

- A person or the general public is entitled to have access to documents containing decisions which affect them. Disclosure may reveal the reasons for decision;
- Inform debate on a matter of public importance; and
- The need for openness and accountability of the Department's operations.
- The extent to which the information is known by the public.

On the other hand I considered the following in favour of non-disclosure:

- An unfair advantage could be gained by knowledge of the operations of the Department;
- The Australian Public Service (APS) Values as set out in section 10 of the *Public Service Act 1999*; in particular
  - is a public service in which employment decisions are based on merit
  - provides a fair, flexible, safe and rewarding workplace
  - focuses on achieving results and managing performance
  - provides a fair system of review of decisions taken in respect of APS employees

The APS Values must be followed by every Commonwealth agency and I have given this the most weight. I therefore believe that releasing this information would be contrary to the public interest.

**END OPTION**

#### **OPTION – SECTION 47E(d) – Proper and efficient conduct**

For a document to be exempt under section 47E(d), I must be satisfied that there is a reasonable expectation that its disclosure will result in a substantial adverse effect on the Department's operations and that there is no overriding public interest in favour of disclosure.

In my opinion the documents listed in the Schedule as exempt under this section could reasonably be expected, if disclosed, to prejudice the effectiveness of the operations of this Department.

Having formed this view I then considered whether release of the documents would be contrary to the public interest.

I considered the following factors in favour of disclosure:

- There is a general public interest in making information held by the Government accessible to the public;
- A person or the general public is entitled to have access to documents containing decisions which affect them. Disclosure may reveal the reasons for decision;
- Inform debate on a matter of public importance; and
- The need for openness and accountability of the Department's operations.
- The extent to which the information is known by the public.

On the other hand I considered the following in favour of non-disclosure:

- An unfair advantage could be gained by knowledge of the operations of the Department;
- Reveal covert operating procedures, the release of which would require the Department to change the way it operates.

Releasing information about the way the Department operates may enable applicants to circumvent certain processes in the future. This would result in the Department having to continually change its processes at a cost to the Department. I have given this the most weight. I therefore believe that releasing this information would be contrary to the public interest.

**END OPTION**

**OPTION – SECTION 47E(d) – S501 - not identifying personal details of staff**  
**47E Public interest conditional exemptions—certain operations of agencies**

*A document is conditionally exempt if its disclosure under this Act would, or could reasonably be expected to, do any of the following:*

- (a) prejudice the effectiveness of procedures or methods for the conduct of tests, examinations or audits by an agency;*
- (b) prejudice the attainment of the objects of particular tests, examinations or audits conducted or to be conducted by an agency;*
- (c) have a substantial adverse effect on the management or assessment of personnel by the Commonwealth or by an agency;*
- (d) have a substantial adverse effect on the proper and efficient conduct of the operations of an agency.*

*Note: Access must generally be given to a conditionally exempt document unless it would be contrary to the public interest (see section 11A).*

For a document to be exempt under section 47E(d), I must be satisfied that there is a reasonable expectation that its disclosure will result in a substantial adverse effect on the Department's operations and that there is no overriding public interest in favour of disclosure.

In my opinion the documents listed in the Schedule as exempt under this section could reasonably be expected, if disclosed, to prejudice the effectiveness of the operations of this Department.

Staff in this Department are in a privileged position, both at the border and within the general community, to make decisions that affect an individual's safety, rights and freedoms. They are also responsible for ensuring the integrity of Australia's border to protect the community from organised crime and other illegal activities.

These roles expose both the Department and its staff to a broad range of risks. Departmental staff may be adversely affected, both in their personal lives and in their ability to perform their role, if information about who they are and the role that they perform within the Department is released publicly.

The Department is aware of, and concerned, that information held by the Department and information contained in decisions made by staff (and indeed the decision-making process itself) creates vulnerability which individuals in the community may seek to exploit. The Department actively takes such precautions as it can against such exploitation. Exploitation can include individuals using the identity of departmental staff, gained through the release of documents, to influence the outcome of a decision and/or policy or as an act of retribution, including through intimidation, harassment or threats to their physical safety.

This is not simply supposition, as there have been a number of actual and recent incidents where departmental staff and their families have been harassed and intimidated by members of the public and journalists following the release of their personal details.

