



23 June 2017

In reply please quote:

FOI Request FA 17/04/00249
File Number ADF2017/37844

Mr James SMITH

Sent via email: foi+request-3343-feb76f63@righttoknow.org.au

Freedom of Information request

Dear Mr Smith,

This letter refers to an access request received under the *Freedom of Information Act 1982* (the Act) on 4 April 2017. You requested access to the following information:

- 1. All documents sent to all employees which explain what information about them was passed onto the ballot provider for each ballot.*
- 2. Any documents sent to the relevant decision maker(s) who approved the use of the data that was used in the ballots.*
- 3. Any documents which explain the rationale for obtaining breakdowns of votes*
- 4. Any documents which mention benefits to the department or to the bargaining process in obtaining a breakdown of votes.*
- 5. Any documents between the departmental bargaining team and the departmental Executive which discuss breakdowns of votes and suggest how that information should be used or otherwise taken into consideration by the department.*
- 6. Any documents from the APSC that mention what information about employees can or should be used in ballots.*

This letter is to provide you with the decision which is at **Attachment A – Decision Record**.

FOI Legislation

A copy of the FOI Act is available for your reference from:

www.legislation.gov.au/Browse/ByTitle/Acts/InForce/0/0/Principal

Review rights

Internal review

If you disagree with the decision, you have the right to apply for an internal review of the decision. If you wish to make a request for internal review this must be sent within 30 days of 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.reviews@border.gov.au

Review by the Office of the Australian Information Commissioner

You may apply directly to the Australian Information Commissioner for a review of the decision. You must apply in writing within 60 days of this notice. 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

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. Information about how to submit a complaint is also available at www.oaic.gov.au.

Contacting the FOI section

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

Yours sincerely

(signed electronically)

Helen Simons
FOI Officer
Freedom of Information, Privacy & Records Management Branch
Department of Immigration and Border Protection
Email: foi@border.gov.au

Attachment(s)

- ✓ Attachment A – Decision Record



Attachment A

DECISION RECORD

Request Details

FOI Request FA 17/04/00249
File Number ADF2017/37844

Original scope of request

1. On 4 April 2017 you requested:

- 1. All documents sent to all employees which explain what information about them was passed onto the ballot provider for each ballot.*
- 2. Any documents sent to the relevant decision maker(s) who approved the use of the data that was used in the ballots.*
- 3. Any documents which explain the rational for obtaining breakdowns of votes*
- 4. Any documents which mention benefits to the department or to the bargaining process in obtaining a breakdown of votes.*
- 5. Any documents between the departmental bargaining team and the departmental Executive which discuss breakdowns of votes and suggest how that information should be used or otherwise taken into consideration by the department.*
- 6. Any documents from the APSC that mention what information about employees can or should be used in ballots.*

Documents in scope

2. The relevant business area in the Department has advised that the Department does not hold this information in any documents or systems.

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 *Freedom of Information Act 1982*;
 - Consultations with relevant business areas; and
 - The Australian Information Commissioner's guidelines relating to access to documents held by government.

Decision

5. The Department has undertaken extensive searches of its holdings to identify any documents that would be relevant to your request. After consulting with the relevant business area I am satisfied that no documents (electronic or hard copy) have been identified that fall within the scope of your request. Therefore, as no documents exist, access to the requested documents is refused under s.24A(1) of the FOI Act.

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

23 June 2017