial or professional affairs of any person, if publication of that information would be ‘unreasonable’ (s 11C(1)(b))
 - other information of a kind determined by the Information Commissioner if publication of that information would be ‘unreasonable’ (ss 11C(1)(c) and 11C(2))
 - any information if it is not reasonably practicable to publish the information because of the extent of modifications that would need to be made to delete information listed in one of the above dot points (s 11C(1)(d)).

Disclosure log decision making

1. The decisions to grant access to documents under the FOI Act, and to publish information in a disclosure log, are separate decisions.
2. There is an important difference in the FOI Act procedures applying to both decisions. Only a person ‘authorised’ under s 23 can decide to grant or refuse access in response to a request. By contrast, the FOI Act does not specify who is to make a decision concerning notification of a decision on the disclosure log (including whether to delete material that would be unreasonable to publish).

Disclosure log exceptions — when publication would be ‘unreasonable’

1. The requirement to publish in a disclosure log information that was released to an FOI applicant does not apply to information if publication would be ‘unreasonable’.
2. It is open to an agency or minister to decide that it is unreasonable to include in the disclosure log information about an individual or business that was released in response to an FOI request from that individual or business. The same applies to information about a person or business that was released to another FOI applicant, where the person or business was consulted under ss 27 or 27A of the FOI Act and did not object to the release to that particular FOI applicant but would object if the information was to become publicly available.
3. Whether it would be unreasonable to publish in the disclosure log personal information about an Australian Government officer will depend on a number of factors that should be considered on a case by case basis. The factors include the nature of the information, the seniority of the officer, and whether the officer has made out a special case against disclosure. As a general guide, it would be open to a decision maker to decide in a particular instance that it is unreasonable to publish in a disclosure log the direct line work telephone number of an officer, or the signature of an officer. On the other hand, it is commonplace that published documents contain the names of officers (particularly senior officers) who were involved in an individual agency action. A decision that publication of the name of a junior agency officer is unreasonable might more easily be reached. An agency may wish to consult affected staff as to whether potential harm could arise from publishing their names.
4. An agency or minister should indicate when material is deleted from a document published on the disclosure log because of an exception in s 11C(1). This includes personal information about an agency officer. The indication could be provided within the published document or in an accompanying statement. It is then open to a member of the public who is interested in inspecting that information to make a request to the agency, including an FOI access request.

Disclosure Log Decision

Exemption categories	Document number from Schedule of Documents	Basis for reasonableness test
Personal information about any person, if it would be ‘unreasonable’ to publish the information [s11C(1)(a)].	Not applicable.	As no sensitivities have been claimed under section 11C(1)(a), the documents released to the FOI applicant can be published on the disclosure log.
Information about the business, commercial, financial or professional affairs of any person,	Not applicable.	As no sensitivities have been claimed under section 11C(1)(b), the documents

if publication of that information would be 'unreasonable' [s11C(1)(b)].		released to the FOI applicant can be published on the disclosure log.
Any information if it is not reasonably practicable to publish the information because of the extent of modifications that would need to be made to delete information listed in one of the above dot points (s 11C(1)(d)).	Not applicable.	As no sensitivities have been claimed under section 11C(1)(d), the documents released to the FOI applicant can be published on the disclosure log.
Other information of a kind determined by the Information Commissioner if publication of that information would be 'unreasonable' [ss 11C(1)(c) and 11C(2)].	Not applicable.	As no sensitivities have been claimed under sections 11C(1)(c) and 11C(2), the documents released to the FOI applicant can be published on the disclosure log.

Cc: Freedom of Information; Williams, Tracey
Subject: New FOI Request - [applicant] - LEX XXXXX

From: FOI@industry.gov.au
To: Decision Maker
CC: Line area
Subject: add applicant & LEX ref
Attach search minute
Attach original email

Dear XXX

New FOI request

The department has received the attached email correspondence from XXX of XXX.

XXX has requested access under the *Freedom of Information Act 1982* (FOI Act) to [summary of scope].

