

## New Freedom of Information Request (LEX-XXX)

### Search Minute

#### Attention: Decision maker

Attached is a copy of a Freedom of Information (FOI) request:

Received from	[NAME], [ORGANISATION]
Seeking	[QUOTE REQUEST]
Received on	[DATE]
Earliest due date	[DATE]

#### Action required

You are required to do the following by **close of business** [DATE]:

- search for all documents within the scope of the request;
- retrieve all of the documents within the scope of the request;
- convert documents to PDF;
- complete the document schedule attached;
- complete TABLE 1 and TABLE 2;
- certify the search minute; and
- return the search minute, document schedule and the documents to [foi@awe.gov.au](mailto:foi@awe.gov.au).

Please advise the FOI team **immediately** if you consider that another area of the department is in possession of documents within the scope of this request.

The FOI Guidelines at [\[3.89\]](#) provide that agencies should undertake reasonable searches on a flexible and common-sense interpretation of the terms of the request. What constitutes a reasonable search will depend on the circumstances of each request and will be influenced by normal business practices in the agency's operating environment.

#### Further assistance

If you have any questions, please email [foi@awe.gov.au](mailto:foi@awe.gov.au) or phone [NAME] on [PHONE NUMBER].

#### TABLE 1 – Searches

All documents held by the department are subject to FOI requests.

Completed	Location	Description of search undertaken / search terms used	Outcome / relevance
<input type="checkbox"/>	Case Management Systems: (names of systems)		
<input type="checkbox"/>	Records Management Systems: (names of systems)		
<input type="checkbox"/>	Electronic documents saved on computers, electronic devices including iPads or tablets, smartphones and apps (for example emails, text messages etc)		
<input type="checkbox"/>	Electronic documents saved on portable media devices		
<input type="checkbox"/>	Hardcopy files (for example documents stored in safes, compactus, tambours, desk drawers, records warehouses)		
<input type="checkbox"/>	If applicable, backup systems		
<input type="checkbox"/>	Other: (please specify)		

Additional comments (e.g. interpretation of the scope of the FOI request, additional details of searches conducted, an explanation as to why no documents found):

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**TABLE 2 – Sensitivities and/or concerns**

The FOI team will consider the following numbers when undertaking a preliminary assessment of charges.

<p>Total number of pages within the scope of the request</p> <p>Note: 1 page that is double sided = 2 pages</p>	<p>No. of pages</p>
<p>Number of documents</p> <p>You must include material you think may be exempt in this estimate.</p> <p>Do not include exact duplicates but note that any annotations on a document that is otherwise identical to another document will result in it being treated as a separate document.</p>	<p>No. of documents</p>
<p>Estimate of number of pages which are sensitive (whole pages that are sensitive <u>may</u> be exempted in full)</p> <p>This means the pages which <u>in your view are sensitive</u> (i.e. you can envisage a harm that may flow from release of the pages) and which the FOI Team should review for consideration of whether they are exempt under the FOI Act and should be deleted in full.</p>	<p>No. of pages</p>
<p>Estimate of number of pages containing sensitivities (pages that contain some non-sensitive information and some sensitive information which <u>may</u> be exempted)</p> <p>This means the pages which <u>in your view contain sensitivities</u> (i.e. you can envisage a harm that may flow from release of some information contained on these pages) and which you would like the FOI Team to review for consideration of whether they contain information which is exempt under the FOI Act and should be deleted prior to release but with remaining portions released.</p>	<p>No. of pages</p>
<p>Total number of third parties to be consulted</p> <p>A third party is any individual, business, organisation or State department, agency or body whose information is contained in the documents and whose views will need to be sought as to possible release of their information under the FOI request. Note that other Commonwealth agencies are specifically excluded from this definition.</p>	<p>No. of third parties</p>

As the subject matter experts, you are best placed to identify sensitivities in the documents. Please complete the **attached** document schedule.

### What is a document?

The definition of 'document' in the *Freedom of Information Act 1982* is very broad and captures a wide range of material including:

- any paper or other material on which there is writing;
- a map, plan, drawing or photograph;
- any paper or other material on which there are marks, figures, symbols or perforations having meaning to a person qualified to interpret them;

- any article or material from which sounds, images or writings are capable of being reproduced with or without the aid of any other article or device;
- any article on which information has been stored or recorded, either manually or electronically;
- any other record of information;
- any copy, reproduction or duplicate of such a thing; or
- any part of such a copy reproduction or duplicate.

The definition of 'document' does not include material maintained for reference purposes that is otherwise publicly available or Cabinet notebooks.

<b>Certification</b>
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I certify that I have undertaken, or caused to be undertaken, all reasonable searches for documents falling within the scope of this FOI request as set out on page one of the covering minute. I also certify that the information provided is an appropriate and accurate to the best of my knowledge. I understand that I may be required to appear and give evidence before the Australian Information Commissioner or the Administrative Appeals Tribunal in relation to the searches for documents undertaken.

