



12 September 2017

**In reply please quote**

FOI Request FA 17/08/00349  
File Number ADF2017/84968

Mr James Smith

Sent by email to: [foi+request-3967-9b3b292e@righttoknow.org.au](mailto:foi+request-3967-9b3b292e@righttoknow.org.au)

Dear Mr Smith,

**Freedom of Information request**

This letter refers to your request received on 8 August 2017 seeking access under the *Freedom of Information Act 1982* (the Act) to the following documents:

*I request documents related to the ten most recent instances where an employee has sought information, advice, guidance, or opinion on their social media use in a private capacity.*

*I limit the scope of documents to:*

- the original request from the employee*
- the agency/department's response*
- any follow-up questions and response*
- only those sent to a relevant HR / conduct / social media (or similar) team (rather than managers across all areas of the organisation)*
- where the original request was created in the last 2 years*

This letter is to provide you with the decision, which is set out in the attached Decision Record – Attachment A.

**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](http://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](mailto: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](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. Information about how to submit a complaint is also available at [www.oaic.gov.au](http://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)*

H Simons  
FOI Officer  
Department of Immigration and Border Protection  
Email: [foi@border.gov.au](mailto:foi@border.gov.au)

**Attachment(s)**

- ✓ Attachment A – Decision Record
- ✓ Attachment B – Schedule of documents
- ✓ Attachment C – Documents Released



## Attachment A

### DECISION RECORD

#### Request Details

FOI Request FA 17/08/00349  
File Number ADF2017/84968

#### Original scope of request

1. On 8 August 2017 you requested:

*I request documents related to the ten most recent instances where an employee has sought information, advice, guidance, or opinion on their social media use in a private capacity.*

*I limit the scope of documents to:*

- the original request from the employee
- the agency/department's response
- any follow-up questions and response
- only those sent to a relevant HR / conduct / social media (or similar) team (rather than managers across all areas of the organisation)
- where the original request was created in the last 2 years

#### Documents in scope

2. I have identified two documents relevant to your request. These documents are detailed at Attachment B - Schedule of Documents.

#### 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*;
  - The documents as listed in the Schedule of Documents;
  - Consultations with relevant business areas; and
  - The Australian Information Commissioner's guidelines relating to access to documents held by government;

## **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 reason(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.
8. Two documents, encompassing six pages, relevant to your request, have been located and are released to you with irrelevant material deleted under s.22(1)(a)(ii) of the FOI Act.
9. Following on from the email at page 1 of the documents released, dated 18 July 2017 1:53:00PM, the business area has advised that they provided verbal advice to the employee in this instance.

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

10. I find that 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 documents released.
11. The material deleted under s.22(1)(a)(ii) comprises the air date of the Border Security episode, as well as the names and contact details for non-Senior Executive Service Departmental staff. The intention to treat this information as irrelevant was advised to you in the Department's acknowledgment letter sent to you on 9 August 2017. You did not raise any objections to this approach.

*(signed electronically)*

H Simons  
Authorised decision maker  
Department of Immigration and Border Protection  
Email: [foi@border.gov.au](mailto:foi@border.gov.au)

12 September 2017



**Attachment B**

**SCHEDULE OF DOCUMENTS TO DECISION RECORD**

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No.	Date of document	Folio	Description	Relevant legislation (FOI Act)	
1.	18/07/2017	1-3	Internal email	Irrelevant material deleted	s.22(1)(a)(ii)
2.	18/07/2017	4-6	Internal email	Irrelevant material deleted	s.22(1)(a)(ii)