Please find the attached correspondence for details.

I understand that you are the likely decision maker for this request. Could you please nominate a contact officer to liaise with the FOI team during the process.

OR

I understand that you are the likely decision maker for this request. However if you are not, could you please direct us to the appropriate line area. If you are the decision maker, could you please nominate a contact officer to liaise with the FOI team during the process.

OR

I understand that you are the likely decision maker for this request. The authorised decision maker must be at the SES Band level 1 or above and is generally selected from within the Branch or Division which has subject-matter responsibility for the requested documents. If several Divisions have possession of, or are responsible for the requested documents, the decision maker is selected from within the Division in possession of the majority of the requested documents.

The department has 30 days from XX Month Year to process this request and provide a decision and any documents to the applicant. The current decision due date is XX Month Year, however, this timeline may be affected by the notification of any charges and/or any external third party consultations.

For Your Action

Please consider this request and provide the FOI team the following at your earliest convenience but no later than XX Month Year:

- all relevant documents that fall within the scope of the request (with sensitivities marked); and
- a signed completed 'Search Minute' (attached).

If you are of the view that additional time will be required to retrieve the documents, please contact the FOI Team as soon as possible so that the processing of this request within the statutory timeframe may be managed.

Should you have any queries or wish to discuss this matter please do not hesitate to contact the FOI team on Ext XXXXX.

Cc: Freedom of Information
Subject: Invalid request

From: FOI@industry.gov.au
To: applicant
CC: FOI
Attach: original email

Dear XXX

We refer to your correspondence (attached) to the Department of Industry, Innovation and Science (the department) regarding access to documents under the *Freedom of Information Act 1982* (the FOI Act).

Your request in its current form does not constitute a valid request. The FOI Act allows access to *documents not information*. To request documents under the FOI Act you must:

- submit a request in writing stating that you're requesting information under the FOI Act
- provide enough detail so we can identify the correct documents

Please refer to our website for further information: <https://www.industry.gov.au/about-us/what-we-do/freedom-of-information>.

Accordingly, no further action will be taken in relation to your request.

Should you have further queries, please contact the FOI team at FOI@industry.gov.au.

Kind regards

FOI Team

Legal, Audit and Assurance Branch | Corporate Division
Department of Industry, Innovation and Science
GPO Box 2013, Canberra ACT 2601

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Cc: Freedom of Information
Subject: Your FOI Request - Notice of intention to refuse

From: FOI@industry.gov.au

Dear XXX

I refer to your FOI request of XX Month Year.

Please find the attached correspondence in relation to your Freedom of Information request.

Should you have any queries in relation to this matter please contact the FOI team.

Regards

FOI Team

Legal, Audit and Assurance Branch | Corporate Division
Department of Industry, Innovation and Science
GPO Box 2013, Canberra ACT 2601

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Sent: Thursday, 21 February 2019 1:50 PM
Cc: Freedom of Information
Subject: Request for extension of time - XXXXX

From: FOI@industry.gov.au
To: applicant
Subject: LEX ref

Dear XXX

The Department of Industry, Innovation and Science (the Department) is currently in the process of making a decision in relation to the release of documents for your FOI request.

Unfortunately due to [delays from the third parties who were required to provide their input regarding documents relating to their business affairs], it has become apparent that the Department may be unable to meet the current deadline for your request.

I would be grateful if you could please consider agreeing to an extension of time (under section 15AA of the FOI Act) of XX (XX) days for the processing of your request. If you agree to this extension the decision on your request would then be due on or before XX Month Year.

Could you please respond advising whether you agree to this extension of time by COB XX Month Year.

Thank you for your consideration of this matter. If you have any questions, please do not hesitate to contact the FOI team.

Kind regards

FOI Team

Legal, Audit and Assurance Branch | Corporate Division
Department of Industry, Innovation and Science
GPO Box 2013, Canberra ACT 2601

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Cc: Freedom of Information
Subject: Request for documents (LEX XXXXX)

From: FOI@industry.gov.au
To: applicant
Subject: Add LEX reference
Attach: documents

Dear XXX

I refer to your correspondence received by The Department of Industry, Innovation and Science (the department) on XX Month Year.

