



**Australian Government**  
**Department of Immigration and Citizenship**

5 September 2013

Mr David Reid

Via email: [foi+request-299-a412cfdb@righttoknow.org.au](mailto:foi+request-299-a412cfdb@righttoknow.org.au)

**In reply please quote:**

Client Name Mr David Reid

FOI Request FA 13/07/01046-R1

File Number ADF2013/23336

Dear Mr Reid,

**Freedom of Information request – Decision internal review - Access**

This letter refers to your request for internal review of a decision under the *Freedom of Information Act 1982* (the FOI Act) received on 9 August 2013. The request for review is in relation to the following:

*'...I am writing to request an internal review of Department of Immigration and Citizenship's handling of my FOI request 'Request for Detail Incident Report 1-7AL08L (Part 2)'.*

*DIAC has only granted partial access to the documents I have requested. The redacted incident report that was released contains little more information than that which has already been released into the public domain by Detention Logs (see <<http://detentionlogs.com.au/data/incidents/43184>>). I would like access to documents attached to the incident report to know more about this case.'*

A decision was made in relation to FA 13/07/01046 on 8 August 2013 by FOI officer Amy Thompson, in relation to your request of 11 July 2013 for the following documents:

*'...I would like access to Incident Detail Report 1-7AL08L from the Department's Compliance, Case Management, Detention and Settlement Portal. I also request any documents attached to the detailed report.'*

**Decision**

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. I have set aside the previous decision and made a fresh decision on your request.

As this new decision covers all the documents within the scope of your original request, the documents have already been released to you in part. I have reassessed these documents as part of this decision and I am not providing you with a further copy of these documents.

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In reaching my decision, I have considered the following:

- The *Freedom of Information Act 1982*
- Departmental files and/or documents (identified below)
- Advice from the Office of the Migrations Agent Authority; and
- The Information Commissioner Guidelines; and
- Advice from relevant areas of the department

**Documents in scope**

Incident Detail Report 1-7AL08L

My decision is to release, in part, the documents within the scope of your request. Please see the attached Decision Record and Schedule of Documents for information on those documents which have been exempted as part of this decision. Please note that there are no attachments to incident 1-7ALO8L.

**Review by the Office of the Australian Information Commissioner**

You may apply directly to the Australian Information Commissioner for a review of my decision.

You must apply in writing within 60 days of this notice. You can lodge your application in one of the following ways:

Post	GPO Box 2999 CANBERRA ACT 2601
or	GPO Box 5218 SYDNEY NSW 2001
Online	<a href="http://www.oaic.gov.au">www.oaic.gov.au</a>
Email	<a href="mailto:enquiries@oaic.gov.au">enquiries@oaic.gov.au</a>
Fax	+61 2 9284 9666
In person	Level 3, 25 National Circuit FORREST ACT
or	Level 3, 175 Pitt Street SYDNEY NSW

An application form is available on the website at [www.oaic.gov.au](http://www.oaic.gov.au). Your application should include a copy of the notice of the decision to which you are seeking review and your contact details. You should also set out why you are seeking a review of the decision.

For further information about review rights under the FOI Act please see FOI fact sheet 12 'Freedom of information – Your review rights', available online at [www.oaic.gov.au](http://www.oaic.gov.au).

**How to make a complaint about the handling of your FOI request**

You may complain to the Australian Information Commissioner if you have concerns about how the department has handled your request under the FOI Act.

Your complaint must be in writing and must specify the agency you are complaining about. You can send your complaint to the Australian Information Commissioner using the details above. A complaint form is also available at [www.oaic.gov.au](http://www.oaic.gov.au).

If you are unhappy with the department's decision about giving or refusing access to documents, you should ask for the decision to be reviewed, which is a separate process which has been outlined in the previous section.

**Contacting the FOI section**

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


**Client service information**

Information about our Client Service Charter and how to make a compliment, complaint or suggestion, is included in the Client Service Information attachment.

**Contacting the department**

You can contact us with a general enquiry in a number of ways including by email, through our website, by telephone through our Service Centres or offices around the world, or in person. In Australia you can call 13 18 81 between 8.30 am and 4.30 pm Monday to Friday. Details on contacting our offices outside Australia are available on our website at [www.immi.gov.au](http://www.immi.gov.au).

