[Insert agency letterhead]

[Date]

Ref: [agency reference]

[Applicant name]

**By email: [insert email]**

Dear [Name]

**Your freedom of information request requires an access charges deposit before we can proceed**

We refer to your request under the *Freedom of Information Act 1982* (Vic) (**FOI Act**) which was received on [insert date].

We are writing to let you know about access charges that apply to your request. In order for us to proceed with your request, you are required to pay a deposit for these charges.

If you believe access charges will exceed $50.00, you must notify the applicant and ask if they wish to proceed with the request (section 22(3) of the FOI Act and regulation 8 of the *Freedom of Information (Access Charges) Regulations 2014* (**Regulations**)).

In this notification, under section 22(4) of the FOI Act you must also tell the applicant they have to pay a deposit of a prescribed amount or at a prescribed rate on account of the charge. Under *Professional Standard 4.1*, you must also include:

* the estimated access charges;
* how the estimated access charges were calculated;
* the required access charges deposit amount;
* the date by which the deposit must be paid (which must be no less than 60 days after the applicant receives the deposit notice);
* information outlining the applicant may contact the agency to discuss practicable alternatives for altering the request or reducing the anticipated access charges; and
* information outlining the agency may or will finalise the request without processing it if the applicant does not do either of the following:
  + contact the agency to discuss options to reduce the anticipated charges; or
  + pay the deposit by the date specified in the notification.

The *Freedom of Information (Access Charges) Regulations 2014* and section 22 of the FOI Act set out how to calculate access charges. On this basis, we estimate the access charges for your request is $XX.XX. This means before we continue with your request, we require a deposit of $XX.XX.

We calculated these estimated charges on the following basis:

|  |  |  |  |
| --- | --- | --- | --- |
| **Type of charge** | **How the charge was calculated** | | |
| Searching for documents | No. of hours | Cost per hour | Sub-total |
| XX | $XX.XX | $XX.XX |
| Supervision time | No. of hours | Cost per hour | Sub-total |
| XX | $XX.XX | $XX.XX |
| Photocopying (black and white A4) | No. of pages | Cost per page | Sub-total |
| XX | $XX.XX | $XX.XX |
| Other charges |  |  |  |
|  |  |  |
| **Total estimated charge** | **$XX.XX** | | |
| $25.00/50% deposit | **$XX.XX** | | |

The required deposit amount is calculated in accordance with regulation 9 of the Regulations:

* if the estimated charge is more than $50.00 and up to $100.00, the deposit is $25.00; or
* if the estimated charge is more than $100.00, the deposit is 50% of the estimated charge.

**What you need to do**

We have outlined three options below for you to consider. Please advise us how you would like to proceed by [insert date – which must be no less than 60 days after the date of this letter]. If we do not hear from you by this date, we may finalise your request without processing it. If we finalise your request, we will take no further action on your request and you will need to make a new request if you wish to seek access to the documents.

The date must be no less than 60 days after the date of this notice. An applicant has 60 days from the day they receive a notification requesting a deposit to apply to the Victorian Civil and Administrative Tribunal for a review of the access charges amount where the Information Commissioner has issued a certificate (section 52(1)(g) of the FOI Act).

Under *Professional Standard 4.1(f)*, an agency must provide information in a notice under section 22(3) of the FOI Act outlining the agency may or will finalise the request without processing it if the applicant does not contact the agency to reduce the anticipated charges or pay the deposit by the date specified in the notification.

Option 1 – proceed with the request and pay the deposit

If you wish to proceed with your request as it is currently framed, please pay the deposit of $XX.XX by [insert date – which must be no less than 60 days after the date of the notice].

You can pay the deposit by [bank cheque/money order/bank transfer/credit card/cash].

Outline the payment methods your agency uses to process access charges. The payment methods an agency offers must comply with *Professional Standard 4.3*, which outlines an agency requiring payment of an access charges deposit or access charges must take reasonable steps to provide options for payment of the relevant charge in line with accepted payment methods the agency provides for other services of a similar financial sum.

Option 2 – proceed but alter the request or reduce the charge

If you wish to proceed with your request but wish to discuss ways to alter the request or reduce the anticipated charge, please contact us on [insert telephone number] or [insert email address] by [insert date – which must be no less than 60 days after the date of the notice].

Option 3 – do not proceed with the request

If you do not wish to proceed with your request, please advise us on [insert telephone number] or [insert email address] by [insert date – which must be no less than 60 days after the date of the notice] and we will close it without processing it.

**Your review rights**

If you are not satisfied with this decision regarding access charges, you have 60 days from the day you receive this letter to seek review by the Victorian Civil and Administrative Tribunal (**Tribunal**).

The Tribunal’s contact details are:

Victorian Civil and Administrative Tribunal

GPO Box 5408

Melbourne VIC 3001

Phone: 1300 01 8228

www.vcat.vic.gov.au

Before you apply to the Tribunal, you must first request the Information Commissioner certify the matter as one of sufficient importance for the Tribunal to consider. If the Victorian Information Commissioner does not provide a certificate, you cannot apply to the Tribunal for a review of the access charges amount.

You can request an access charges certificate from the Information Commissioner by email or post. The Office of the Victorian Information Commissioner’s contact details are:

Office of the Victorian Information Commissioner

PO Box 24274

Melbourne VIC 3001

Email: enquiries@ovic.vic.gov.au

Phone: 1300 00 6842 (1300 00 OVIC)

www.ovic.vic.gov.au

If you have any questions about this letter, please contact us on [insert telephone number] or [insert email address] and quote [agency reference].

Yours sincerely

[Name of officer]  
[Position title]

Under section 22(7)(a) of the FOI Act, you must include the name and designation of the person who calculated the charge in your notice to the applicant under section 22(3) of the FOI Act.