In light of the Government's introduction of stronger anti-terrorism measures and the tightening of immigration laws, the Department assesses that the risk of intimidation and harassment of its staff will increase. As the checking and investigation processes of clients become more intrusive and time consuming, client frustration inevitably will occur. Frustration leads to anger which, in turn, increases the likelihood of attack – including physical harm.

To protect the Department's operations in maintaining current contact details and emails relating to particular staff members (which the Department would be forced to change to its disadvantage), I consider the documents are exempt in part pursuant to Section 47E(d) limited only to identifying details of staff.

Public Interest arguments:

The Department is of the view that it is not in the public interest to release the personal details of staff contained in the documents subject to consultation, for the reasons discussed above. The Department would argue that all the factors favouring access to the documents under s. 11B(3) would be met by the release, under s. 22(1), of an edited copy of the documents with personal details of staff deleted.

END OPTION

## Template – Section 47F – Personal information

### **47F Public interest conditional exemptions—personal privacy**

- (1) A document is conditionally exempt if its disclosure under this Act would involve the unreasonable disclosure of personal information about any person (including a deceased person).
- (2) In determining whether the disclosure of the document would involve the unreasonable disclosure of personal information, an agency or Minister must have regard to the following matters:
  - (b) the extent to which the information is well known;
  - (b) whether the person to whom the information relates is known to be (or to have been) associated with the matters dealt with in the document;
  - (c) the availability of the information from publicly accessible sources;
  - (d) any other matters that the agency or Minister considers relevant.
- (3) Subject to subsection (5), subsection (1) does not have effect in relation to a request by a person for access to a document by reason only of the inclusion in the document of matter relating to that person.

Access given to qualified person instead

- (4) Subsection (5) applies if:
  - (a) a request is made to an agency or Minister for access to a document of the agency, or an official document of the Minister, that contains information concerning the applicant, being information that was provided by a qualified person acting in his or her capacity as a qualified person; and
  - (b) it appears to the principal officer of the agency or to the Minister (as the case may be) that the disclosure of the information to the applicant might be detrimental to the applicant's physical or mental health, or well-being.
- (5) The principal officer or Minister may, if access to the document would otherwise be given to the applicant, direct that access to the document, so far as it contains that information, is not to be given to the applicant but is to be given instead to a qualified person who:
  - (a) carries on the same occupation, of a kind mentioned in the definition of **qualified person** in subsection (7), as the first-mentioned qualified person; and
  - (b) is to be nominated by the applicant.
- (6) The powers and functions of the principal officer of an agency under this section may be exercised by an officer of the agency acting within his or her scope of authority in accordance with arrangements referred to in section 23.
- (7) In this section:

**qualified person** means a person who carries on, and is entitled to carry on, an occupation that involves the provision of care for the physical or mental health of people or for their well-being, and, without limiting the generality of the foregoing, includes any of the following:

  - (a) a medical practitioner;
  - (b) a psychiatrist;
  - (c) a psychologist;
  - (d) a counsellor;
  - (e) a social worker.

*Note: Access must generally be given to a conditionally exempt document unless it would be contrary to the public interest (see section 11A).*

The documents that are exempt, either in full or in part, under section 47F of the FOI Act contain personal information.

#### OPTION – DOCUMENTS CONTAINING MULTIPLE CLIENT RECORDS

The Department will send emails and create documents containing records of multiple clients where the information is of the same nature. These documents can be placed on individual client files without the information of other clients being removed. This situation has occurred in relation to documents on your file.

#### END OPTION

Having formed the view that the documents are of a kind to which section 47F does apply, I am required to consider whether disclosure of the documents would be unreasonable. I took the following information into consideration:

- The information appears on a file that holds your personal information. This weighs in favour of the release being reasonable.
- The information is not your personal information. This weighs against the release being reasonable.
- Every person has the right to expect that their personal information will be securely maintained by the Department. This weighs against the release being reasonable.
- The information **does/does not** appear to be in the public forum. This weighs **in favour/against** the release being reasonable.
- The information in question had **an/no** effect on the outcome of your visa application. This weighs **in favour/against** the release being reasonable.

On balance I believe it would be unreasonable to release these documents in their complete format.

Having formed the view that the documents are of a kind to which section 47F(1) does apply, I am required to consider whether disclosure of the documents would be contrary to the public interest.

