



**Australian Government**  
**Private Health Insurance Ombudsman**

Mr Felix Barbelet

[felix@pv.tl](mailto:felix@pv.tl)

Dear Mr Barbelet

***Freedom of Information Request no. 2013/1***

I refer to your request for access to documents under the *Freedom of Information Act 1982*.

I am writing to advise you of my decision that you are liable to pay a charge in respect of the processing of your request. I, David McGregor, Director Policy and Compliance, am an officer authorised under section 23(1) of the FOI Act to make decisions in relation to FOI requests.

In accordance with section 29 of the FOI Act and the *Freedom of Information Charges Regulations 1982*, my preliminary assessment of the charge you are liable to pay is \$1420.

***Basis for my preliminary assessment of the charge***

I have assessed the work the Private Health Insurance Ombudsman would need to do to process your request and have calculated the following breakdown of charges:

<b>Document estimate</b>	
Number of relevant documents	30,000 plus
Number of relevant pages (or other size descriptor)	

<b>PROCESSING CHARGES</b>		
<b>Search and retrieval</b>		
<b>Task</b>	<b>Time</b>	<b>Cost @ \$15/hr</b>
Search and retrieval of relevant electronic and registry files		
Search and retrieval of relevant pages in file		
Preparation of schedule of documents	2 hrs	\$30
<b>A. Search and retrieval subtotal</b>		<b>\$30</b>
<b>Decision making</b>		

Task	Time	Cost @ \$20/hr
Examination of documents		
Consultation with third parties	10 hrs	\$100
Preparation of documents for release		
Preparation of notice of access decision	2 hrs	\$40
<b><i>Decision making subtotal (before deduction of 5 hours)</i></b>		
<b><i>B. Decision making subtotal (after deduction of first 5 hours free)</i></b>		<b>\$70</b>

<b>ACCESS AND DELIVERY CHARGES</b>		
	No. of pages	Cost
Transcription (\$4.40/page)		
Photocopy (\$0.10/page)		
Other copies (\$4.40/page)		
		Cost
Electronic production (actual cost)	30,000 +	\$1200 + GST
Replay [replaying of sound or film] (actual cost)		
Delivery (actual cost)		
	Time	Cost
Inspection (@ \$6.25 per half hour)		
<b><i>C. Access and delivery charges subtotal</i></b>		<b>1320</b>

<b>ESTIMATED TOTALS AND DEPOSIT</b>	
<b>ESTIMATED TOTAL (total of A, B and C)</b>	<b>\$1420</b>
<b>REQUIRED DEPOSIT</b>	<b>\$355</b>

The cost of electronic production of the documents is the main charge and reflects the quote PHIO has received from its website contractor for the hours of work required to produce the requested documents.

***Your right to contend the charge***

Under the FOI Act, you have the right to contend that the charge:

- has been wrongly assessed, or
- should be reduced, or
- should not be imposed.

In deciding whether a charge should be reduced or not imposed, the decision maker in our agency must take into account:

- whether payment of the charge, or part of it, would cause you financial hardship
- whether giving access to the documents is in the general public interest or in the interest of a substantial section of the public
- any other relevant matter.

#### **Payment of a deposit**

As the charge exceeds \$100, a 25 per cent deposit of \$355 will be sought if the charge is imposed.

The deposit is not refundable except in some limited circumstances (for example, if PHIO fails to make a decision on your request within the statutory time limit), or may be refundable in part if the final charge is less than the deposit paid.

The deposit can be paid by cheque made out to the Private Health Insurance Ombudsman, or by direct deposit as follows:

Private Health Insurance Ombudsman

BSB: 092 002

Acc. No. 110975

#### ***Date of data release from website***

If you would like to proceed with your request, you will need to nominate a single date from 1 December 2013 onwards on which to extract the data from the website.

#### ***The time you have to respond and what you need to do***

You have 30 days to respond in writing to this notice. We therefore expect a response from you by 15<sup>th</sup> November 2013. By that date, you must do one of the following things in writing:

- agree to pay the charge (this will mean that you will not be entitled to access the requested documents until the full charge of \$1420 is paid;
- contend that the charge has been wrongly assessed, or should be reduced or not imposed and explain your reasons;
- withdraw your request.

Please send your response to [david@phio.gov.au](mailto:david@phio.gov.au).

If you do not provide us with a written response by 15<sup>th</sup> November 2013, your request will be taken to have been withdrawn.

The period for processing your request is suspended from the day that you receive this notice and resumes on either the day you pay the charge (in full or the required deposit) or the day on which this agency makes a decision not to impose a charge.

#### ***Questions about this notice***

If you have any questions or wish to discuss this notice with us, please contact me at the email address above.

More information about charges under the FOI Act is available in Fact Sheet 7 published by the Office of the Australian Information Commissioner (attached).

Yours sincerely

A handwritten signature in black ink, appearing to read 'David McGregor', with a stylized, cursive script.

David McGregor

Director Policy & Client Services

15<sup>th</sup> October, 2013