



24 June 2020

Mr J Smith

BY EMAIL: foi+request-6220-a7dfb17e@righttoknow.org.au

In reply please quote:

FOI Request: FA 20/03/00730

File Number: OBJ2020/8141

Dear Mr Smith

Freedom of Information (FOI) request - Access Decision

On 12 March 2020, the Department of Home Affairs (the Department) received a request for access to documents under the *Freedom of Information Act 1982* (the FOI Act).

The purpose of this letter is to provide you with a decision on your request for access under the FOI Act.

1 Scope of request

You have requested access to the following documents:

I wish to obtain a copy of all final reports delivered to the department, by either the firm McKinsey & Co, or Boston Consulting Group; since 18 September 2013.

Additionally, I wish to obtain a copy of all powerpoint presentations delivered to the department by either of those firms, since 18 September 2013.

Please narrow this request to only documents delivered by either of those groups to the department, stored in either a PDF, powerpoint, or word document format.

On 26 March 2020 the Department issued you a notice under section 24AB of the FOI Act advising you that a 'practical refusal reason' existed in relation to your request. You were advised that your request met the definition of a practical refusal reason in section 24AA(1) of the Act, as it appeared that the work involved in processing the request would 'substantially and unreasonably divert the resources' of the Department from its other operations.

On the same day, you replied to the Department and noted that under the FOI guidelines, poor record-keeping practices are not a valid reason for a department to refuse an FOI. You also agreed to revise the scope of your request to:

final reports, and final powerpoint presentations by McKinsey.

On 31 March 2020 the Department wrote to you to advise that the practical refusal reason continued to exist as the quantity of data held by the Department is extensive and you did not provide adequate detail to enable the Department to identify the particular subject matter of the reports you were seeking access to. As an alternative, you were provided the opportunity to limit your request to relevant records identified in reasonable searches of the Department's primary document management system HPETRIM to enable the request to proceed on the basis that the search of one primary system would not be an unreasonable diversion of resources.

On 1 April 2020 you agreed to limit your request to relevant records identified on the Department's primary document management system HPETRIM.

2 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 records.

3 Relevant material

In reaching my decision I referred to the following:

- the terms of your request
- the FOI Act
- Guidelines published by the Office of the Information Commissioner under section 93A of the FOI Act (the FOI Guidelines)

4 Documents in scope of request

The Department has undertaken reasonable searches in relation to the documents you have requested access to on the Department's primary document management system HPETRIM. The Department has not identified any final reports or presentations that were delivered to the Department by McKinsey.

Having regard to your request and the types of documents that may fall within the scope of your request I am satisfied that the searches conducted were extremely thorough and all reasonable steps have been taken to locate any document relevant to your request.

5 Decision

Section 24A of the FOI Act provides that the Department may refuse a request for access to a document if all reasonable steps have been taken to find the document and the Department is satisfied that the document does not exist.

I am satisfied that the Department has undertaken reasonable searches in relation to your request and that no documents were in the possession of the Department on 12 March 2020 when your FOI request was received. As such I am refusing access to the documents requested by you based on the application of section 24A of the FOI Act.

6 Legislation

A copy of the FOI Act is available at <https://www.legislation.gov.au/Series/C2004A02562>. If you are unable to access the legislation through this website, please contact our office for a copy.

7 Your Review Rights

Internal Review

If you disagree with this decision, you have the right to apply for an internal review by the Department of this decision. Any request for internal review must be provided to the Department within 30 days of you being notified of the decision. Where possible please attach reasons why you believe a 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:

By email to: foi.reviews@homeaffairs.gov.au

OR

By mail to:
Freedom of Information Section
Department of Home Affairs
PO Box 25
BELCONNEN ACT 2617

Review by the Office of the Australian Information Commissioner

You may apply directly to the Office of the Australian Information Commissioner (OAIC) for a review of this decision. You must apply in writing within 60 days of this notice. For further information about review rights and how to submit a request for a review to the OAIC, please see Fact Sheet 12 "Freedom of information – Your review rights", available online at <https://www.oaic.gov.au/freedom-of-information/foi-review-process>.

8 Making a Complaint

You may complain to the Australian Information Commissioner about action taken by the Department in relation to your request.

Your enquiries to the Australian Information Commissioner can be directed to:

Phone 1300 363 992 (local call charge)

Email enquiries@oaic.gov.au

There is no particular form required to make a complaint to the Australian Information Commissioner. The request should be in writing and should set out the grounds on which it is considered that the action taken in relation to the request should be investigated and identify the Department of Home Affairs as the relevant agency.

9 Contacting the FOI Section

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

[signed electronically]

Position Number: 60045423
Authorised Decision Maker
Department of Home Affairs