I have considered:

Arguments in favour of the disclosure of the documents include:

- a person having a general right of access to any material about them held by the government;
- there is a general public interest in making information held by the Government accessible to the public;
- a person or the general public is entitled to have access to documents containing decisions which affect them. Disclosure may reveal the reasons for decision;
- inform debate on a matter of public importance; and
- the need for openness and accountability of the Department's operations.
- the extent to which the information is known by the public.

Arguments that against disclosure of the documents include:

- it is a core Government concern to maintain the integrity of the information it holds and in the maintaining of an individual's privacy
- prejudice the fair treatment of individuals
- prejudice security, law enforcement, public health or safety

The information contained within the identified documents wholly relates to a person other than you. The Department is obliged to take action to prevent the unreasonable disclosure of an individual's personal information and I have given this the greatest weight.

I consider that disclosure of this information would be contrary to the public interest and it is therefore exempt from disclosure under section 47F of the FOI Act.

DRAFT

## Template – Section 47G – Business

### 47G Public interest conditional exemptions—business

- (1) A document is conditionally exempt if its disclosure under this Act would disclose information concerning a person in respect of his or her business or professional affairs or concerning the business, commercial or financial affairs of an organisation or undertaking, in a case in which the disclosure of the information:
  - (a) would, or could reasonably be expected to, unreasonably affect that person adversely in respect of his or her lawful business or professional affairs or that organisation or undertaking in respect of its lawful business, commercial or financial affairs; or
  - (b) could reasonably be expected to prejudice the future supply of information to the Commonwealth or an agency for the purpose of the administration of a law of the Commonwealth or of a Territory or the administration of matters administered by an agency.
- (2) Subsection (1) does not apply to trade secrets or other information to which section 47 applies.
- (3) Subsection (1) does not have effect in relation to a request by a person for access to a document:
  - (a) by reason only of the inclusion in the document of information concerning that person in respect of his or her business or professional affairs; or
  - (b) by reason only of the inclusion in the document of information concerning the business, commercial or financial affairs of an undertaking where the person making the request is the proprietor of the undertaking or a person acting on behalf of the proprietor; or
  - (c) by reason only of the inclusion in the document of information concerning the business, commercial or financial affairs of an organisation where the person making the request is the organisation or a person acting on behalf of the organisation.
- (4) A reference in this section to an undertaking includes a reference to an undertaking that is carried on by, or by an authority of, the Commonwealth, Norfolk Island or a State or by a local government authority.
- (5) For the purposes of subsection (1), information is not taken to concern a person in respect of the person's professional affairs merely because it is information concerning the person's status as a member of a profession.

*Note: Access must generally be given to a conditionally exempt document unless it would be contrary to the public interest (see section 11A).*

#### OPTION – Section 47G(1)(a) – affect business affairs

The documents that I have identified as being exempt under section 47G(1)(a) contain information that would disclose information concerning a person, business or organisation in respect of its lawful business, commercial or financial affairs.

I have decided that the disclosure of this information would or could reasonably be expected to, unreasonably affect that person, business or organisation in its lawful undertakings as there is an expectation that the Department would securely maintain any information provided to it.

Having formed the view that release of the documents would or could reasonably be expected to unreasonably affect that **person, business or organisation** I then considered whether the release would be contrary to the public interest.

I considered the following factors in favour of disclosure:

- the right for members of the public to access material about them held by the government, including information used in visa applications;
- applicants exercising rights under the FOI Act; and
- accountability of departmental procedures.

The arguments I have considered in favour of non-disclosure include:

- it is a core Government concern to maintain the integrity of the information it holds including information relating to the business, commercial and financial affairs of an organisation;
- the Department is obliged to take action to prevent the unreasonable disclosure of information that may be of commercial or financial value to an organisation.

I have given greatest weight to the Department's obligation to maintain the integrity of the information it holds. This would be contrary to the public interest.

I consider that disclosure of this information would be contrary to the public interest and it is therefore exempt from disclosure under section 47G(1)(a) of the FOI Act.

**END OPTION**

**OPTION – Section 47G(1)(b) – Prejudice future supply of information**

The documents that I have identified as being exempt under section 47G(1)(b) contain information that would disclose information concerning a **person, business or organisation** in respect of its lawful business, commercial or financial affairs.

