

E-mail Message

From: [Angela O'NEIL \[EX:/O=IMMI/OU=EXCHANGE ADMINISTRATIVE GROUP \(FYDIBOHF23SPDLT\)/CN=RECIPIENTS/CN=EXBTAB99\]](mailto:Angela.O'NEIL [EX:/O=IMMI/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=EXBTAB99]@righttoknow.org.au)
To: foi+request-326-c769057b@righttoknow.org.au [SMTP:foi+request-326-c769057b@righttoknow.org.au]
Cc:
Sent: 14/8/2013 at 1:32 PM
Received: 14/8/2013 at 1:32 PM
Subject: Your request FA 13/08/00260 [SEC=UNCLASSIFIED]

UNCLASSIFIED

Our references: FA 13/08/00260; ADF2013/25003

Dear [s. 22\(1\)\(a\)\(ii\)](#)

Thank you for confirming that you wish to wish to receive notices from DIAC via this email address and that DIAC can anticipate that you will respond to communications that are sent to you at this address. I am satisfied that the requirement in s.15(2)(c) of the Act is met and will progress your request accordingly.

Yours sincerely

Angela O'Neil
 Assistant Director

FOI & Privacy Policy
 Department of Immigration and Citizenship
 Telephone: (02) 6264 1382
 Email: HYPERLINK "mailto:xxx@xxxxx.xxx.xx"xxx@xxxxx.xxx.xx

UNCLASSIFIED

From: [s. 22\(1\)\(a\)\(ii\)](#) [mailto:[s. 22\(1\)\(a\)\(ii\)](#)]
Sent: Saturday, 10 August 2013 6:03 PM
To: FOI NSW
Subject: Your references: FA 13/08/00260; ADF2013/25003

I refer to your correspondence dated 9 August 2013 in response to my email of 24 July 2013 (the FOI request), under the Freedom of Information Act 1982 (Cth,) and asking that the Department of Immigration and Citizenship provide me with a copy of the following document:

- Incident Detail Report 1-2SOSIL from the Department's Compliance Case Management, Detention and Settlement Portal. I also requested any documents attached to the detailed report.

 Released by [DIP](#) under the
 Freedom of Information Act 1982

I would like to resolve any doubt you might have that the request was not made under the Freedom of Information Act 1982 (Cth). It was made under the Freedom of Information Act 1982 (Cth) ("the FOI Act").

In particular, I confirm that the email address provided in the request (the email address) is an address to which the Department can send notices.

You state you are not satisfied that the email address meets the requirement of 'details of how notices under this Act may be sent to the applicant', referencing section 15(2)(c).

I have noted the paradox that you have sent your notice to an email address which you say is not sufficient for the purposes of your considering the FOI request.

By sending your notice to the email address, I take it you are now satisfied that the email address meets the requirements of the FOI Act.

Further, subsection 15(2)(c) makes it clear that an electronic address meets this requirement. The full text reads:

"(c) give details of how notices under this Act may be sent to the applicant (for example, by providing an electronic address to which notices may be sent by electronic communication)".

The term "electronic communication" has the same meaning as in the Electronic Transactions Act 1999 (see FOI Act s4(1)).

That Act defines an "electronic communication" as follows:

"(a) a communication of information in the form of data, text or images by means of guided and/or unguided electromagnetic energy;

(b) a communication of information in the form of speech by means of guided and/or unguided electromagnetic energy, where the speech is processed at its destination by an automated voice recognition system."

It is clear enough that my request "provided details of how notices under the Act may be sent to [me]".

The email address provided in my request is an electronic address to which the Department may send notices by communication of information in the form of data, text or images by means of guided electromagnetic energy.

In the same way that Section 15(2A) authorised me to make my request by sending the application to an electronic address specified by the department, I designate this address as the detail required by Section 15(2)(c) of how a notice may be sent to me.

Released by DIBP under the
Freedom of Information Act 1982

Please note that sending notices to that email address is the only address to which notices may be sent in relation to the FOI request.

It is of no relevance that any notice sent to me at this electronic address subsequently may be published, on the internet or anywhere else by me or anybody else.

Yours sincerely

s. 22(1)(a)(ii)

Released by DIBP under the
Freedom of Information Act 1982