The department has agreed that the documents you are seeking do not require you to submit a request under the *Freedom of Information Act 1982*, and can be released under Administrative Access.

As such, please find attached the documents you have requested.

On this basis, your Freedom of Information request has been deemed withdrawn and no further action will be taken in relation to your request.

Regards

FOI Team

Legal, Audit and Assurance Branch | Corporate Division
Department of Industry, Innovation and Science
GPO Box 2013, Canberra ACT 2601

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Cc: Freedom of Information
Subject: FOI consultation - LEX XXXXX

From: FOI@industry.gov.au
Subject: add LEX reference
Attach: marked up documents, original email (if not replying to original email)

Dear XXX

I refer to your email received by the Department of Industry, Innovation and Science (the department) on XX Month Year (attached).

Thank you for the opportunity to provide our views on the attached documents. We acknowledge the final decision about whether to release the documents rests within your agency.

We request the following information be redacted under section 22 with agreement from the applicant that this information is irrelevant to the scope of the request:

- the names, signatures and contact details of departmental staff who are not in the Senior Executive Service (SES);
- the mobile phone numbers of SES officers; and
- the names, signatures and contact details of ministerial staff below the level of Chief of Staff.

This information has been marked for redaction in the attached document.

In relation to the remaining material in the document, we request you consider exempting certain information highlighted in red in the attachment (on pages 3, 6, 10, and 13). Specifically:

- Page XX – [explain why this information should be exempt]
- References to XX – [explain why this information should be exempt]

Insert any other relevant information

Example:

It is our view that the information contained in [document X] was provided in confidence. However, we note the minutes were created by [company], and as such we recommend you consult with [company] regarding the disclosure of this document if you have not already done so.

If you have any questions, please contact the FOI team.

Kind regards

Cc: Freedom of Information
Subject: Transfer FOI request under s16 of the FOI Act

From: FOI@industry.gov.au
Attach: FOI request

Good **morning/afternoon** FOI team

The Department of Industry, Innovation and Science (the department) has received a Freedom of Information request from **XXX** of **XXX**.

Please refer to the **attached correspondence** for details.

Request to transfer

After considering the request and discussion with our line area, the department believes that the subject-matter of the request seems more closely connected with the functions of **[Agency]**. In light of this, we are seeking your agency's agreement to transfer the request under s16 of the FOI Act.

Please advise if your agency is accepting the transfer at your earliest convenience but no later than **XXXday XX Month Year**.

Once we have received your confirmation, we will notify the applicant of the transfer.

Should you have any queries or wish to discuss this matter please contact me on (02) **XXXX XXXX**.

Regards

Line Area Checklist for processing an FOI request

Following receipt of a request for access to documents under the *Freedom of Information Act 1982* (the FOI Act) the Department has strict statutory timeframes to process a request.

You are required to do the following:

- | | | |
|----------------|---|--------------------------|
| Step 1 | Advise the FOI team of the appropriate contact person and the decision maker in your area. | <input type="checkbox"/> |
| Step 2 | Identify and retrieve ALL documents falling within the scope of the request and advise if the scope of the request required clarification. | <input type="checkbox"/> |
| Step 3 | Advise FOI team if the scope of the request is large and an extension of time is required to locate the documents. | <input type="checkbox"/> |
| Step 4 | Review documents and flag any third parties and sensitivities you have identified in relation to the possible release of the documents. | <input type="checkbox"/> |
| Step 5 | Consider any Executive (including other HOD as appropriate)/ Ministerial briefing/notification will be required when the decision is made. | |
| Step 6 | Provide documents to the FOI team with a copy of the signed Search Minute. | <input type="checkbox"/> |
| Step 7 | A charge may be payable for a request. FOI team will prepare a preliminary estimate of the charge for decision maker's consideration and signature. The processing time will pause until any charges are paid by the applicant. | <input type="checkbox"/> |
| Step 8 | When a deposit of charges or full payment is received, the FOI team will prepare a draft decision letter together with the identified documents for the decision maker's signature. | <input type="checkbox"/> |
| Step 9 | Decision maker will review the identified documents and decision letter then make a decision. If the decision maker wishes to make changes on the decision letter, please use track changes on draft then send the letter back to FOI team for update and records. | <input type="checkbox"/> |
| Step 10 | FOI team will then send updated version to decision maker to sign off (including one set of documents with redactions marked, and one set with redactions applied). | <input type="checkbox"/> |
| Step 11 | The FOI team will provide a copy of the decision and the redacted documents to the Minister's office at least 48 hours before the decision is released. If the Minister's office requires further information regarding issues raised by the documents, the decision maker will provide the additional information. | <input type="checkbox"/> |
| Step 12 | Principal Legal Counsel to clear the reference to the documents to be published on the Department's Disclosure Log within 10 days after the release of the documents. | <input type="checkbox"/> |