Yours sincerely,

  
Ms Elizabeth Miegel  
Position Number 60028785  
FOI Officer  
FOI and Privacy Policy Section  
Department of Immigration and Citizenship

Telephone 02-6264 3951  
Email [foi@immi.gov.au](mailto:foi@immi.gov.au)

**Attachment(s)**

**Decision Record**

**Schedule of Documents**



**Australian Government**  
**Department of Immigration and Citizenship**

## **DECISION RECORD**

### **Client Details**

Client Name Mr David Reid  
FOI Request FA 13/07/01046-R1  
File Number ADF2013/23336

### **Documents in scope**

Incident Detail Report 1-7AL08L

### **Information considered**

I am a delegated decision maker under Section 23 of the *Freedom of Information Act 1982* (the FOI Act). In reaching my decision, I have considered the following:

- The *Freedom of Information Act 1982*;
- Departmental files and/or documents (identified above);
- Advice from the Office of the Migrations Agent Authority; and
- FOI Guidelines published by the Office of the Information Commissioner;
- Advice from relevant areas of the department

### **Reasons for decision**

I have considered the documents within the scope of your request and applied exemptions in part to the documents as detailed in the Schedule of Documents. You should read the schedule in conjunction with the exemptions below.

## **FREEDOM OF INFORMATION ACT 1982**

### **- SECTION 47F (1)**

#### **Public interest conditional exemptions—personal privacy**

*(1) A document is conditionally exempt if its disclosure under this Act would involve the unreasonable disclosure of personal information about any person (including a deceased person).*

*Note: Access must generally be given to a conditionally exempt document unless it would be contrary to the public interest (see section 11A).*

I have reviewed the document in scope it is my determination that the documents contain

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personal information relating to third parties; I therefore have partly exempted the documents under section 47F of the FOI Act. It is my decision that it is not reasonable to assume that the third parties would reasonably expect the exempt information be disclosed to you.

In forming the conclusion that the document encompasses personal information under section 47F, I am required to consider whether disclosure of the document would be in the interest of the public.

In determining the reasonableness of disclosure, I weighed the need to balance the public interests in non release against the general public interest in having access to government held information.

I have concluded that on balance, disclosure of the document would be contrary to the public interest.

Arguments in favour of the disclosure of the document include:

- FOI Act promotes disclosure;
- applicants exercising rights under FOI; and
- accountability of departmental procedures.

Arguments in favour of non-disclosure include:

- it is a core Government concern to maintain the integrity of the information it holds and in the maintaining of an individual's privacy. The department is obliged to take action to prevent the unreasonable disclosure of an individual's personal information; and
- that to release the documents would harm the interests of an individual or group of individuals and involve unreasonable disclosure of an individual's personal information.

The information contained within the exempted documents wholly relates to third parties who could be identified. The public interest in maintaining an individual's right to privacy of their personal information held by the department outweighs release of this information by way of this FOI request.


I consider that disclosure of this third party information would be unreasonable and it is therefore exempt from disclosure under section 47F(1) of the FOI Act.

### **Refusal under 24A(b)(ii)**

*Section 24A(b)(ii)(the document does not exist)*

The original request referred to the Detail Incident Report I-7ALO8L and included attachments. In seeking all documents in scope from the relevant business areas I have confirmed that there are no attachments to incident I-7ALO8L. It is my decision to refuse this part of your request in accordance with 24A(b)(ii) of the FOI Act.

Yours sincerely,

  
Ms Elizabeth Miegel  
Position Number 60028785  
FOI Case Officer  
FOI & Privacy Policy Section  
Department of Immigration and Citizenship

5 September 2013



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**Department of Immigration and Citizenship**

**SCHEDULE OF DOCUMENTS TO DECISION RECORD**

Client Name Mr David Reid  
FOI Request FA 13/07/01046-R1  
File Number ADF2013/23336

**1. Departmental File:**

<b>Folio</b>	<b>Description</b>	<b>Decision</b>	<b>Legislation</b>
1 – 2	Detailed Incident Report – 1-7AL08L Personal privacy third party information	Release in part	s47F(1)

