



1 August 2017

**In reply please quote:**

FOI Request FA 17/07/00782

File Number: ADF2017/78803

Asher Hirsch  
Via: the *Right to Know* website

Sent via email: [foi+request-3743-23e75437@righttoknow.org.au](mailto:foi+request-3743-23e75437@righttoknow.org.au)

Dear Mr Hirsch

**Notice under s.24AB of the *Freedom of Information Act 1982***

I am writing to you in relation to your request under the *Freedom of Information Act 1982* (the Act) on 24 July 2017 for:

*"During Senate Estimates on 27 February 2017, the Department outlined its new visa risk assessment digital capability. In particular, the Senate Estimates report notes that:*

*The department provided an update on its new visa risk assessment digital capability, an analytics intelligence program that uses 'predictive analytics, parameters, profiling [and] algorithms' to consolidate and analyse data in order to assess risk across entire visa classes. At a cost of \$100 million, it is anticipated that the program will be rolled out in a pilot form this year to assess risks against selected visa categories.*

*I request all documents related to this new visa risk assessment digital capability, the analytics intelligence program, and the pilot that will be rolled out this year.."*

I note that your request is currently due on 24 August 2017.

**Purpose of this notice**

The purpose of this notice is to advise you (as required under s.24AB of the Act) that I consider that a '*practical refusal reason*' exists under s. 24AA of the Act and that I am considering refusing access to the documents in the form requested, as provided under s.24 of the Act. My reasons are set out in this notice. You are invited to contact me to alter or narrow the scope of your request to ensure that no '*practical refusal reasons*' apply.

**Advice regarding practical refusal reasons**

The Act contains two '*practical refusal reasons*'. The first is that processing the request '*would substantially and unreasonably divert the resources of the agency from its other operation*' (s.24AA(1)(a)).

An agency may also refuse an FOI request if the agency is satisfied that the request does not *'provide such information concerning the document as is reasonably necessary to enable a responsible officer of the agency to identify'* the document in question (s.24AA(1)(b)).

It is the Department's view that where it appears that a request under the Act for access to documents is likely to take more than 40 hours to complete, the request should be assessed under s.24AA(1) of the Act to determine if a practical refusal reason exists in relation to the request. This balances the rights of applicants to seek information under the Act with the Departments need to appropriately allocate resources to its functions.

### **Application of s.24AA of the FOI Act to your request**

It is my view that the request, as it currently stands, satisfies the first practical refusal reason because it would take an unreasonable amount of time to assess the documents.

I have been advised that over 3,000 pages of documents have been produced for the Visa Risk Assessment cabinet process alone.

In calculating the processing time of this sample of documents at approximately five minutes per page, which includes ensuring all documentation has been sourced, compiling a schedule of documents and assessing and applying redactions, I estimate that it would take in excess of 250 hours to process the sample alone.

This estimate of documents does not include the following categories of documents, which I have been advised there are also substantial amounts:

- Information Communication Technology (ICT) architectural documents
- ICT specification documents
- Project documentation
- Reports and briefings to various sources relating to the Visa Risk Assessment.

As a result, I am satisfied that your request *would substantially and unreasonably divert the resources of the Department from its other operations*. Therefore, I am unable to progress your request until I have consulted with you on its scope.

### **Possible ways to reduce Scope**

In order to reduce the scope of your request you may wish to consider specifying a particular period of time (such as a few weeks), breadth of topic and/or the types of documents you are requesting. I regret that the Department is not in a position to divert resources to prepare a listing of the documents identified to date as this would take several days.

### **Consultation over scope**

You may consult with me on the scope during the **consultation period** which is from the date on this notice until close of business **15 August 2017**.

You may request that I extend the consultation period if you wish, by writing to me before the end of the consultation period at [foi@border.gov.au](mailto:foi@border.gov.au), (s.24AB(5)).

Please note that s.24AB(8) of the FOI Act provides the legislated processing time for your request is 'suspended' until you have either:

- revised the request or
- withdrawn the request or
- advised me that you do not intend to revise the request.

If you do not contact me in writing before the end of the consultation period (to either withdraw your request, revise or affirm the scope of your request, or ask for an extension of time to respond to the s.24AB notice) your request will be deemed to be withdrawn in accordance with s.24AB(7) of the Act.

I look forward to hearing from you shortly.

Yours sincerely

Authorised FOI Decision Maker  
Freedom of Information Section  
Department of Immigration and Border Protection  
Email: [foi@border.gov.au](mailto:foi@border.gov.au)