



5 January 2018

BY EMAIL:

In reply please quote:
FOI Request: FA 16/10/01727

Dear [REDACTED]

Freedom of Information (FOI) request - Access Decision - Tranche 1

The purpose of this letter is to provide you with a decision in relation to some of documents identified as relevant to your 20 October 2016 request for access under the FOI Act. As you know, on 15 November 2017 the Australian Information Commissioner (IC) issued a decision ([2017] AICmr 116) directing the Department to process your request, and consistent with recent correspondence I am now in a position to make a decision on the first tranche (Tranche 1) of documents relevant to your request.

Scope of request

On 20 October 2016, you applied to the Department for access to:

All email correspondence to and from the departmental secretary heading up the review team into the 2000 Nauru incident reports that relate to the preparation, performance and finalisation of the review.

On 6 April 2017, you revised the scope of the request to:

- *All emails relating to the current scope but with the reduced timeframe of August 10 – October 20 (your email sought the scope be extended to 'October 30' which we take to have meant October 20 as that is the date of your request).*
- *Remove lists of incident reports and copies of detailed incident reports listed as attachments in the emails.*

I have interpreted the reference in your request to the 'departmental secretary heading up the review team' as being a reference to [REDACTED] who was the departmental officer appointed to oversee the review.

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.



Relevant material

In reaching this decision, I have considered:

- the terms of your request
- the Tranche 1 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)
- the Department's guidance material on the FOI Act.

Tranche 1 decision

I have considered and decided to release to you 41 documents, with redactions made pursuant to the exemptions in the FOI Act.

Reasons for Tranche 1 decision

In the schedule of documents at Annexure A to this decision I indicate the exemption provisions applied to each document. I will provide detailed reasons for my decision to apply redactions when I make and provide you with reasons for my final decision on all documents relevant to your request.

At this stage, I provide you with the following brief reasons as to why I have applied the exemptions indicated in the schedule.

Section 47F - personal privacy conditional exemption

I have carefully considered the documents and decided that for two broad reasons the disclosure of various references to individuals or other related identifying information would involve an unreasonable disclosure of personal information. Those reasons are:

- the relevant information could enable individuals whose circumstances are discussed in the documents to be identified, or
- the relevant information would disclose information that would identify more junior officers of the Department.

Section 47G(1)(a) – unreasonable adverse effect on business

There are a very small number of references in the documents to entities providing services to the Department the disclosure of which, in my view, could reasonably be expected to unreasonably affect the relevant business adversely, if disclosed. In my view, these references are conditionally exempt under section 47G(1)(a).

Section 47E(d) - certain operations of agencies

There are some small portions of text in a few documents the disclosure of which would, in my view, have a substantial adverse effect on the operations of the



Australian Government

Department of Home Affairs

Department as they relate to the processing of refugee claims. This material is in my view conditionally exempt from release on this basis.

Public interest

I am aware that information that is conditionally exempt under sections 47F, 47G and 47E must still be disclosed unless, on balance, disclosure at this time would be contrary to the public interest. In my view, having considered the public interest in favour and against disclosure, disclosure of the information I have decided to redact would be contrary to the public interest at this time.

Contacts and review rights

I understand the Department's legal representatives are providing you with my decision and you should contact them if you wish to discuss any aspect of this Tranche 1 decision. I understand you are aware of your rights of review.

Yours sincerely,



A/g Superintendent Offshore Operations Coordination Branch

ANNEXURE A

Document	Description	Decision	Exemptions
1	Email of 12 September 2016 at 10:58:30 PM	Release in part	s 47F
2	Email of 9 September 2016 at 3:29:20 PM	Release in part	s 47F
3	Email of 9 October 2016 at 9:25:51 AM	Release in part	s 47F
4	Email of 7 September 2016 at 4:02:00 PM	Release in part	s 47F
5	Email of 12 September 2016 at 4:23:30 PM	Release in part	s 47F
6	Email of 13 September 2016 at 4:39:00 PM	Release in part	s 47F
7	Email of 14 September 2016 at 4:50:00 PM	Release in part	s 47F
8	Email of 14 September 2016 at 6:14:31 PM	Release in part	s 47F
9	Email of 16 September 2016 at 4:41:28 PM	Release in part	s 47F
10	Undated email entitled 'CSS files'	Release in part	s 47F
11	Email of 19 September 2016 at 2:11:24 PM	Release in part	s 47F
12	Email of 19 September 2016 at 4:29:00 PM	Release in part	s 47F
13	Email of 19 September 2016 at 4:17:52 PM	Release in part	s 47F
14	Email of 19 September 2016 at 2:12:18 PM	Release in part	s 47F
15	Email of 19 September 2016 at 12:52:06 PM	Release in part	s 47F
16	Email of 20 September 2016 at 8:17:00 AM	Release in part	s 47F
17	Email of 27 September 2016 at 5:48:15 PM	Release in part	s 47F, s 47G
18	Email of 27 September 2016 at 5:30:45 PM	Release in part	s 47F, s 47G
19	Email of 27 September 2016 at 1:57:32 PM	Release in part	s 47F
20	Email of 4 October 2016 at 11:15:37 AM	Release in part	s 47F, s 47E(d), s 47G
21	Email of 5 October 2016 at 1:32:26 PM	Release in part	s 47F
22	Email of 13 October 2016 at 4:29:57 PM	Release in part	s 47F

ANNEXURE A

Document	Description	Decision	Exemptions
23	Email of 14 October 2016 at 5:14:46 PM	Release in part	s 47F
24	Supplementary Estimates – Key Brief – October 2016	Release in part	s 47F, s 47E(d), s 47G
25	Undated email entitled 'Formatting update'	Release in part	s 47F
26	Email of 17 October 2016 at 5:22:23 PM	Release in part	s 47F
27	Email of 19 October 2016 at 11:45:56 AM	Release in part	s 47F
28	Email of 21 October 2016 at 3:29:09 PM	Release in part	s 47F
29	Email of 25 October 2016 at 12:59:04 PM	Release in part	s 47F
30	Email of 7 September 2016 at 3:40:00 PM	Release in part	s 47F
31	Email of 12 September 2016 at 5:05:30 PM	Release in part	s 47F
32	Email of 8 September 2016 at 5:38:00 PM	Release in part	s 47F
33	Email of 8 September 2016 at 2:24 PM	Release in part	s 47F
34	Email of 8 September 2016 at 4:20:44 PM	Release in part	s 47F
35	Email of 12 September 2016 at 4:54:00 PM	Release in part	s 47F
36	Email of 13 October 2016 at 6:04:05 PM	Release in part	s 47F
37	Undated email entitled 'Accepted: SA cases'	Release in part	s 47F
38	Email of 19 September 2016 at 3:59:00 PM	Release in part	s 47F
39	Email of 19 September 2016 at 11:32:35 PM	Release in part	s 47F
40	Email of 14 September 2016 at 7:50:26 PM	Release in part	s 47F
41	Research Update dated 12 September 2016	Release in part	s 47F