



Australian Government
Attorney-General's Department
Office of Corporate Counsel

13/8922

1 July 2013

Mr Malcolm Blaney

Right to Know

By e-mail only: <mailto:foi+request-99-f94ae673@righttoknow.org.au>

Dear Mr Blaney

Freedom of information request no. 13/060

The purpose of this letter is to give you a decision about access to documents that you requested under the *Freedom of Information Act 1982* (FOI Act).

SUMMARY

I, Logan Tudor, Senior Legal Officer, am an officer authorised under section 23(1) of the FOI Act to make decisions in relation to FOI requests.

You requested access to documents relating to the adverse security assessment for asylum seeker Ranjini on 29 May 2013, specifically:

I request all documentation, leading to the Department's final decision in regards to the adverse security assessment for the asylum seeker from Sri Lanka Ranjini, who was returned to indefinite detention in May 2012.

I have identified no documents that fall within the scope of your request. I did this by conducting an electronic search of documents, as well as making enquiries of those who may have been able to help locate relevant documents.

As such, I have decided to refuse access to your request for documents. More information, including the reasons for my decision, is set out below.

DECISION AND REASONS FOR DECISION

With regard to your request for documents, I have decided:

- **to refuse access to your request** as the documents do not exist.

Material taken into account

I have taken the following material into account in making my decision:

- the FOI Act (specifically section 24A)
- the advice of the relevant line area that the Australian Security Intelligence Organisation, not this Department, is the decision-maker on security assessments and that this Department does not play a role in that and
- the Guidelines issued by the Australian Information Commissioner under section 93A of the FOI Act.

Findings on material questions of fact

My findings on material questions of fact are that the documents you request do not exist.

Requests may be refused if documents cannot be found, do not exist or have not been received

Under Section 24A of the FOI Act, an agency may refuse a request for access to documents if:

- (a) *all reasonable steps have been taken to find the document; and*
- (b) *the agency or Minister is satisfied that the document:*

...

- (ii) *does not exist.*

Following all reasonable steps to find the documents, I am satisfied that the documents that you have requested do not exist, so I have decided to refuse access to your request for documents under Section 24A of the FOI Act.

Your review rights

If you are dissatisfied with my decision, you may apply for internal review or Information Commissioner review of the decision. We encourage you to seek internal review as a first step as it may provide a more rapid resolution of your concerns.

Internal review

Under section 54 of the FOI Act, you may apply in writing to the Freedom of Information and Privacy Section of the Attorney-General's Department for an internal review of my decision. The internal review application must be made within 30 days of the date of this letter.

Where possible please attach reasons why you believe review of the decision is necessary. The internal review will be carried out by another officer within 30 days.

Information Commissioner review

Under section 54L of the FOI Act, you may apply to the Australian Information Commissioner to review my decision. An application for review by the Information Commissioner must be made in writing within 60 days of the date of this letter, and be lodged in one of the following ways:

Online: <http://www.oaic.gov.au/freedom-of-information/foi-reviews>

E-mail: enquiries@oaic.gov.au

Post: GPO Box 2999, Canberra ACT 2601

In person: Level 3, 175 Pitt Street, Sydney NSW

More information about Information Commissioner review is available on the Office of the Australian Information Commissioner website. Go to http://www.oaic.gov.au/foi-portal/review_complaints.html#foi_merit_reviews.

Questions about this decision

If you wish to discuss this decision, please contact the action officer, Logan Tudor, on (02) 6141 3715 or e-mail foi@ag.gov.au.

Yours sincerely,



Logan Tudor
Senior Legal Officer
FOI & Privacy Section
Attorney-General's Department
E-mail: foi@ag.gov.au