

**Decision D0022006 - Published in note form only**

***Re Macdonald and City of Joondalup* [2006] WAICmr 2**

**Date of Decision:** 27 January 2006

***Freedom of Information Act 1992: Section 20***

The complainant applied to the City of Joondalup ('the agency') under the *Freedom of Information Act 1992* ('the FOI Act') for access to all documents relating to a certain property for the period 1999-2005 and, among other things, specifying certain categories of document. The agency identified some 1800 electronic documents, which it listed in a document schedule given to the complainant and noted that the schedule did not include additional hard copy documents that it also held. The agency sought a reduction in the scope of that application. Following consultations with the complainant, the electronic documents were subsequently reduced in number to approximately 900.

However, the agency refused to deal with the access application under section 20 of the FOI Act, which permits an agency to refuse to deal with an application if - after taking reasonable steps to help the access applicant to change the application to reduce the amount of work required to deal with it - the agency considers that the work involved in dealing with it would divert a substantial and unreasonable portion of the agency's resources away from its other operations. The complainant applied to the A/Information Commissioner ('the A/Commissioner') for external review of the agency's decision.

On receipt of this access application the A/Commissioner sought further information from the agency and asked the complainant to particularise what information or documents she was seeking. The complainant would not particularize what she was seeking and continued to argue that she should be provided with a complete list of all documents relating to the property, from which she would identify those documents to be removed from the list, with those left being those she sought to access.

On 22 November the A/Commissioner provided the parties with a letter setting out her preliminary view of the complaint, which was that the agency was justified in relying on section 20, and her reasons for that view. In considering the portion of the agency's resources that would be diverted away from its other operations if the application were to be dealt with in its present form, the A/Commissioner took into account, among other things, the number of documents involved; their location and accessibility; the resources available to the agency to deal with the application - including the number of staff; the agency's other operations and the other duties of staff; the estimated time required to deal with the application; and the assistance provided to the complainant by the agency to change the application.

The complainant made further submissions alleging various matters and disputing, among other things, the number of documents identified; the basis for the A/Commissioner's preliminary view; and the interpretation of the cases cited by the A/Commissioner in her preliminary view. Having taken all of those matters into account, the A/Commissioner was not dissuaded from her preliminary view that the agency had taken reasonable steps to assist the complainant to change her access application and it was justified in deciding that the work involved in dealing with the application in its present form would divert a substantial and unreasonable portion of the agency's resources away from its other operations, for the reasons set out in the A/Commissioner's letters to the complainant.