I have decided that the disclosure of this information could reasonably be expected to prejudice the future supply of information to the Department for the purpose of the administration of a law of the Commonwealth. The Department often requests information from businesses and organisations on the understanding that the information will be maintained securely and only used for the purpose for which it was requested. If businesses and organisations cannot believe this, the information will not be provided.

Having formed the view that release of the documents could reasonably be expected to prejudice the future supply of information I then considered whether the release would be contrary to the public interest.

I considered the following factors in favour of disclosure:

- the right for members of the public to access material about them held by the government, including information used in visa applications;
- applicants exercising rights under the FOI Act; and
- accountability of departmental procedures.

The arguments I have considered in favour of non-disclosure include:

- it is a core Government concern to maintain the integrity of the information it holds including information relating to the business, commercial and financial affairs of an organisation;

- the Department relies on organisations providing documents to verify the validity of an applicant's request for immigration to Australia, releasing such documents may prejudice the future supply of such documents to the Department.

I have given greatest weight to the Department's obligation to maintain the integrity of the information it holds.

I consider that disclosure of this information would be contrary to the public interest and it is therefore exempt from disclosure under section 47G(1)(b) of the FOI Act.

DRAFT

## Template – Section 47H – Research

### ***47H Public interest conditional exemptions—research***

*A document is conditionally exempt if:*

- (a) it contains information relating to research that is being, or is to be, undertaken by an officer of an agency specified in Schedule 4; and*
- (b) disclosure of the information before the completion of the research would be likely unreasonably to expose the agency or officer to disadvantage.*

*Note: Access must generally be given to a conditionally exempt document unless it would be contrary to the public interest (see section 11A).*

DRAFT

## Template – Section 47J – The economy

### **47J Public interest conditional exemptions—the economy**

(1) A document is conditionally exempt if its disclosure under this Act would, or could be reasonably expected to, have a substantial adverse effect on Australia's economy by:

- (a) influencing a decision or action of a person or entity; or
- (b) giving a person (or class of persons) an undue benefit or detriment, in relation to business carried on by the person (or class), by providing premature knowledge of proposed or possible action or inaction of a person or entity.

*Note:* A person includes a body corporate and a body politic (see section 22 of the Acts Interpretation Act 1901). Examples of a body politic include the government of the Commonwealth, a State, a Territory or a foreign country.

(2) For the purposes of subsection (1), a substantial adverse effect on Australia's economy includes a substantial adverse effect on:

- (a) a particular sector of the economy; or
- (b) the economy of a particular region of Australia.

(2A) For the purposes of paragraph (2)(b), Norfolk Island is taken to be a region of Australia.

(3) The documents to which subsection (1) applies include, but are not limited to, documents containing matter relating to any of the following:

- (a) currency or exchange rates;
- (b) interest rates;
- (c) taxes, including duties of customs or of excise;
- (d) the regulation or supervision of banking, insurance and other financial institutions;
- (e) proposals for expenditure;
- (f) foreign investment in Australia;
- (g) borrowings by the Commonwealth, Norfolk Island, a State or an authority of the Commonwealth, of Norfolk Island or of a State.

*Note:* Access must generally be given to a conditionally exempt document unless it would be contrary to the public interest (see section 11A).

## Template – Notification of decision to refuse access s12

<<Current Date>>

«SendToTitleFirstnameSurname»  
«SendToTradingName»  
«SendToAddress3»  
«SENDOCTOITY» «SENDTOSTATE» «SENDOPOSTCODE»

### In reply please quote:

Client Name «ApplicantFirstnameMiddleSurname»  
Date of Birth «ApplicantDateOfBirth»  
Client ID «ApplicantClientID»  
FOI Request «CaseNumber»  
File Number «FOIV2\_Request\_ADF\_Number»

Dear «SendToTitle» «SendToSurname»

### Freedom of Information request – Decision on request - Access

#### OPTION – IF SENDING DECISION TO AN AGENT

«ApplicantFirstnameSurname», (the applicant), has authorised you to receive correspondence about their Freedom of Information request on their behalf. Correspondence will not be sent directly to the applicant. In this letter references to 'you' and 'your' relate to the applicant.

