

FREEDOM OF INFORMATION CASE NOTES

A very broad request for information *Information Act s.25*

The Complainant sought a vast array of information about his interactions with a particular Department. The Department responded by letter that the request was 'too large in both the documents you seek and also the timeframe you seek it for'. The Department requested a narrowing of the dates and documents, and 'further clarification and specific details of the information you are requesting'. The Complainant's response showed a misunderstanding about the way the information he had requested was held by the Department, stating that his request was for his 'personal file'.

The reality was that the information sought by the Complainant was held over a vast array of systems and locations, including old notebooks and notes of now-retired employees, health files, electronic and paper systems, and emails. It would take substantial time and resources to gather the information requested and process the request. This reality was never brought to the Complainant's attention.

The *prima facie* decision maker took the view that there had been a 'communication breakdown' between the parties, and as a result the Complainant was not given adequate information about why he needed to alter his request or how he could appropriately do so. The Complainant's personal circumstances limited his ability to seek assistance or advice to clarify what he might do in response. The *prima facie* decision maker therefore took the view that the Complainant had an arguable case that the Department could not show that the parties were 'unable' to agree on a variation of the request for information, which limited the Department's ability to apply section 25 to refuse access to the information.

The matter was referred to mediation, and the Department subsequently provided a response that it would endeavour to more fully assist applicants to understand how to vary the scope of a request in the future.