

FREEDOM OF INFORMATION CASE NOTES

Application for Waiver of Fees -section 156(6)

The Complainant applied to access information relating to grants funding together with an application for waiver of fees under section 156(6) of the *Information Act*. The amount of fees was calculated by the Respondent to be \$812.50 for 32.5 hours' work at \$25 per hour. The Respondent provided a 25% reduction to \$18.75 per hour, decreasing the amount to \$609.37 for access to the information sought. Following a request for review, the Respondent wholly affirmed its original decision. On acceptance of the complaint, this Office attempted to resolve matters by asking the Respondent to confirm all documents located and to advise any public interest factors taken into account in making its decision. The Complainant was also asked to reduce the number of documents sought. The Respondent advised that three documents sought did not exist and that no public interest factors were considered in reaching their decision. After consideration, the Complainant advised that all 32 documents were required to satisfy the application, and so no reduction in scope was acceptable.

The Commissioner's delegate found that the Respondent may need to justify at hearing why locating the 32 documents took 17.5 hours searching as the figure raised a question as to whether there are suitable records management processes in place, and why it requires 10 hours to consult 5 third parties given they appear to be involved in the Respondent's own program. Additionally, the delegate identified evidence to support the Complainant's claim of financial hardship, but little to support a claim that accessing the documents would be in the general public interest or the interest of a substantial section of the public. Overall, the delegate found sufficient *prima facie* evidence to substantiate the Complainant's request for a waiver or further reduction of the fees quoted and referred the matter to mediation as a pre-condition to proceedings before the NTCAT.