#### END OPTION

#### ADDITIONAL PARAGRAPH

On ### the former Department of Immigration and Border Protection received a request for access to documents under the Freedom of Information Act 1982 (the FOI Act).

On 20 December 2017 the Home Affairs Portfolio, including the Department of Home Affairs, was formally established. The Department of Home Affairs includes the entirety of the Department of Immigration and Border Protection, the Australian Border Force and the Office of Transport Security from within the Department of Infrastructure and Regional Development. It also includes specific functions from the Attorney-General's Department, the Department of Social Services and the Department of the Prime Minister and Cabinet.

As such a decision has now been made on your request by the Department of Home Affairs.

This letter refers to your request seeking access to the following documents:

<<insert details of the request as stated by the applicant>>

Subsection 12(1) of the FOI Act provides that the FOI Act does not apply to certain documents as follows:

### 12 Part not to apply to certain documents

(1) A person is not entitled to obtain access under this Part to:

- (a) a document, or a copy of a document, which is, under the Archives Act 1983, within the open access period within the meaning of that Act unless the document contains personal information (including personal information about a deceased person); or

- (b) a document that is open to public access, as part of a public register or otherwise, in accordance with another enactment, where that access is subject to a fee or other charge; or
- (ba) a document that is open to public access, as part of a land title register, in accordance with a law of a State or Territory where that access is subject to a fee or other charge; or
- (c) a document that is available for purchase by the public in accordance with arrangements made by an agency.

#### OPTION ARCHIVES DOCUMENTS 12(1)(a)

The documents you have requested are under the *Archives Act 1983*, within the open access period. You are not entitled to access these documents under the FOI Act.

You can apply for access directly to National Archives Australia as follows:

The National Archives of Australia  
PO Box 7425  
CANBERRA MAIL CENTRE ACT 2610

Telephone: 1300 886 881  
Fax: 1300 886 882  
Website: [www.naa.gov.au](http://www.naa.gov.au)

END OPTION

#### OPTION PUBLIC REGISTER FEE PAYABLE 12(1)(b)

The document you have requested would be available for a fee from <<country in which the event took place>>. You are not entitled to access this document under the FOI Act.

You can contact the relevant consulate to discuss how you can obtain this document. Telephone numbers and address details for consulates within Australia can be found in a telephone directory or on the internet.

END OPTION

#### OPTION AVAILABLE FOR A FEE FROM THE DEPARTMENT 12(1)(c)

The document you have requested is available for a fee from this Department. You are not entitled to access this document under the FOI Act.

To obtain a <<insert type of document>> you should complete the form <<insert form number>> and follow the instructions on the form. You can download this form from our website at [www.homeaffairs.gov.au](http://www.homeaffairs.gov.au).

END OPTION

#### Contacting the FOI section

I can be contacted at the telephone number or email address below.

#### Contacting the Department

You can contact us with a general enquiry in a number of ways including by email, through our website, by telephone through our Service Centres or offices around the world, or in person. In Australia you can call 13 18 81 between 9 am and 4 pm Monday to Friday. Details on contacting our offices outside Australia are available on our website at [www.homeaffairs.gov.au](http://www.homeaffairs.gov.au).

Yours sincerely

«Case Officer Firstname Surname»  
Position number  
FOI Officer  
Freedom of Information Melbourne  
Department of Home Affairs

Telephone «PhoneBH»  
Email «EMail»

DRAFT

## Template – s24A refusal

<<Current Date>>

«SendToTitleFirstnameSurname»

«SendToTradingName»

«SendToAddress3»

«SENTOCITY» «SENDTOSTATE» «SENDOPOSTCODE»

### In reply please quote:

Client Name «ApplicantFirstnameMiddleSurname»

Date of Birth «ApplicantDateOfBirth»

Client ID «ApplicantClientID»

FOI Request «CaseNumber»

File Number «FOIV2\_Request\_ADF\_Number»

Dear «SendToTitle» «SendToSurname»

### Freedom of Information request – Decision on request - Access

#### OPTION – IF SENDING DECISION TO AN AGENT

«ApplicantFirstnameSurname», (the applicant), has authorised you to receive correspondence about their Freedom of Information request on their behalf. Correspondence will not be sent directly to the applicant. In this letter references to 'you' and 'your' relate to the applicant.