Signature	Name, Position/ Level, Branch/Section	Date
Searching for and collating/providing documents: <b>Time spent:</b>		

Signature (AS)	Name (AS)	Date
Reviewing documents: <b>Time spent:</b>		

**FOI CHARGES ESTIMATE TOOL - SIMPLE**

(insert data in shaded boxes only)

**GENERAL DATA ESTIMATE**

(terms in red are explained on the notes sheet)

Pages (approx) of material in scope		<b>in A4 pages</b>
Number of discrete relevant <b>documents</b>		
Percentage (approx) of pages to disclose in whole		
Percentage (approx) of pages requiring <b>redaction</b>		
Percentage (approx) of content that is applicant's <b>own personal information</b>		
Number of <b>third parties</b> to consult		

**PROCESS - search and retrieval**

**TIME per task**

**charge time:**

**COST @ \$15 per hr**

Time required to execute searches - enter hours (including part hours eg 0.5)		0.00	\$0.00
Preparing schedules detailing all relevant documents (basic data entry eg doc no, date, description) - enter minutes per 10 documents		0.00	\$0.00
<i>Search &amp; Retrieval Subtotal</i>		0.00	<b>\$0.00</b>

**PROCESS - decision-making**

**TIME per task**

**charge time:**

**COST @ \$20 per hr**

Examine relevant pages for decision making - enter minutes per page		0.00	\$0.00
Redacting pages that are partially disclosed - enter minutes per page		0.00	\$0.00
Consult third parties - enter average per third party in hours		0.00	\$0.00
<b>Preparation and notification of decision</b>			
Writing statement of reasons - enter hours		0.00	\$0.00
Complete schedule by recording decision @ 4 documents per minute		0	\$0.00
<i>Decision-making Subtotal (before deduction of 5 hours)</i>		0.00	\$0.00
<i>Decision-making Subtotal (after deduction of first 5 hours free for all)</i>		0.00	<b>0</b>

**ACCESS - view / inspect**

**TIME per task**

**charge time:**

**COST @ \$6.25 per 1/2 hr**

Supervised <b>inspection</b> of documents - minutes per page		0.00	0.00
Supervised inspection of audio/visual material - insert total duration of material in minutes then add 30 mins set-up and pack-up time		0.00	0.00
<i>Inspection/Viewing Subtotal</i>		0.00	<b>\$0.00</b>

**ACCESS - copy and post**

**PAGES**

**COST @ 10c a page**

Photocopies of estimated released pages (including those with deletions) - <b>set to 0 if providing electronically</b>		0	\$0.00
Electronic media (eg USB drive, CD-ROM) and/or postage - insert estimated cost of materials			
<i>Access Subtotal</i>			<b>\$0.00</b>

**ESTIMATED TOTALS**

<b>NUMBER OF RELEASED PAGES</b>		<b>0</b>
<b>TIME (in hours)</b>		<b>0.00</b>
<b>TOTAL COST</b>		<b>\$0.00</b>
<b>Financial hardship/public interest discount (as %)</b>	<b>0%</b>	<b>\$0.00</b>
<b>TOTAL COST (after discount)</b>		<b>\$0.00</b>
<b>MAXIMUM DEPOSIT</b>		<b>N/A</b>

**USING THIS TOOL**

This tool assists in generating an estimate but should not be considered definitive or binding. The Office of the Australian Information Commissioner has emphasised the need for agencies to base estimates on a reasonable sampling of relevant documents to ensure that appropriate assumptions are used to generate estimates for charging purposes. Some IC review decisions suggest a sample of 10-20% would be 'reasonable'.

## NOTES TO FOI CHARGES CALCULATOR

Term	Explanation
Hits returned	Initial searching usually returns more documents than are relevant to a request. For example, an electronic search keywords will often return false positive results. Similarly, a hard copy file with a relevant title will often contain documents caught by the terms of the request. A 'hit' is a page that needs to be manually assessed for relevance, even if ultimately outside of scope. For audio/visual material you can convert time to pages - a suggested conversion is 3 mins of material per page equivalent. In some instances, the pages of a 'hit' may be an estimate (for example, where lengthy email chains are involved or other document where a page count is not immediately identifiable).
In A4 pages	To estimate the volume it is necessary to take a common denominator. This tool uses A4 page equivalency. It may be necessary to sample some hits to derive an average document size.
Relevant	This is the number of pages remaining after reviewing the hits and removing irrelevant pages. These are the pages that the decision-maker will need to consider in terms of release or exemption.
Documents	For some purposes (ie scheduling) the number of documents is relevant. This is regardless of the length of the documents.
Redaction	The process of blocking out parts of a document using redacting software or a manual process.
Own personal information	An agency may not charge a person for accessing personal information about themselves. Where a request seeks information in part to the applicant's personal information and in part to other information, it is permissible to charge for the balance of the request. The tool calculates the total cost of processing the request and then deducts the percentage of personal information. The <i>Freedom of Information (Charges) Regulations</i> allow agencies to charge for the time spent 'in consultation with the applicant or body'. Where third parties, including other Commonwealth agencies, are consulted on a request the agency may charge for that time as part of its decision-making time. Time taken to consult with a third party will be context-specific. It includes time to prepare correspondence for the third party and time taken in discussion with the third party. As a general guide, allow 1 hour for a typical consultation with a non-government third party. Government third parties typically require less as they understand the FOI Act and so may require less time depending on the circumstances.
Third parties	
Inspection	Under the charges regulations, inspection time is for each half hour or part thereof. The tool rounds up to the nearest half hour for inspection time.
Discount	The OAIC Guidelines explain the circumstances in which a charge might be discounted for financial hardship or public interest reasons. Agencies have a broad discretion to reduce/waive charges for other reasons, as well as a discretion not to



