

3 June 2026

'GK7'

Copy provided to Department of Families, Fairness and Housing

By email

Dear 'GK7'

Notice of Decision under the *Freedom of Information Act 1982* (Vic)

Agency: Department of Families, Fairness and Housing

Citation: 'GK7' and Department of Families, Fairness and Housing (*Freedom of Information*)
[2026] VICmr 40 (3 June 2026)

FREEDOM OF INFORMATION – large request – diversion of agency resources – substantial and unreasonable – Department of Families, Fairness and Housing – broad scope – inspection records – safety reports – tenancy notes

Thank you for your request for review of a freedom of information decision made by Department of Families, Fairness and Housing (**the Agency**).

The Agency refused access to the documents you requested under section 25A(1) of the *Freedom of Information Act 1982* (Vic) (the **FOI Act**).

I have made the same decision as the Agency. This means the Agency is not required to process your request and the documents you have requested will not be provided to you.



If you disagree with my decision, you have **60 days** from the date you receive my decision to apply to the Victorian Civil and Administrative Tribunal (**VCAT**) for a further review. Detail about applying to VCAT are at the end of this letter.

Background to review

On [date], you requested access to the following documents concerning three public housing tenancies from [date range]:

- Maintenance and CHIMES records – this means any maintenance system records, whatever system Housing uses, that relate to structural, safety, access or environmental issues for all tenancies.
- Inspection reports – this means any inspection of any type (routine, safety, structural, environmental, contractor or specialist) for all tenancies.

- Hazard or safety reports – this means any document identifying or responding to a hazard or safety issue, regardless of who wrote it, for all tenancies.
- Tenancy notes – this means notes that relate to the above categories (structural, safety, access or environmental issues) for all tenancies. [You] do not agree to limiting this to the first tenancy.

The Agency advised that preliminary enquiries indicated that the current wording of your request would pose a substantial and unreasonable diversion of the department's resources. On [date], you were asked to submit a more targeted search request.

The following terms were proposed:

- Maintenance history with lines items for [all three properties]*

1. HiiP tenancy file notes for [all three properties]*

You replied to the Agency indicating that your request was sufficiently narrowed to encompass the following categories:

- structural
- safety
- access
- environmental

Additionally, you rejected any further narrowing and expressed concern that doing so would remove relevant material sought. The terms of your request remained the same as your original FOI request.

On [date], the Agency refused your request under section 25A(1) of the FOI Act.

On the same day, you sought a review by OVIC of the Agency's decision.

My decision and reasons for decision

I have conducted a review of the decision made by the Agency and made a fresh decision under section 49P of the FOI Act.

In making my decision, I have considered information provided in your review application, in addition to the Agency's reasons for decisions, their submission, and previous similar decisions of OVIC.

I have made the same decision as the Agency.

Relevant legislation

Section 25A(1) of the FOI Act allows an agency to refuse a request for access to documents where the work involved in processing the request would substantially and unreasonably divert the resources of the agency from its other operations.

Section 25A(6) of the FOI Act requires an agency to consult with and provide certain information to an

applicant before refusing access under section 25A(1) of the FOI Act. During consultation, the Agency is expected to provide suggestions to assist the applicant to narrow their request so that it can be processed.

Were the consultation requirements of section 25A(6) of the FOI Act met before your request was refused by Department of Families, Fairness and Housing?

Section 25A(6)(c) of the FOI Act requires the agency to provide the applicant with any information that would assist the making of the request, so far as is reasonably practicable.

I am satisfied that in their correspondence to you, the Agency provided you with reasonable suggestions to assist you to reduce the number of documents you requested, and that it provided you with information that would assist in making the request in a form that would be able to be processed without substantially and unreasonably diverting the resources of the Agency from its other operations, so far as was reasonably practicable.

I acknowledge that you expressed to OVIC that the Agency did not provide you with the opportunity to narrow the scope of your request. However, on the information before me, I am satisfied that the Agency complied with its obligations.

In coming to this view, I have considered the email which the Agency wrote to you on [date], and their inclusion of suggestions to allow your request to be processed. You replied to this correspondence indicating that you did not wish to amend your request.

I am satisfied that the consultation requirements under section 25A(6) have been met.

Would processing your request involve a substantial diversion of the Agency's resources from its other operations?

I have decided processing your request would involve a substantial diversion of the Agency's resources from its other operations for the following reasons:

- the scope of your request is broad and locating the documents would place a substantial burden on the agency
- the request is for documents which span across three tenancies and date back [over 20 years]
- the search would include:
 - conducting searches through different databases and locations, both digitally and physically
 - making requests to both the Records Team to arrange delivery of the physical documents and to IT to obtain access to the defunct system, ISIP. Estimated timeframes for receiving initial responses relating to those enquiries were four weeks for the Records Team and two weeks for IT

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- obtaining archived physical paper files, which would require locating, retrieving, scanning and converting to PDF and uploading to the Agency's records database before downloading the documents to see which are relevant.
- the Agency estimated that there would be well over 500 documents relevant to your request, and that in the circumstances it would take approximately one week for an officer to conduct a search and collate the documents if they worked on it continuously during full-time working hours and abstained from all other duties. It would then take a team leader one week to review the search conducted, this is a substantial period of time.

The information provided by the Agency appears to me to be reasonable. Therefore, on the information before me, I accept the work involved in processing your request would substantially divert the resources of the Agency from its other operations.

Would processing your request involve an unreasonable diversion of the Agency's resources from its other operations?

I agree with the Agency that processing your request would involve an unreasonable diversion of the Agency's resources.

In addition to the factors outlined earlier, I note:

- the request is of a size that would not be able to be processed without diverting the Agency's resources from its core functions
- the search would include searching for documents dating [over 20 years], and would include attempting to obtain access to a now defunct system, locating, retrieving and digitising physical documents
- due to the volume of your request, the Agency would not be able to process the request within the required time limit.

Accordingly, I agree with the view of the Agency that based on the broad scope of the application, processing this would be a substantial and unreasonable diversion of the resources of the Agency.

What this means

I have decided the work involved in processing your request would substantially and unreasonably divert the resources of the Agency from its other operations. I am satisfied the requirements for refusal to grant access to documents under section 25A(1) of the FOI Act are met and the Agency is not required to process your request.

As I have made my decision, your review with OVIC is now closed.

Your review rights

If you are not satisfied with my decision, you can apply to VCAT for it to be reviewed.

If you wish to seek a review of my decision, you must make a review application to VCAT with 60 days

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from the date you are given notice of my decision.

Information about how to make an application to VCAT is available at www.vcat.gov.au.

VCAT can also be contacted by email at admin@vcat.vic.gov.au or by telephone on 1300 018 228.

Finally, I note that my decision in relation to this matter does not stop you from making a new FOI request to the Agency for access to documents.

If you elect to do this, I encourage you to try and narrow the scope of your request with the assistance of the Agency.

Yours sincerely

Sean Morrison
Information Commissioner