If you require clarification or advice at any stage of the process, contact the FOI team at FOI@industry.gov.au or on [s22](tel:1300720610)

Roles & Responsibilities of FOI officers

Summary

All FOI officers coordinate and manage FOI requests and external consultations with the Department, as well as maintaining the FOI database (LEX), information and statistics for reporting purposes. FOI officers ensure responses to requests are made in required timeframes and undertake a range of other duties relating to the Department's processing of FOI requests. All FOI officers within the FOI team, but particularly the Senior FOI officers, play an essential role in the second counselling and oversight of FOI matters.

Key roles

- Assisting applicants to make a valid request;
- Acknowledging FOI requests within the prescribed timeframe;
- Identifying all relevant business units;
- Ensuring all relevant extensions of processing time are arranged, documented and notified;
- Liaising with internal and external stakeholders on FOI requests and representing the Department at FOI related interagency meetings;
- Representing the Department at relevant FOI fora;
- Consulting with other Commonwealth agencies in relation to documents;
- Organising the transfer of FOI requests where a decision is made that the request more closely relates to the functions of another Commonwealth agency;
- Ensuring good records management of FOI related documentation;
- Providing assistance to the relevant decision maker for any review application or complaints lodged subsequent to the FOI decision;
- Drafting FOI decision letters (including charges decisions) as well as preparation of standard and complex correspondence;
- Ensuring that all statutory processes are followed, including collection of any applicable charges payments and preparation/dispatch of documents for release in whole or part;
- Maintaining information and statistics for reporting purposes;
- Responding efficiently and effectively to any complaints made to the OAIC;
- Ensuring disclosure log entries are compliant in accordance with the FOI Act;
- Contributing to the development of the Department's FOI policy and procedure;
- Provision of FOI training when required.

Key responsibilities

- Processing FOI requests within statutory timeframes and in accordance with the FOI Act and guidelines;
- Ensuring all necessary FOI statutory authorisations are in place and complied with;
- Liaising with FOI applicants and business units;
- Assessing documents in accordance with the FOI Act and ensuring an appropriate schedule of documents is prepared;
- Conducting research for decisions including looking at relevant legislation, guidelines, case law, OAIC published decisions etc;
- Ensuring the decision makers have sufficient information to formulate decisions on FOI matters including drafting FOI decision letters and documentation;
- Ensuring all FOI weekly/fortnightly status reports are current and accurate, ready for emailing to stakeholders;
- Providing quarterly and annual statistical returns as required to the OAIC on the Department's FOI requests;
- Generating reports to meet the requirements of senior departmental managers, committees, the Ministers' Offices, Executive and Department generally;
- Developing and maintaining effective internal and external working relationships for FOI matters through consultation and sharing of information;
- Maintaining up to date knowledge of the FOI Act, Guidelines, policies and procedures;
- Ensuring that best practice in FOI request management and processing is achieved;
- Ensuring that consistency is achieved in FOI request management and processing;
- Maintaining current awareness of the role and function of the department.