#### END OPTION

#### ADDITIONAL PARAGRAPH

On ### the former Department of Immigration and Border Protection received a request for access to documents under the Freedom of Information Act 1982 (the FOI Act).

On 20 December 2017 the Home Affairs Portfolio, including the Department of Home Affairs, was formally established. The Department of Home Affairs includes the entirety of the Department of Immigration and Border Protection, the Australian Border Force and the Office of Transport Security from within the Department of Infrastructure and Regional Development. It also includes specific functions from the Attorney-General's Department, the Department of Social Services and the Department of the Prime Minister and Cabinet.

As such a decision has now been made on your request by the Department of Home Affairs.

This letter refers to your request seeking access to the following documents:

<<insert details of the request as stated by the applicant>>

### 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 Departmental records.

My decision is to refuse access under section 24A of the FOI Act. My reasons are listed below.

**24A Requests may be refused if documents cannot be found, do not exist or have not been received**

*Document lost or non-existent*

- (1) An agency or Minister may refuse a request for access to a document if:
- (a) all reasonable steps have been taken to find the document; and
  - (b) the agency or Minister is satisfied that the document:
    - (i) is in the agency's or Minister's possession but cannot be found; or
    - (ii) does not exist.

*Document not received as required by contract*

- (2) An agency may refuse a request for access to a document if:
- (a) in order to comply with section 6C, the agency has taken contractual measures to ensure that it receives the document; and
  - (b) the agency has not received the document; and
  - (c) the agency has taken all reasonable steps to receive the document in accordance with those contractual measures.

**OPTION DOCUMENTS CANNOT BE FOUND**

I have identified the following document/s as coming within the scope of your request.

No.	Description	Reference (if applicable)	No. of folios
1.			

I have taken the following actions and received the following responses to locate this document/s:

- Requested document from current location and received a written response that the document is not there and cannot be located
- Contacted the last person known to have possessed this document and received a written response that the document is not there and cannot be located
- Post an All Staff message/Newsflash on the Department's internal mail system and received no favourable responses
- *List any further action taken*

As the document cannot be found, I am refusing your request for access.

**END OPTION**

**OPTION DOCUMENT DOES NOT EXIST**

I have undertaken the following searches to identify the document/s you have requested:

- Searched the following departmental databases:
  - Integrated Client Services Environment (ICSE)
  - ICSE Offspring
  - TRIM – the Department's record management system
  - Movement records
- Contacted the following business areas:
  - *List any business areas contacted*

I have been unable to locate any documents within the scope of your request.

As the document does not exist, I am refusing your request for access.

**END OPTION**

**OPTION DOCUMENT DOES NOT EXIST – COPY OF AUSTRALIAN CITIZENSHIP CERTIFICATE FOR A PERSON WHO IS DECEASED**

The Department only prints one copy of an Evidence of Australian Citizenship. This copy is provided to the person when they are granted Australian Citizenship. The Department does not keep a copy of this document.

As the Department does not retain copies of Australian citizenship certificates the document you are requesting does not exist.

As the document does not exist, I am refusing your request for access.

You can request confirmation of Australian citizenship status of a deceased person by completing the form 1391 which is available for download from our website at [www.homeaffairs.gov.au](http://www.homeaffairs.gov.au).

**END OPTION**

**OPTION DOCUMENT NOT FORWARDED UNDER TERMS OF CONTRACT**

The document you have requested is in the possession of a company which has been contracted to undertake the provision of that service for this Department. I have taken the following steps to obtain the document:

- *List steps taken*

The company has not provided the document in response to my requests.

As the document has not been received by this Department I am refusing your request for access.

**END OPTION**

**Review rights**

**Internal review**

If you disagree with my decision, you have the right to apply for an internal review by the Department of a primary decision to refuse access to documents you have requested.

If you wish to make a request for internal review this must be sent within 30 days of being notified of the decision. Where possible please attach reasons why you believe 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:

Freedom of Information  
Department of Home Affairs  
Postal Address  
CITY STATE POSTCODE

Or email: [foi.vic@homeaffairs.gov.au](mailto:foi.vic@homeaffairs.gov.au)

**Information Commissioner review**

Under section 54L of the FOI Act, you may apply to the Australian Information Commissioner to review my decision. An application for review by the Information Commissioner must be made in writing within 60 days of the date of this letter, and be lodged in one of the following ways:

Online: [www.oaic.gov.au](http://www.oaic.gov.au)

Post: GPO Box 5218 Sydney NSW 2001  
Fax: +61 2 9284 9666  
Email: enquiries@oaic.gov.au

More information about Information Commissioner review is available on the Office of the Australian Information Commissioner website at [www.oaic.gov.au](http://www.oaic.gov.au).

