

Our Ref: GIPA24/4341  
8 November 2024

Telina Webb  
NSW Freedom of Information  
PO BOX 8030  
MARKS POINT NSW 2280

By email only: [info@nswfreedomofinformation.net](mailto:info@nswfreedomofinformation.net)

Dear Ms Webb,

***Request to amend access application***

I refer to your access application lodged with the Department of Communities and Justice (the Department) pursuant to section 41 of the *Government Information (Public Access) Act 2009* (GIPA Act) which was received on 25 October 2024.

In our acknowledgement letter dated 30 October 2024, you were informed that the due date for your application is 22 November 2024.

**Your application**

You applied for the following information:

*Ref – Review of GIPA Act 2009 undertaken in 2014:*

- 1. Unedited copy of TRIM/EDRMS/HPRM8 (or other electronic data and record management system) FILE – All generated records (absent external submissions) inclusive of internal records, memos, meeting notes, reports and recommendations, responses.*
- 2. Committee List nominated for GIPA Review.*

**Assessing the scope**

The time frame for deciding your application has stopped in accordance with section 60(4) of the GIPA Act. This is because I am of the view that dealing with the scope of your current application would require an unreasonable and substantial diversion of the Department's resources pursuant to section 60(1)(a) of the GIPA Act. Preliminary searches for the information you have applied for indicate the following:

*Point 1 of application*

A OneTRIM file has been identified as falling within the scope your request. Due to the broad nature of point 1 of your application, 30 subfolders within the OneTRIM file have been identified as relevant. Each of these subfolders contain varying numbers of records relevant to the application.

I note your original scope indicated 'absent external submissions.' The Department takes this to mean any submissions from third parties to the Department is to be excluded from the scope. Please advise if this is not correct. Despite this exclusion, the scope remains an unreasonable and substantial diversion of the Department's resources as outlined below.

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For example, the first 10 of 30 subfolders include:

- Approximately 3,279 pages of information to be reviewed.
- Some of the information include briefing notes, many versions of the draft report, draft and final cabinet submissions which is likely to be subject to the conclusive presumption against disclosure etc.
- A majority of the records are from third party agencies. The Department would need to undertake third party consultation with each of the agencies before making a decision about access to their information. Some of the third-party agencies identified so far include Premier and Cabinet, NSW Education and Training, Office of Environment and Heritage, NSW Transport, the Information and Privacy Commission etc.

I estimate that it will take a **minimum of 189 hours** to process point 1 of your application as set out in the table below. This time estimate **excludes** work on the remaining 20 subfolders identified as relevant to point 1 of your application as well as work to process point 2 of your application.

### Estimate of work required

Time spent to date	Hours
Consider the terms of the application to determine the relevant business units within the Department likely to hold the requested information.	1 hr
Undertake preliminary searches for the information that may fall within the scope of your request on the Department's information technology systems and request information	4 hrs
Tasks to be carried out	
Review information in response to your application for public interest considerations against disclosure and any consultation requirement, including marking for redaction and preparing records to provide access by way of copy/email (a minimum of 3,279 number of pages located calculated at 3 mins per page).	Min 164 hrs
Consultation with third parties including drafting letter to third party for the purpose of consultation and preparing documentation for third party comments (1-2 hours per consultation). A minimum of eight third parties have been identified within the first 10 subfolders.	Min 16 hours
Weighing the balance of public interest factors, making a decision about access and writing a notice of decision.	5 hours
<b>TOTAL</b>	<b>Min 190 hours</b>

### Reducing the scope of your application

In accordance with section 60(4) of the GIPA Act, the Department is required to give you a reasonable opportunity to amend your application before refusing to deal with your application. You may wish to consider narrowing the scope of your application by considering some or all of the below:

- Clearly identify the issue related to the statutory review of the GIPA Act for which you are seeking information. You may wish to refer to the publicly available report to identify the topic or issue. The report can be accessed on the NSW Parliament's website at: <https://www.parliament.nsw.gov.au/tp/files/71582/GIPA%20Act%20and%20GIIC%20Act%20statutory%20review.pdf>, and
- Limit the request to one issue or topic related to the statutory review of the GIPA Act, and

- Limit the record type to only one record type, for example, briefing notes to the Secretary, Department of Justice (as it was then) or Attorney General regarding the specific issue related to the statutory review of the GIPA Act.

Once your response is received, we will re-assess the estimate of time to process your amended application and you will be notified if your amended application remains an unreasonable and substantial diversion of the Department's resources.

### Processing charges

Processing charges of \$30 per hour are also likely to apply. Once your response is received, you will be notified in writing of the estimated charge and requested to pay an advance deposit, if applicable.

### Next steps

The period within which your application is required to be decided has stopped while you are given the opportunity to amend the scope of your application. Please kindly respond to this letter by **29 November 2024**.

If your response is not received by this date, the Department may decide to refuse to deal with your application.

If you have any questions or require further assistance in reducing the scope of your application, please contact me and quote the reference number GIPA24/4341.

Yours sincerely

**Jordan**  
Open Government, Information and Privacy Unit, Legal  
Department of Communities and Justice