



**OFFICE OF THE HON ANDREW GILES MP  
MINISTER FOR IMMIGRATION, CITIZENSHIP AND  
MULTICULTURAL AFFAIRS**

**Mr Oliver Smith**

Email to [foi+request-9634-dfd569a3@righttoknow.org.au](mailto:foi+request-9634-dfd569a3@righttoknow.org.au)

**In reply please quote:**

FOI Request: MO 22/12/00001

File Number: ADF2022/384330

Dear Mr Smith

**Freedom of Information (FOI) request – Access Decision**

On 30 November 2022, the Hon Andrew Giles, Minister for Immigration, Citizenship and Multicultural Affairs, 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:

*Under the Freedom of Information Act 1982 (FOI Act), I am seeking access to correspondence between the office of Minister for Immigration, Citizenship and Multicultural Affairs and/or the Department of Home Affairs and City of Darebin council and/or people making representations on behalf of City of Darebin council in regards to the issue of the City of Darebin council's right to hold citizenship ceremonies or lack thereof.*

*The documents I am seeking are from the period 22 May 2022 to the date this FOI is actioned.*

**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 documents relevant to the 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

I identified one document falling within the scope of your request. These documents were in the possession of the Minister's Office on 30 November 2022 when your request was received.

### 5 Decision

The decision in relation to the document is as follows:

- Release one document with exemptions and deletions

### 6 Reasons for Decision

Detailed reasons for my decision, as well as my findings of fact and reasons for deciding that the exemption provision applies to that information, are set out below.

#### *Irrelevant to request - Section 22 of the FOI Act*

Section 22 of the FOI Act provides that if giving access to a document would disclose information that would reasonably be regarded as irrelevant to the request, it is possible for an agency to prepare an edited copy of the document, modified by deletions, ensuring that the edited copy would not disclose any information that would reasonably be regarded as irrelevant to the request.

The document includes the names of administrative staff of the Minister's Office who extracted the document in scope for assessment.

I have decided that parts of documents marked 's22(1)(a)(ii)' would disclose information that could reasonably be regarded as irrelevant to your request. I have prepared an edited copy of the documents, with the irrelevant material deleted pursuant to section 22(1)(a)(ii) of the FOI Act.

#### *Personal Privacy - Section 47F of the FOI Act*

Section 47F of the FOI Act provides that a document is conditionally exempt if its disclosure under the FOI Act would involve the unreasonable disclosure of personal information of any person. 'Personal information' means information or an opinion about an identified individual, or an individual who is reasonably identifiable, whether the information or opinion is true or not, and whether the information or opinion is recorded in a material form or not (see section 4 of the FOI Act and section 6 of the *Privacy Act 1988*).

The document contains the personal phone number and non-public facing email address of the Mayor of Darebin City Council.

I consider that disclosure of the information marked 's47F' in the document would disclose personal information relating to this individual.

When deciding whether the disclosure of the personal information would be 'unreasonable', I considered:

- The information relating to the third parties is not well known and would only be known to a limited group of people with a business need to know. As this information is only known to a limited group of people, the individuals concerned are not generally known to be associated with the specific personal and private submissions discussed in the document. This information is also not available from publicly accessible sources.
- You have not provided any evidence to indicate that you have the consent of the individuals to access their personal information. It is not possible for the Minister's Office to consult with these individuals as to whether they consent for their personal information to be released to you and the world at large. I consider that any release of the personal information without express consent would be contrary to the *Privacy Act 1988*, and would therefore be an unreasonable disclosure of their personal information.

For the reasons set out above, I am satisfied that the disclosure of the information within the document would involve an unreasonable disclosure of personal information about a number of individuals.

I have decided that the information referred to above is conditionally exempt under section 47F of the FOI Act. Access to conditionally exempt documents must generally be given unless it would be contrary to the public interest to do so. I have turned my mind to whether disclosure of the information would be contrary to the public interest.

#### *The public interest – section 11A of the FOI Act*

Having regard to the objects of the FOI Act and the other factors listed in section 11B(3) of the FOI Act, I am satisfied that:

- Access to the documents would promote the objects of the FOI Act.
- The subject matter of the document does have the character of public importance and that there may be broad public interest in the document.
- No insights into public expenditure will be provided through examination of the document.
- You do not require access to the document in order to access your own personal information.

I have also considered the following factors that weigh against the release of the conditionally exempt information in the document:

- The Minister is committed to complying with his obligations under the *Privacy Act 1988*, which sets out standards and obligations that regulate how Ministers and Australian government agencies must handle and manage personal information. It is in the public interest that the Minister uphold the rights of individuals to privacy.

Upon balancing all of the above relevant public interest considerations, I have concluded that the disclosure of the conditionally exempt information in the document would be contrary to the public interest and it is therefore exempt from disclosure under the FOI Act.

## 7 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.

## 8 Your Review Rights

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 <https://www.oaic.gov.au/freedom-of-information/reviews-and-complaints/information-commissioner-review/>.

## 9 Making a Complaint

You may complain to the Australian Information Commissioner:

Phone - 1300 363 992 (local call charge)

Email - [enquiries@oaic.gov.au](mailto:enquiries@oaic.gov.au)

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 Minister for Immigration, Citizenship and Multicultural Affairs as the relevant agency.

## 10 Contacting the Minister's Office

Should you wish to discuss this decision, please do not hesitate to contact the Minister's Office via [foi@homeaffairs.gov.au](mailto:foi@homeaffairs.gov.au).

Yours sincerely

*[Electronically signed]*

Authorised Decision Maker  
Office of the Minister for Immigration, Citizenship and Multicultural Affairs

23 February 2023