## 18 Consultation notice to applicant – refusal to deal

[Date]

Our reference: [agency reference]

[Name]  
[Address]  
  
Via email only: [Email address]

Dear [Name]

**NOTICE OF INTENTION TO REFUSE TO DEAL WITH YOUR ACCESS APPLICATION**

I am writing to advise you that I intend to refuse to deal with your access application made under the *Freedom of Information Act 2016* (**FOI Act**), dated [date of access application], and received by the [agency name] on [date received].

This application requested access to:

‘[quote scope of application]’

[Insert any revisions the applicant made, any correspondence extending the processing time].

*Authority*

I am an information officer appointed by the Director-General of the [agency name] to make decisions about access to government information, in accordance with section 18 of the FOI Act.

*Why I intend to refuse your request*

I intend to refuse to deal with your access application, under section 43 of the FOI Act, because [choose]:

* dealing with the application would require an unreasonable and substantial diversion of resources
* the application is frivolous or vexatious
* the application involves an abuse of process
* the government information is already available to you
* the access application is expressed to relate to government information of a kind that is taken to be contrary to the public interest to disclose under Schedule 1 of the FOI Act
* an earlier application for the same information:
  + was made in the 12 months before this application was made, and
  + access to the information was refused, and
  + the relevant public interest factors are materially the same as those considered in deciding the earlier access application.

I have decided your application is [insert reason from above] because:

[insert explanation why]

*What happens next?*

Before I make a decision, you have an opportunity to provide me with an amended application or any additional information relevant to your application that would address the concerns with your application outlined above. If you do so, I recommend that you address my reasons outlined above for intending to refuse your application.

If you decide not to provide any further information or submit a revised application by [3 MONTHS DATE], your access application will be taken as withdrawn.

I have 20 working days to give you a decision about your access application however, the time taken to clarify the access application now is not included in the 20 working days time period.

*Further assistance*

If you have any questions in relation to your access application, please contact me on [insert telephone number] or email [insert positional email address].

Yours sincerely

[INFORMATION OFFICER]