



Australian Government
Department of Immigration and Citizenship

19 September 2013

Mr Lawrence Bull
Email: foi+request-336-3342c33c@righttoknow.org.au

In reply please quote:

FOI Request FA 13/08/00262-R1
File Number ADF2013/25006

Dear Mr Bull

Freedom of Information request – Decision on access request

This letter refers to your request received on 2 August 2013 seeking access under the Freedom of Information Act 1982 (the FOI Act) to the following documents:

Attachment to Serco Incident Report 1-9JC23X

Decision

I am authorised under Section 23 of the *Freedom of Information Act 1982* (the FOI Act) to make a decision on your FOI request for internal review of a decision made by Amy Thompson on 23 August 2013. In reaching my decision, I have considered the following:

- The *Freedom of Information Act 1982*;
- Departmental documents; and
- The Freedom of Information Guidelines issued by OAIC.

I note that you have requested an internal review of the primary decision as it did not include the attachment to the Serco Incident report 1-9JC23X. I confirmed with the business area that the attachment fell within the scope of the primary request. I have varied the primary decision to include the attachment for release.

My decision is to release, in part, the attachment to the Serco Incident report 1-9JC23X. Further information regarding my decision is contained in the Decision Record accompanying this document.

Review Rights

Review by the Office of the Australian Information Commissioner

You may apply directly to the Australian Information Commissioner for a review of my decision. The OAIC has advised that ‘...going through the agency’s internal review process gives the agency the opportunity to reconsider its initial decision, and your needs may be met more quickly without undergoing an external review process’. For more information please see FOI fact sheet 12 ‘Freedom of information – Your review rights’, available online at www.oaic.gov.au.

If you wish to apply for review directly to the OAIC you must apply in writing within 60 days of this notice. You can lodge your application in one of the following ways:

people our business

6 Chan Street Belconnen ACT 2617

PO Box 25 BELCONNEN ACT 2616 • Telephone (02) 6264 1111 • Facsimile (02) 6225 6970 • Website: www.immi.gov.au

Post GPO Box 2999
 CANBERRA ACT 2601
or GPO Box 5218
 SYDNEY NSW 2001

Online www.oaic.gov.au
Email enquiries@oaic.gov.au
Fax +61 2 9284 9666

In person 4 National Circuit FORREST ACT
or Level 3, 175 Pitt Street SYDNEY NSW

An application form is available on the OAIC's website at www.oaic.gov.au. Your application should include a copy of the notice of the decision to which you are seeking review of, and your contact details. You should also set out why you are seeking a review of the decision.

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.

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.

Yours sincerely



Mel Heggart
FOI & Privacy Policy
Department of Immigration and Citizenship
Telephone 02 62643131
Email FOI@immi.gov.au

Attachments: Client Service Information, Decision Record, Schedule of Documents for release and Attachment to Serco Incident Report 1-9JC23X – 2 folios

CLIENT SERVICE INFORMATION

Client Service Charter

Our Client Service Charter explains our service commitment to you. We are committed to service delivery that is timely, open and accountable, and responsive to your needs. The Charter explains how you can help us and how you can provide feedback or make a complaint. You can read our Client Service Charter on our website, or in a printed copy available from any of our offices.

Service satisfaction

The department remains committed to ensuring that all clients, both in Australia and overseas, receive not only fair and reasonable treatment, but also an efficient standard of service that is sensitive to each client's needs.

To provide a compliment, complaint or suggestion you can:

- telephone the Global Feedback Unit on 13 31 77 during business hours
- complete a feedback form online at www.immi.gov.au
- write to:
The Manager
Global Feedback Unit
GPO Box 241
Melbourne VIC 3001
Australia
- contact us directly through any of our offices.



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DECISION RECORD

Client Details

FOI Request FA 13/08/00262-R1
File Number ADF2013/25006

Background to this request:

In your request for review you stated the following:

'I would like the Department to treat my email as a request for an internal review.'

