

17 February 2014



Dear Mr. Potter

Notice of intention to refuse to deal with your application under section 41 of the *Right to Information Act 2009*

I refer to your application received by the Ministry of Magic on 5 February 2014 in which you sought access under the *Right to Information Act 2009* (RTI Act) to:

'all documents (including interviews, photographs and investigation reports) relating to the investigation into my use of underage magic in August 1995 which resulted in my temporary expulsion from Hogwarts.'

I have not yet made a decision on the documents relevant to your application. However, I have formed the view that the work involved in dealing with your application would substantially and unreasonably divert our agency's resources. I am writing to consult with you about this and to give you an opportunity to alter or clarify your application.

If your application is not changed then I intend to refuse to deal with it. Please note, I am not refusing to deal with your application yet and, as such, you cannot seek a review of this letter.

Why is it a substantial and unreasonable diversion of resources?

Processing an RTI application involves a number of steps, including identifying, collating, coping and preparing the documents, deciding whether to give, refuse or defer access to the documents as well as preparing several pieces of correspondence including decision notices to any parties to the application. The RTI Act requires this process to be undertaken within the statutory timeframe of 25 business days, or a longer period, if requested.

In excess of 7700 documents and 15 hours of audio/visual recordings have been identified as responsive to the current scope of your RTI application. In relation to the processing of your request, the estimated time to process your RTI application is over 180 hours. Please refer to **Attachment A** of this notice which outlines the preliminary processing time.

On this basis, I have concluded that your application cannot be processed within this timeframe, as it would substantially and unreasonably divert the resources of this agency.

What can you do?

Before refusing to deal with your application on this ground, I would like to offer the opportunity to consult with you to amend the scope of your request into a form which would mean this agency could deal with it.

To assist you in narrowing the scope of your application, I have provided an outline at **Attachment B** which provides a list of categories of documents that have been identified through our search processes.

I am happy to discuss this matter with you by letter or by telephone if you need any more information or assistance in changing your application. Please note that the RTI Act provides a timeframe of **10 business days from the date of this notice** for you to consult with me to make your application in a way which would allow the agency to process it.

When is a response required?

I require a **written response** from you by 3 March 2014 either:

- confirming your original application; or
- outlining the changes you would like to make to narrow your application.

To assist in your response, you may choose to complete and return the enclosed **Attachment C**. Alternatively, you can simply respond via letter or email.

If you narrow your application then consideration will be given to your revised scope to decide if dealing with your changed application would still result in a substantial and unreasonable diversion of resources. I am not required to allow you another opportunity to consult at this stage.

If you fail to respond in writing by the above date then your application will be considered to be withdrawn. If you need any additional time to respond in writing, please contact me to discuss further.

Should you wish to discuss your application in any way please do not hesitate to contact me on telephone 3646 4789.

Kind regards

Deirdre Skeeter

RTI Officer
Ministry of Magic

ESTIMATED PROCESSING TIME

The estimated time required from various areas of the Ministry to fulfill the requirements of the RTI process is outlined below:

RTI Processing Item	Approx. number of hours
Initial Processing - preparing correspondence to applicant associated with processing application	6
Search and Retrieve Documents - searches undertaken by business units - locating and retrieving relevant files - identifying responsive documents	2
Copy Documents - printing documents - copying/scanning documents from files and reports	4
Examining Documents - examining approx. 7700 documents	128.5
Examining Audio and Video Recordings - approx. 15 hours	15
Consultation (approx. 12 third parties)	18
Decision	7
TOTAL	180.5 hours

The calculations of the processing times are listed below in further detail with regard to the 7700 documents identified as responsive to your RTI application:

- Examining Documents - due to the nature of the content of the documents, an average of 60 documents per hour was estimated to examine the responsive information, therefore approximately 128.5 hours is estimated to examine the relevant documents.
- Examining Audio Recordings/Video Footage - there is 15 hours of audio/video material which will need to be examined
- Consultation - approximately 12 third parties are expected to be consulted in accordance with section 37 of the RTI Act. Due to the large number of documents required for consultation, an estimated total of 18 hours has been included as the total consultation time.
- Decision - a total of 7 hours is estimated to prepare the Notice of Decision.

SCHEDULE OF RELEVANT DOCUMENTS

In relation to your Right to Information (RTI) application there are approximately 7700 pages which have been identified by the Ministry of Magic as responsive documents based on the current scope.

The responsive information consists of the following:

	Category	Description	Approx. Number of Documents
1	Correspondence – Emails	Email correspondence and attachments in relation to the scope of the application	600
2	Reports	Reports by Ministry of Magic	150
3	Report Appendices	Appendices include (but not limited to): Photos, interviews, assessment of witness impact statements, counteractive measure protocols, results from trace detection, correspondence.	1900
4	Correspondence – Reports	Various reports in relation to the scope of the application including reports received from third parties (Note: there could be considerable third party consultation required)	50
6	Correspondence – General	Other types of correspondence such as file notes and assessment documents in relation to the scope of the application	100
7	Correspondence - Third Party	Documents provided by a third party witness to relevant incidents	720
8	Photographs	Photographs taken as part of the investigation in relation to the scope of the application	160
9	Audio/Video Material	Audio (approx. 13 hours) and Video footage (approx. 2 hours) in relation to the scope of the application	15 hours
10	Transcripts	Transcripts of the audio recordings above	175
11	Legal Documents	Legal documents including legal advice and investigation material in relation to the scope of the application.	3900

APPLICANT'S RESPONSE TO NOTICE OF INTENTION TO REFUSE TO DEAL WITH APPLICATION (s. 41 of RTI Act)

This form may assist you in responding to the enclosed Notice of Intention to Refuse to Deal with your application on the basis that it would substantially and unreasonably divert the resources of the Ministry.

After you have consulted with the officer specified in that Notice, you can complete this form and return it to the Ministry. Please note that you can choose not to use the form; however, you **must** respond to the Ministry in writing.

YOUR WRITTEN RESPONSE IS DUE BY 3 March 2014.

IMPORTANT: Under s. 41 your access application will be considered withdrawn if:

- We do not receive a written notice from you within 10 business days from the day on which you received the enclosed Notice of Intention to Refuse to Deal; **OR**
- You do not contact the officer specified in the Notice within 10 business days

Details of applicant

Applicant's name – **Mr Harry Potter**

Application number – **62442**

Response to Notice of Intention to Refuse to Deal with application (Select ONE of the three choices below)

- I confirm (without alteration) the scope of my application
- I withdraw my application
- I alter the scope of my application
(Describe the revised terms of your application – eg. The documents you now seek, or documents you have decided to remove from the scope of your original application, or the additional information that is required to process your application) (Attach additional pages if required)

NAME _____

___/___/___
DATE

SIGNATURE _____

Please return this completed form by Owl to:

Ministry of Magic

PO Box 38343

City Centre

Alternatively, please email: rti@ministryofmagic.gov.au