

s 22



Charges

34. Treasury can charge FOI applicants for processing an FOI request. The rate at which charges may be imposed is fixed by regulations to the FOI Act.

Table 1 Charges listed in Schedule to the Charges Regulations

Activity item	Charge	Schedule
Search and retrieval: time spent searching for or retrieving a document	\$15.00 per hour	Part I, Item 1
Decision-making: time spent in deciding to grant or refuse a request, including examining documents, consulting with other parties, and making deletions	First five hours: journalists and non-profit organisations – Nil First hour: other requests - Nil Subsequent hours - \$20 per hour	Part I, Item 5
Electronic production: retrieving and collating information stored on a computer or on like equipment	Actual cost incurred by the agency or minister in producing the copy	Part I, Item 3 Part II, Items 4, 4A, 6
Transcript: preparing a transcript from a sound recording, shorthand or similar medium	\$4.40 per page of transcript	Part I, Item 4 Part II, Item 7
Photocopy: a photocopy of a written document	\$0.10 per page	Part II, Item 2
Other copies: a copy of a written document other than a photocopy	\$4.40 per page	Part II, Item 3
Replay: Replaying a sound or film tape	Actual cost incurred in replaying	Part II, Item 5
Inspection: supervision by an agency officer of an applicant's inspection of documents or hearing or viewing an audio or visual recording	\$6.25 per half hour (or part thereof)	Part II, Item 1
Delivery: posting or delivering a copy of a document at request of applicant	Cost of postage or delivery	Part II, Item 8

35. No charge is payable for an applicant's own personal information.
36. In deciding whether to impose a charge the decision maker should take into account the 'lowest reasonable cost' objective as set out in s 3 of the Act, as well as the guiding principles set out in the OAIC Guidelines.

In summary, these guiding principles are:

- to take account of the 'lowest reasonable cost' objective;

- not to use charges to discourage an applicant from exercising the right of access;
 - charges should fairly reflect the work involved in providing access;
 - a decision to impose charges should be transparent - the notice of charge should be clear and fully explain and justify the charge;
 - charges should not be imposed unless it is appropriate to do so, bearing in mind that many documents disclosed in response to a request will be thereafter made available on the Treasury website and that individual requests play a role in advancing the pro-disclosure objectives of the Act.
37. Where a decision maker decides to impose charges for access to documents, the first step is to notify the FOI applicant of the agency's estimated charges. The FOI Team will prepare an estimate of charges letter for the decision maker's signature.
38. A FOI applicant may request that the charges be waived or reduced on the grounds of financial hardship, public interest or any other relevant ground.

2.6 Charges Calculator

The DM or AO will send through a completed schedule of documents.

Save this email in Sharepoint case file – FOI XXXX – Schedule of documents.

Request information from the AO on how long the search and retrieval actually took

Using the information provided in the schedule of documents, complete the 'charges calculator' saved in the SharePoint folder for your FOI case. Include:

- Search and Retrieval time;
- Number of relevant files;
- Number of relevant pages;
- Number of relevant documents;
- Number of fully exempt pages;
- Number of pages released with deletions (redactions required); and
- Number of formal third parties being consulted.

Prompts are included in the calculator advising which information is to be inserted.

If the charges amount and processing timeframes are more than 5 hours, check with the AO whether the decision maker wants to issue charges.

Save the charges calculator to SharePoint.

2.7 Notify Charges

An agency or minister may impose a charge for providing access to a document under section 29 of the *Freedom of Information Act 1982* (FOI Act). The charge must be assessed in accordance with the *Freedom of Information (Charges) Regulations 1982* (Charges Regulations).

If the authorised decision maker decides that charges are payable - the applicant is formally advised of the charges estimate via a charges letter or charges and consultation notification letter.

If the Decision maker wants to issue charges –

Open the template charges letter and update to include:

- Applicant name and email;
- FOI reference;
- Date of initial request;
- Scope of the request;
- Charges to be applied;
- Any sections requiring further information;
- Decision maker information in the signature block.

If formal third party consultation is also being undertaken – include the third party consultation text in the charges letter.

If the applicant has already been notified of the third party consultation – update the statutory deadline to 60 days instead of 30 days.

Save the document in current FOI case SharePoint folder – FOI XXXX –Charges notification (this prevents the skeleton document accidentally being saved with changes).

Email the charges letter to the AO for review and providing to the DM for signature. Also attach the charges calculator and the document and consultation schedule to the email – background information.

The charges letter should be signed within 1-2 days. Follow up if required.

When signed –

- email the charges (and consultation) letter to the applicant, CC the FOI inbox, BCC the DM
- save the signed letter in SharePoint
- Update the State of Play

Once the charges letter has been issued the 'clock stops' against the decision due date until payment has been received (in full or deposit).

The applicant has 30 day to pay the charges –

- If payment is made in full/part the 'clock restarts'
- If the applicant disputes the charges – the DM has 30 days to respond
- If the applicant does not respond on/by day 30 the FOI request is deemed to have been withdrawn. Send an email and advise the DM and AO.

Note - The charges letter is issued at Stage 2 of the FOI request as the charges estimate are more accurate. Previously, the charges letter was issued within the first 7 – 10 days of receiving the request which led to a significant amount of refunds being issued.

2.8 Paid in Full/Deposit

Once the FOI team receive the applicant's payment the following steps apply:

- Save the completed charges form for the payment in the relevant SharePoint folder.
- Send an email to the AO (cc the Decision Maker) – to advise payment and the new statutory deadline and to request the relevant cost centre number. The funds will be deposited into the AO cost centre.
 - save the email response with information in the sharepoint folder
- Create a ticket in Treasury assist –
 - Select – Purchasing and Payments
 - Select – Issue an invoice to an external party
 - : Affected user – FOI Officer name and phone number
 - : Description of request:
FOI XXX credit card payment
 - : Amount –amount
 - : Cost centre - AO cost centre
 - : Payment urgency – that day
 - : Attachments added – completed charges form
 - : Contact name and address of external party – enter FOI applicant name, address (if known), email address and phone (if known)
- Once the payment is processed – email a copy of the receipt to the FOI applicant.
 - Save a copy of the receipt in the sharepoint folder

Advise the AO the next steps required to process the request.

2.9 Applicant Contests Charges

If applicant contests charges, a response needs to be provided to the applicant within 30 days of receipt. The clock remains 'stopped'.

Save a copy of the applicant email in SharePoint.

Forward email/letter to DM and AO.

AO to meet with the DM to consider the charges decision and advise the FOI team.

FOI Team to draft contesting charges letter.

Draft decision letter and send to AO for review.

AO to provide the final version to the DM for consideration/signature.

AO emails the signed letter is returned to FOI officer - save in Sharepoint.

FOI team email the signed charges decision to the applicant.

The applicant has 30 day to pay the charges –

- If payment is made in full/part the 'clock restarts'
- If the applicant seeks an internal review of the charges – the IR DM has 30 days to respond
- If the applicant does not respond on/by day 30 the FOI request is deemed to have been withdrawn.
Send an email and advise the DM and AO.