On the basis of your request, I have varied the decision to include the Attachment to Serco Incident Report 1-9JC23X. This was not released as part of the primary decision.

Scope of your request:

'Attachment to Serco Incident Report 1-9JC23X'

Documents in scope

1. Attachment to Serco Incident Report 1-9JC23X – 2 folios

Information considered

I am a delegated decision maker under Section 23 of the *Freedom of Information Act 1982* (the FOI Act) to make a decision on your FOI request for internal review of a decision made by Amy Thompson on 23 August 2013. In reaching my decision, I have considered the following:

- The *Freedom of Information Act 1982*;
- Departmental files and/or documents (identified above);
- FOI Guidelines published by the Office of the Information Commissioner;

Reasons for decision

This letter is to advise you that I have made a formal decision to vary the primary decision of 23 August 2013 to include the Attachment to Serco Incident Report 1-9JC23X. My decision is to release, in part, the attachment to the Serco Incident report 1-9JC23X. My reasons for varying the decision are outlined below:

FREEDOM OF INFORMATION ACT 1982

SECT 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).

The use of exemptions under s47F(1) is to remove personal information of detainees. I do not believe it is reasonable to assume that those third parties would consent to their personal information being released to you. In assessing disclosure of personal information, I have considered the public interest in releasing this information.

Arguments in favour of disclosure of information include:

- a person having a general right of access to any material about them held by the government;
- applicants exercising rights under FOI; and
- accountability of departmental procedures.

Arguments against 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 involve unreasonable disclosure of an individual's personal information.

The information exempted within the Attachment to Serco Incident Report 1-9JC23X wholly relates to the personal information of detainees. The public interest in maintaining an individuals' right to privacy of their personal information held by the department outweighs any public interest in disclosure of this information. Furthermore, the release of such information does not benefit your request in my opinion. Names and personal information of individuals, whilst within scope, does not provide additional context to the information that has been released.

In conducting my review, I looked at the redactions applied to the Attachment to Serco Incident Report 1-9JC23X only. I would only consider releasing additional information if I believe redactions applied in the primary decision cannot be justified. I believe that redactions applied under s47F(1) are appropriate in this instance.

Based on your request for review, I am satisfied that the redactions applied in the primary Attachment to Serco Incident Report 1-9JC23X should stand and I will not be releasing any additional information.



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SCHEDULE OF DOCUMENTS TO DECISION RECORD

FOI Request FA13/08/00262R1

File Number ADF2013/25006

1. Document:

Pages	Description	Primary Decision	Legislation	Review Decision	Legislation
2	Attachment to Serco Incident Report 1-9JC23X	Not released		Release with exemption	47F(1)

Post Incident Review

Post Incident Review (Minor) Disturbance Minor 23.10.2011

This incident occurred on Sunday the 23rd of October.

Detainee's made a sign causing (minor) disturbance.

Client Background:

s. 47F(1)

Details of Incident:

Today being the 24th of October 2011 @ approximately 0830hrs A/CSM K Friedinger was informed by CSW A.Pursche that there was a sign put up in Queensland **s. 47F(1)** with the words "This is a place burry a young age". A/CSM K Friedinger attended **s. 47F(1)** Queensland with the assistance of the onsite interpreter and spoke to all residents. **s. 47F(1)**

[Redacted]

s. 47F(1)

[Redacted]

Conduct of Staff

- Staff handled the situation in a professional and appropriate manner.
- DIAC and SMT notified in the required allotted time frame.
- Incident was reported and placed on Portal.
- Interrupter was used to assist with translation.

Concerns/Issue for further Investigation

- There is a concern of the state of cleanliness of this s. 47F(1) [REDACTED] staff will need to monitor this regularly.

Recommendations

Serco and LWB staff to be extra vigilant and monitor and report any suspicious behavior. This also includes staff keeping up cleanliness checks.

Bryan Dyck
Client Service Manager
Pairh Residential Housing
4.11.2011