



**Australian Government**  
**Department of Immigration  
and Border Protection**

**In reply please quote:**

FOI Request: FA 16/03/00163  
File Number: ADF2016/9794

4 March 2016

AB

**BY EMAIL:** [foi+request-1680-ad0b6b8b@righttoknow.org.au](mailto:foi+request-1680-ad0b6b8b@righttoknow.org.au)

Dear AB

I refer to your email dated 29 February 2016 in which you request access to documents held by the Department of Immigration and Border Protection (Department) under the *Freedom of Information Act 1982* (the FOI Act).

I am writing to tell you that I believe that the work involved in processing your request in its current form would substantially and unreasonably divert the resources of this agency from its other operations due to its broad nature, size and complexity. This is called a 'practical refusal reason' (section 24AA).

On this basis, I intend to refuse access to the documents you requested. However, before I make a final decision to do this, you have an opportunity to revise your request. This is called a 'request consultation process' as set out under section 24AB of the FOI Act. You have 14 days to respond to this notice in one of the ways set out below.

**Scope of Request**

You have requested access to documents held by Department that relates to:

*'any DIBP emails, reports or internal memos or communications that relate to the Twitter account @Republic\_Nauru.'*

In order for your request to be valid it must not substantially and unreasonably divert the resources of the agency from its other operations.

**Practical Refusal**

Please note that a request for 'any documents' concerning a particular subject will likely attract refusal under section 24AA of the FOI Act because, it would not be possible for the decision maker to certify that he or she has located every copy of every single document in Department's possession, which falls within the scope of the request, without conducting a search of every hard copy file and all individuals electronic communication records in the agency.

In this particular request you have sought access to "any DIBP emails ... that relate to the Twitter account ...". I do not consider that you have provided a reasonable description of the documents to which you are seeking access. You have not made reference to a specific document or documents or specified the parties or business areas that may have been involved in that correspondence.

In order for the decision maker to satisfy themselves that all documents that are relevant to your request have been identified, a search of every DIBP officer's email account would have to be undertaken. In the Department's 2014-15 Annual Report, the number of employees listed is 8,225 Australian based ongoing and non-ongoing staff and 1,334 overseas based staff. As of 1 July 2015, the Department of Immigration and Border Protection consolidated with the Australian Customs and Border Protection Service (ACBPS). The number of staff listed as employed by ACBPS in the 2014-2015 Annual Report is 4,903. As such, the Department would be required to search the mailboxes of approximately 14,462 staff members to ensure it had identified any documents that may be relevant to the scope of your request.

In order to undertake that search, in my view that the Department would be required to divert significant resources from its current operations. Any search of that nature would result in a significant drain on the resources of the business area within the agency that would be required to process this request, and would have an adverse effect on the ability of that area to carry out their normal functions and activities.

### **Request Consultation Process**

You now have an opportunity to revise your request to enable it to proceed.

In order to assist the Department in identifying documents that may fall within the scope of your request it will be necessary for you to provide sufficient information concerning the document as is reasonably necessary for the Department to identify the documents you are seeking access to. In order to achieve this, you may wish to consider limiting the scope of your request to correspondence from certain officers, either individually, or by business area. In order to assist you in that regard, a copy of the Department's current organisational structure chart can be found on our website at: <http://www.border.gov.au/CorporateInformation/Documents/pub-org.pdf>

Under section 24AB of the FOI Act, you have 14 days to respond to this notice in writing and advise me whether:

- you wish to make a revised request;
- indicate that you do not wish to revise your request; or
- withdraw your request.

If you do not do one of the three things listed above during the consultation period (14 days) or you do not consult the contact person listed below during this period, your request will be taken to have been withdrawn in accordance with section 24AB(7) of the FOI Act.

### **Contact**

Should you wish to revise your request or have any questions in relation to this process, please do not hesitate to contact Alison Smith via email at [foi@border.gov.au](mailto:foi@border.gov.au).



**Alison Smith**  
**FOI Officer | FOI Section | Access to Information Branch**  
**Corporate Services Division**  
**Department of Immigration and Border Protection**