



Australian Government
Bureau of Meteorology

HEAD OFFICE
Bureau of Meteorology
GPO Box 1289 Melbourne VIC 3001 Australia

In reply please quote
30/5838

Dr WH Johnston

By email: wjohnston@grapevine.com.au

Dear Dr Johnston

Freedom of Information Request: Liquid-in-glass Temperature Data – Request for Waiver of Charges

1. I refer to your application under the *Freedom of Information Act 1982* (FOI Act) received in the Bureau on 19 November 2014.
2. I am authorised to make a decision in relation to your request pursuant to section 23 of the FOI Act including decisions in relation to charges.

Your FOI request and request to waive charges

3. You have requested access to documents containing manually observed liquid-in-glass temperature data for Sydney and Canberra Airports for January, February and March 2013 and July, August and September 2014.
4. On 3 December 2014, I issued a notice of charges to you in regard to this matter, for an amount of \$460.00.
5. On 9 December 2014 you sought a waiver of those charges, by email, on the grounds that:
 - the charges seem excessive;
 - your request does not relate to any financial reward; and
 - that it is in the public interest that the documents be released.

Imposition of Charges

6. Under the FOI Act and FOI Guidelines, issued by the Information Commissioner, the Bureau is obliged to take all reasonable steps to find the documents requested. The FOI Guidelines state, at paragraph 3.81:

At a minimum, an agency or minister should take comprehensive steps to locate documents, having regard to:

- the subject matter of the documents
- the current and past file management systems and the practice of destruction or removal of documents
- the record management systems in place
- the individuals within an agency who may be able to assist with the location of documents, and
- the age of the documents.

7. In response to your FOI request, the Bureau took all reasonable steps to identify documents within scope of your request.
8. In relation to Sydney Airport, all reasonable steps included the retrieval of the relevant field books for the periods of time identified in your request.
9. In accordance with records management practices, the field books for Canberra Airport for January, February and March 2013 were disposed of twelve months after the observations were taken. Therefore further reasonable steps were taken to identify whether any other documents were held by the Bureau containing information within the scope of your request for that period.
10. As previously advised, no field books were maintained for Canberra Airport during the period July to September 2014. All reasonable steps were taken, including searching relevant files, documents and databases, to identify whether there were any documents containing information within scope of your request for this time period.
11. The charges have been calculated in accordance with regulations of the FOI Act and are based on:
 - the records kept of time spent searching; and
 - the time estimated for decision-making. Decision-making includes preparing documents for release, in order to remove parts of the documents that are exempt or irrelevant. The estimate of time to undertake this work is based on the number of pages of documents that need to be edited before release.
12. For these reasons, it is my view that the charge of \$460.00 is calculated appropriately and in accordance with the FOI Guidelines.
13. I will now consider whether any waiver or reduction of the charges is appropriate.

Reduction or waiver of charges

14. Section 29(5) of the FOI Act provides that an agency, in considering whether or not to reduce or not impose a charge, must take into account:
 - Whether the payment of the charge, or part of it, would cause financial hardship to the applicant; and
 - Whether the giving of access to the document in question is in the general public interest or in the interest of a substantial section of the public.

Section 29(5) also provides that the matters the agency may take into account when making this decision are not limited to the above.

Public Interest and financial hardship

15. You state in your email that your request does not relate to any form of financial reward and that you are not in receipt of a research grant or other remuneration. On the basis of these statements, I infer that you are seeking a waiver of charges on the grounds, in part, of financial hardship. Although you have not provided any evidence of financial hardship, I have given genuine consideration to your statements.
16. You also state in your email that there is a public interest in cross-checking automatically collected data against liquid-in-glass data. I acknowledge that there is a public interest in documents relevant to your request being made available to the public for the purpose of encouraging public debate and to promote oversight of the Bureau's activities.
17. I have taken your comments in relation to financial hardship and the public interest into account in making my decision on whether to waive or reduce the charge.

Decision

18. Taking the above into account, I have decided to reduce the charges by fifty percent. Subject to my comments below, the total charges you are liable to pay is **\$230.00**.

Review Rights

19. If you are dissatisfied with this decision, you have rights of review available to you.
20. Under section 54 of the FOI Act, you may apply for an internal review of the decision, conducted by the Bureau of Meteorology. Your application must be made within 30 days of you receiving this notice.
21. An internal review will be conducted by a different officer from the original decision-maker. No particular form is required to apply for review although it will assist your case to set out in the application the grounds on which you believe that the original decision should be overturned. An application for a review of the decision should be addressed to:

Freedom of Information Officer
Bureau of Meteorology, GPO Box 1289 Melbourne 3001

22. If you choose to seek an internal review, you will subsequently have a right to apply to the Australian Information Commissioner for a review of the internal review decision.

External review by the Australian Information Commissioner

23. Alternatively, under section 54L of the FOI Act, you may, seek a review of this decision by the Australian Information Commissioner without first going to internal review. Your application must be made within 60 days of you receiving this notice.
24. The Information Commissioner is an independent office holder who may review decisions of agencies and Ministers under the FOI Act. More information is available on the Information Commissioner's website www.oaic.gov.au.
25. You can contact the Information Commissioner to request a review of a decision online or by writing to the Information Commissioner at:

GPO Box 2999
Canberra ACT 2601

Complaints to Ombudsman or Information Commissioner

26. You may complain to either the Commonwealth Ombudsman or the Information Commissioner about action taken by the Bureau of Meteorology in relation to the application. The Ombudsman will consult with the Information Commissioner before investigating a complaint about the handling of an FOI request.

Enquiries to the Ombudsman can be directed to:

Phone 1300 362 072 (local call charge)
Email ombudsman@ombudsman.gov.au

Enquiries to the Information Commissioner can be directed to:

Phone 1300 363 992 (local call charge)
Email enquiries@oaic.gov.au

27. There is no particular form required to make a complaint to the Ombudsman or the Information Commissioner. The request should be in writing and should set out the grounds on which it is considered that the action taken in relation to the request should be investigated and identify the Bureau of Meteorology as the relevant agency.

Timing

28. As previously advised, the 30-day timeframe for dealing with your request will be extended to allow for the period of time that this charge remains unpaid. A decision in this matter will be due twelve (12) days after receipt of your payment by the Bureau.

For further information

29. For further information please contact the Bureau's FOI Officer (Erin MacLatchy) on 03 9616 8428 or via email: foi@bom.gov.au. Please note that the administrative sections of the Bureau will shut down from 25 December 2014 and re-open on Friday 2 January 2015.

Yours sincerely,



Anthony Rea

Assistant Director Observing System Strategy

Bureau of Meteorology

23 December 2014