



27 July 2016

Reference numbers

FOI Request FA 16/04/01254

File Number ADF2016/16398

Mr Dwayne Brewski

Sent via email: foi+request-1824-0161ed34@righttoknow.org.au

Freedom of Information request – decision on request

Dear Mr Brewski,

This letter refers to your request received on 15 April 2016 seeking access under the *Freedom of Information Act 1982* (the FOI Act) to the following documents:

- 1) *current social media policy of the department, which covers departmental use and/or private use by employees in an individual capacity*
- 2) *any guidance material which is available for employees to make informed decisions about their social media use.*

Decision

This letter is to provide you with my decision, which is to release the documents you have requested without exemptions (although material irrelevant to your request has been deleted).

The reasons for the decision are set out in the attached Decision Record at **Attachment A**.

The schedule for these documents is at **Attachment B** for your reference.

Review rights

Internal review

If you disagree with my decision, you have the right to apply for an internal review by the Department of my decision. Any request for internal review must be provided to the Department within 30 days of you being notified of the decision. Where possible please attach reasons why you believe review of the decision is necessary. The internal review will be carried out by an officer other than the original decision-maker and the Department must make a review decision within 30 days.

Applications for review should be sent to:

Freedom of Information
Department of Immigration and Border Protection
PO Box 25
BELCONNEN ACT 2617

Or by email to: foi@border.gov.au

Review by the Office of the Australian Information Commissioner

You may apply directly to the Office of the Australian Information Commissioner (OAIC) for a review of my decision. You must apply in writing within 60 days of this notice. For further information about review rights and how to submit a review request to the OAIC, please see FOI fact sheet 12 '*Freedom of information – Your review rights*', available online at www.oaic.gov.au.

How to make a complaint about the handling of this FOI request

You may complain to either the Commonwealth Ombudsman or the Australian Information Commissioner about action taken by the Department of Immigration and Border Protection in relation to your request.

The Ombudsman will consult with the Australian Information Commissioner before investigating a complaint about the handling of an FOI request.

Your enquiries to the Ombudsman can be directed to:

Phone 1300 362 072 (local call charge)
Email: ombudsman@ombudsman.gov.au

Your enquiries to the Australian Information Commissioner can be directed to:

Phone 1300 363 992 (local call charge)
Email: enquiries@oaic.gov.au

There is no particular form required to make a complaint to the Ombudsman or the Australian Information Commissioner. The request should be in writing and should set out the grounds on which it is considered that the action taken in relation to the request should be investigated and identify the Department of Immigration and Border Protection as the relevant agency.

Contacting the FOI Section

If you wish to discuss this matter, I can be contacted using the details provided below.

Kind regards,

Brad Collins
Freedom of Information Officer
Information Management Branch
Department of Immigration and Border Protection
Email: foi@border.gov.au

Attachments

- Attachment A – Decision Record
- Attachment B – Schedule of Documents
- Attachment C – Extract of relevant legislation
- Attachment D – Documents released under the FOI Act



Attachment A – DECISION RECORD

Request Details

FOI Request FA 16/04/01254
File Number ADF2016/16398

Scope of request

1. On 15 April 2016 you requested:
 - 1) *current social media policy of the department, which covers departmental use and/or private use by employees in an individual capacity*
 - 2) *any guidance material which is available for employees to make informed decisions about their social media use.*

Documents in scope

2. There are three documents within scope of your request, consisting of a policy document, a fact sheet, and a relevant page from an internal staff newsletter.

Authority to make decision

3. I am an officer authorised under section 23 of the FOI Act to make decisions in respect of requests to access documents or to amend or annotate Departmental records.

Information considered

4. In reaching my decision, I have considered the following:
 - the terms of your request
 - the *Freedom of Information Act 1982*
 - the Australian Information Commissioner's guidelines relating to access to documents held by government
 - Departmental documents, identified in the Schedule of Documents
 - consultation with the relevant Departmental business area.

Reasons for decision

5. Section 22(2) of the FOI Act provides that, where an agency reaches the view that a document contains exempt information or material that is irrelevant to the request and it is possible for the agency to prepare an edited copy of the document with the irrelevant or exempt material deleted, then the agency must prepare such a copy.
6. This edited copy must be provided to the applicant. Further, the decision maker must advise the applicant in writing that the edited copy of the document has been prepared and of the reasons(s) for each of the deletions in the document (s.22(3) of the FOI Act).

7. Exempt material is deleted pursuant to s.22(1)(a)(i) and irrelevant material is deleted pursuant to s.22(1)(a)(ii) of the FOI Act.

Deletion of exempt material under s.22(1)(a)(i) of the FOI Act

8. No information has been exempted from release.

Deletion of irrelevant material under s.22(1)(a)(ii) of the FOI Act

9. I find that some of the documents relevant to your request contain material which is irrelevant to your FOI request. I have withheld or deleted that material accordingly. These deletions are detailed in the Schedule of Documents and the documents released.
10. The material deleted under s.22(1)(a)(ii) comprises internal contact details for the Integrity and Professional Standards section, and headings from the internal newsletter that are irrelevant to the scope of your request.

Brad Collins
Authorised decision maker
Department of Immigration and Border Protection
Email: foi@border.gov.au

27 July 2016



Attachment B – SCHEDULE OF DOCUMENTS TO DECISION RECORD

FOI Request FA 16/04/01254
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No.	Date of document	Pages	Description	Relevant legislation (FOI Act)	
1.	Jun 2015	1-11	Policy document	Released in full	–
2.	July 2015	12-14	Fact sheet	Irrelevant to scope (Withheld in part)	22(1)(a)(ii)
3.	December 2015	15	Staff newsletter	Irrelevant to scope (Withheld in part)	22(1)(a)(ii)

Attachment C – Extract of relevant legislation

22 Access to edited copies with exempt or irrelevant matter deleted

Scope

- (1) This section applies if:
 - (a) an agency or Minister decides:
 - (i) to refuse to give access to an exempt document; or
 - (ii) that to give access to a document would disclose information that would reasonably be regarded as irrelevant to the request for access; and
 - (b) it is possible for the agency or Minister to prepare a copy (an ***edited copy***) of the document, modified by deletions, ensuring that:
 - (i) access to the edited copy would be required to be given under section 11A (access to documents on request); and
 - (ii) the edited copy would not disclose any information that would reasonably be regarded as irrelevant to the request; and
 - (c) it is reasonably practicable for the agency or Minister to prepare the edited copy, having regard to:
 - (i) the nature and extent of the modification; and
 - (ii) the resources available to modify the document; and
 - (d) it is not apparent (from the request or from consultation with the applicant) that the applicant would decline access to the edited copy.

Access to edited copy

- (2) The agency or Minister must:
 - (a) prepare the edited copy as mentioned in paragraph (1)(b); and
 - (b) give the applicant access to the edited copy.

Notice to applicant

- (3) The agency or Minister must give the applicant notice in writing:
 - (a) that the edited copy has been prepared; and
 - (b) of the grounds for the deletions; and
 - (c) if any matter deleted is exempt matter—that the matter deleted is exempt matter because of a specified provision of this Act.
- (4) Section 26 (reasons for decision) does not apply to the decision to refuse access to the whole document unless the applicant requests the agency or Minister to give the applicant a notice in writing in accordance with that section.