Australian Government  
Department of Agriculture,  
Water and the Environment

Ref: LEX-000

[TITLE] [NAME] [SURNAME]  
[POSITION]  
[ORGANISATION]  
[ADDRESS LINE 1]  
[ADDRESS LINE 2]  
[SUBURB] [STATE] [POSTCODE]

Via email: [EMAIL ADDRESS]

Dear [Mr/Ms/Mrs Surname]

### Your Freedom of Information request – Charges

I refer to your [revised] request, on behalf of [NAME], dated [DATE] and received by the Department of Agriculture, Water and the Environment (**department**) on [DATE] for access under the *Freedom of Information Act 1982* (Cth) (**FOI Act**) to the following documents:

'[quote request/revised request – indented single quotations, no italics]'

#### Preliminary assessment of the Charge

In accordance with section 29 of the FOI Act, I have decided that you are liable to pay a charge for the processing of your request. My preliminary assessment of that charge is \$[NUMBER] calculated as follows:

Search and retrieval time: [NUMBER] hours at \$15.00 per hour	\$
Decision-making time: \$20.00 per hour	
Examining pages, redacting and scheduling documents	\$
Consultation with [NUMBER] third parties at 2 hours per party	\$
Writing statement of reasons	\$
Deduction of 5 hours decision-making time*	-\$100.00
<b>TOTAL</b>	<b>\$</b>

\*The FOI Act provides that the first five hours of decision-making time are free of charge and this is reflected in the calculation.

I am advised that the department has in its possession [NUMBER] documents with [NUMBER] pages relevant to your request.

#### Required action

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:

- agree to pay the charge;

- wish to contend that the charge has been wrongly assessed or should be reduced or not imposed or both; or
- withdraw your request.

If you do not provide a written response in accordance with one of the above options within 30 days of receiving this notification, your request will be taken to have been withdrawn under section 29(2) of the FOI Act.

Alternatively, you may wish to revise the scope of your request. If you would like to discuss this, please contact me for assistance.

### **Option - pay the charge**

As the charge exceeds \$25 but is less than \$100, you are required to pay a deposit of \$20./As the charge exceeds \$100, you are required to pay a deposit of [NUMBER]. You may, of course, elect to pay the charge in full at this point.

Payment can be made by direct deposit to:

A/C Name:	DAWE Departmental Account
Branch:	London Circuit, Canberra
Bank:	Reserve Bank
BSB:	092 009
A/C No.	111 698
ABN No:	34 190 894 983

Please include the FOI reference number (**LEX-000**) in the subject field, and send an email with notification of payment to [foi@awe.gov.au](mailto:foi@awe.gov.au) as soon it has been made.

If you are not able to pay by direct deposit, please contact the department for assistance.

### **Option - 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. Section 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, including whether payment of the charge, or part of it, would cause **you and/or your organisation 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 your organisation 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 - withdraw your request**

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

### **Time limits for processing your request**



Section 31 of the FOI Act provides that where a notice is sent to an applicant regarding the payment of a charge in respect of a request, the time limit for processing the request is suspended from the date the notice is received until either:

- (a) the day following payment of the charge (in full or the required deposit); or
- (b) if applicable, the day following the notification to the applicant of a decision not to impose the charge.

### **Address for correspondence**

Please send all correspondence regarding your FOI request to me at the following address:

FOI Coordinator  
Department of Agriculture, Water and the Environment  
GPO Box 858  
CANBERRA CITY ACT 2601

Or by email to [foi@awe.gov.au](mailto:foi@awe.gov.au)

### **Publication of information in the FOI disclosure log**

Information released under the FOI Act may be published in a disclosure log on the department's website. Section 11C of the FOI Act requires this publication, subject to certain exceptions, including where publication of personal, business, professional or commercial information would be unreasonable.

**Third party consultation** [delete entire section if consultation with third parties is not required. Depending on which provision you are consulting under you may need to delete some paragraphs]

The relevant documents contain personal information of one or more third parties.

or

The relevant documents contain information about the business affairs of an organisation or information about the business or professional affairs of one or more third parties.

or

Your request covers information originating with, or received from a State or a State authority.

To inform the decision on release of documents, the FOI Act requires that the above third parties are consulted, and provides a further time period for the consultation process. Subsection 15(6) of the FOI Act extends the standard statutory 30-day time limit for processing requests by another 30 calendar days. Accordingly, this will give the department 60 calendar days within which to notify you of its decision on access to the documents.

### **Further assistance**

If you have any questions, please email [foi@awe.gov.au](mailto:foi@awe.gov.au).

Yours sincerely

[DECISION MAKER]  
[POSITION]  
[SECTION] [BRANCH] [DIVISION]  
[DATE]