



FOI Reference: LEX 2698  
File No: 20/28097  
30 November 2020

Mr Elias Ross  
By email: [foi+request-6751-9adad8ae@righttoknow.org.au](mailto:foi+request-6751-9adad8ae@righttoknow.org.au)

Dear Mr Ross

I refer to your request of 24 September 2020 for access under the *Freedom of Information Act 1982* (the Act) to documents relating to the Sri Lanka country report, and to our subsequent consultation with you on the scope of your request.

On 14 October 2020 I notified you of my intention to refuse to process your FOI request on the grounds that this would require a substantial and unreasonable diversion of the department's resources. Following this notification, you agreed to rescope your request on 18 October 2020 to:

*"Please provide all communications, email correspondence and minutes of discussions between DFAT and the Sri Lankan Government (including from the Sri Lankan Attorney General's Department, the Sri Lankan Navy, Department of Immigration and Emigration, the State Intelligence Service, the Criminal Investigation Department or the Terrorism Investigation Division), and between DFAT and the International Organisation for Migration, used to compile the 'treatment of returnees' section of the latest 2019 Sri Lankan country report. This may include communications used to produce previous iterations of the report back to 2013."*

We have considered this revised request and unfortunately it is still too large to process. I am therefore notifying you of my decision to refuse your FOI request, in accordance with section 24(1)(b) of the Act. This decision is made on the grounds that processing the request would require a substantial and unreasonable diversion of the Department's resources.

In refusing your request, I have given consideration to how the department could proceed to process your request, and the time and resources that would be involved in doing so. I have consulted with colleagues in the Human Rights Policy and Social Inclusion Branch, South Asia Branch and Colombo Post to determine an estimate of the probable resource demands posed by your FOI request.

I have reached this decision based on the complexity and voluminous nature of your request, noting that your revised scope still captures an extremely high number of materials for which a manual review would be required in order to determine whether or not they are within the scope of your request.

This decision is subject to review. Information about seeking a review is set out below. Alternatively, you may wish to lodge a fresh FOI application with a revised scope.

## Notice of review rights

### Internal review

Under the provisions of section 54 of the FOI Act, you may apply in writing for an internal review of this decision.

Your application for review must be made within 30 days after you receive this decision and set out the reasons for requesting an internal review. There is no fee for requesting a review.

The request for review should be sent by email to [foi@dfat.gov.au](mailto:foi@dfat.gov.au) addressed to:

FOI and Privacy Law Section  
Corporate Law Branch  
Legal Division  
Department of Foreign Affairs and Trade  
R G Casey Building  
Barton ACT 0221

### Australian Information Commissioner

You can also request that the Australian Information Commissioner review this decision in accordance with section 54L of the FOI Act. This is called an 'Information Commissioner review' (IC review).

You must apply for IC review in writing and in most cases within 60 days of being notified of this decision. There is no fee for requesting a review.

Further information on applying for IC review (including the online review application form) is available on the website of the Office of Australian Information Commissioner (OAIC) and can be accessed using the following link: <https://www.oaic.gov.au/freedom-of-information/foi-review-process>

You can also make a complaint to the Australian Information Commissioner about the department's performance of its functions or the exercise of power under the FOI Act.

You can contact the OAIC by email to [enquiries@oaic.gov.au](mailto:enquiries@oaic.gov.au) or call the enquiries line on 1300 363 992.

Yours sincerely



Natalie Mendelsohn  
Director  
Freedom of Information and Privacy Law Section