



Australian Government

Department of Immigration and Border Protection

Attachment A

DECISION RECORD

Request Details

FOI Request FA 14/03/00162

File Number ADF2014/7598

Scope of request

I request a copy of all emails, policies, procedures or other documents created by the Department which relate to the Department's use of s15(2)(c) of the FOI Act.

Furthermore I request a copy of all emails, policies, procedures or other documents created by the Department which relate to the Department's handling of complaints that come from the RightToKnow website (<http://www.righttoknow.org.au/>)

I wish to exclude clarification requests that were sent from the Department to FOI clients referencing s.15(2)(c).

I do not exclude communication with FOI clients where, for example, there is discussion around the use of s.15(2)(c) or where a FOI client has made a complaint to the Department on the use of s.15(2)(c).

Documents in scope

1. Correspondence regarding FOI request FA 13/08/00260 – containing 3 folios.
2. Correspondence regarding FOI request FA 13/08/00254 – containing 2 folios.
3. Correspondence regarding FOI request FA 14/02/01093 – containing 4 folios.

Authority to make decision

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

In reaching my decision, I have considered the following:

- ✓ the *Freedom of Information Act 1982*;
- ✓ departmental files and/or documents (identified above);
- ✓ the Australian Information Commissioner's Guidelines relating to access to documents held by government;
- ✓ the Department's FOI Handbook

Reasons for decision

I am satisfied that I have been provided with all the relevant documents to consider in my decision. I have considered the documents and am satisfied that no exemptions apply.

Therefore, I am releasing the relevant documents in full with irrelevant material removed under section 22(1)(a)(ii). I have included the extract of section 22(1)(a)(ii) from the FOI Act.



Shannon Bevan

Authorised decision maker

Position Number: 00003160

FOI and Privacy Policy Section

Ministerial, Executive and External Accountability Branch

Department of Immigration and Border Protection

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28 March 2014



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Department of Immigration and Border Protection

Attachment B

SCHEDULE OF DOCUMENTS TO DECISION RECORD

FOI Request FA 14/03/00162

File Number ADF2014/7598

1. Correspondence regarding FOI request FA 13/08/00260

Folio	Description	Decision	Legislation
1 & 3	Information regarded as irrelevant to the scope	Exempt in Part	s.22(1)(a)(ii)

2. Correspondence regarding FOI request FA 13/08/00254

Folio	Description	Decision	Legislation
1-2	Information regarded as irrelevant to the scope	Exempt in Part	s.22(1)(a)(ii)

3. Correspondence regarding FOI request FA 14/02/01093

Folio	Description	Decision	Legislation
1-4		Release in full	

Attachment D

22 Access to edited copies with exempt or irrelevant matter deleted

Scope

- (1) This section applies if:
 - (a) an agency or Minister decides:
 - (i) to refuse to give access to an exempt document; or
 - (ii) that to give access to a document would disclose information that would reasonably be regarded as irrelevant to the request for access; and
 - (b) it is possible for the agency or Minister to prepare a copy (an *edited copy*) of the document, modified by deletions, ensuring that:
 - (i) access to the edited copy would be required to be given under section 11A (access to documents on request); and
 - (ii) the edited copy would not disclose any information that would reasonably be regarded as irrelevant to the request; and
 - (c) it is reasonably practicable for the agency or Minister to prepare the edited copy, having regard to:
 - (i) the nature and extent of the modification; and
 - (ii) the resources available to modify the document; and
 - (d) it is not apparent (from the request or from consultation with the applicant) that the applicant would decline access to the edited copy.

Access to edited copy

- (2) The agency or Minister must:
 - (a) prepare the edited copy as mentioned in paragraph (1)(b); and
 - (b) give the applicant access to the edited copy.

Notice to applicant

- (3) The agency or Minister must give the applicant notice in writing:
 - (a) that the edited copy has been prepared; and
 - (b) of the grounds for the deletions; and
 - (c) if any matter deleted is exempt matter—that the matter deleted is exempt matter because of a specified provision of this Act.
- (4) Section 26 (reasons for decision) does not apply to the decision to refuse access to the whole document unless the applicant requests the agency or Minister to give the applicant a notice in writing in accordance with that section.