



In reply please quote:

FOI Request: MO 18 001

Mr Ben Fairless

BY EMAIL: foi+request-2360-f8cef0d4@righttoknow.org.au

Dear Mr Fairless

I refer to my correspondence to you of 2 November 2016 regarding your request access to documents held by the Minister for Immigration and Border Protection (the Minister) under the *Freedom of Information Act 1982* (the FOI Act).

I also refer to a decision of the Information Commissioner of 14 November 2017, which relates to my decision on your request. As you will be aware, the Information Commissioner has reviewed my decision, and directed that it be remade.

In accordance with the Information Commissioner's direction, further searches have been undertaken for documents which fall within the scope of your FOI request. This letter outlines the steps that have been taken to conduct further searches for the documents which you have requested, and my decision on your request following these searches.

1 Scope of Request

You have requested access to the following documents held by the Minister:

'a copy of all inbound and outbound chats in the 7 days prior to this request that was sent or received from the minister using any of the below applications:

- *WhatsApp*
- *Facebook Messneger [sic]*
- *Signal*
- *Telegram*
- *Grindr*
- *Scruff*
- *Tinder*
- *Email Accounts without a .gov.au email address.'*

2 Authority to make decision

I am authorised under section 23 of the FOI Act to make decisions to in respect of requests to access or annotate documents.

3 Relevant material

In reaching my decision, I have considered the following:

- the terms of your request;
- the FOI Act;
- Guidelines published by the Office of the Australian Information Commissioner under s 93A of the FOI Act.
- Correspondence from the Assistant Information Commissioner dated 24 October 2017; and
- The decision of the Australian Information Commissioner dated 14 November 2017

4 Decision on access

All reasonable steps have been taken to find documents which may fall within scope of your request. On the basis of these searches, I am satisfied that no documents exist.

My decision is based on the application of section 24A of the FOI Act.

5 Steps taken to search for the documents requested

The specific subject matter which you have sought is 'inbound and outbound chats in the 7 days prior' from the applications noted at paragraph 1 above. Given that the date of your FOI request is 19 October 2016, searches were undertaken for documents which may have been created, received or sent over the period 13-19 October 2016.

Searches were conducted for the presence of the applications specified in your FOI request on the electronic devices of staff members and the Minister.

These searches were undertaken over the period 20 November 2017 and 24 January 2018.

I also conducted a search of relevant record management systems, and held discussions with members of staff who may have knowledge of the existence, or former existence, of documents specified in your FOI request.

The outcome of these searches was to confirm that no documents falling within scope of the FOI request existed.

These searches were conducted by myself, and a written record of these searches was made as the searches were being conducted.

On the basis of these searches, and the provisions set out in section 24A of the FOI Act, I am satisfied that all reasonable steps were taken to locate documents which may fall within the scope of your request, and that no such documents exist. My decision on your FOI request reflects this outcome.

6 Contact

Should you wish to discuss this decision, please do not hesitate to contact the FOI Section at foi@border.gov.au.



21/2/18

Mark Dominick

Authorised decision maker

Office of the Minister for Home Affairs and Minister for Immigration and Border Protection