### **How to make a complaint about the handling of your FOI request**

You may complain to the Australian Information Commissioner if you have concerns about how the Department has handled your request under the FOI Act.

Your complaint must be in writing and must specify the agency you are complaining about. You can send your complaint to the Australian Information Commissioner using the details above. A complaint form is also available at [www.oaic.gov.au](http://www.oaic.gov.au).

If you are unhappy with the Department's decision in this matter, you should ask for the decision to be reviewed, which is a separate process which has been outlined in the previous section.

### **Contacting the FOI Section**

If you wish to discuss this matter, I can be contacted using the details provided below.

### **Contacting the Department**

You can contact us with a general enquiry in a number of ways including by email, through our website, by telephone through our Service Centres or offices around the world, or in person. In Australia you can call 13 18 81 between 9 am and 4 pm Monday to Friday. Details on contacting our offices outside Australia are available on our website at [www.homeaffairs.gov.au](http://www.homeaffairs.gov.au).

Yours sincerely

«Case Officer Firstname Surname»  
Position number  
FOI Officer  
Freedom of Information Melbourne  
Department of Home Affairs

Telephone «PhoneBH»  
Email «EMail»

## Template – Withdrawn by client

<<Current Date>>

«SendToTitleFirstnameSurname»

«SendToTradingName»

«SendToAddress3»

«SENTOCITY» «SENDTOSTATE» «SENDOPOSTCODE»

### In reply please quote:

Client Name «ApplicantFirstnameMiddleSurname»

Date of Birth «ApplicantDateOfBirth»

Client ID «ApplicantClientID»

FOI Request «CaseNumber»

File Number «FOIV2\_Request\_ADF\_Number»

Dear «SendToTitle» «SendToSurname»

### Freedom of Information request – Notification of withdrawal of Access request

#### OPTION – IF SENDING DECISION TO AN AGENT

«ApplicantFirstnameSurname», (the applicant), has authorised you to receive correspondence about their Freedom of Information request on their behalf. Correspondence will not be sent directly to the applicant. In this letter references to 'you' and 'your' relate to the applicant.

#### END OPTION

#### ADDITIONAL PARAGRAPH

On ### the former Department of Immigration and Border Protection received a request for access to documents under the Freedom of Information Act 1982 (the FOI Act).

On 20 December 2017 the Home Affairs Portfolio, including the Department of Home Affairs, was formally established. The Department of Home Affairs includes the entirety of the Department of Immigration and Border Protection, the Australian Border Force and the Office of Transport Security from within the Department of Infrastructure and Regional Development. It also includes specific functions from the Attorney-General's Department, the Department of Social Services and the Department of the Prime Minister and Cabinet.

This letter refers to your request seeking access to the following documents:

<<insert details of the request as stated by the applicant>>

On <<insert date>> correspondence was received from you in which you advised that you wished to withdraw your request.

This request has been finalised in line with your correspondence. No further action will be taken on this request. You may lodge a new request for access at any time.

### Contacting the FOI Section

If you wish to discuss this matter, I can be contacted using the details provided below.

### How to make a complaint about the handling of your FOI request

You may complain to the Australian Information Commissioner if you have concerns about how the Department has handled your request under the FOI Act.

Your complaint must be in writing and must specify the agency you are complaining about. You can send your complaint to the Australian Information Commissioner using the following details:

Online: [www.oaic.gov.au](http://www.oaic.gov.au)  
Post: GPO Box 5218 Sydney NSW 2001  
Fax: +61 2 9284 9666  
Email: [enquiries@oaic.gov.au](mailto:enquiries@oaic.gov.au)

A complaint form is also available at [www.oaic.gov.au](http://www.oaic.gov.au).

### **Contacting the Department**

You can contact us with a general enquiry in a number of ways including by email, through our website, by telephone through our Service Centres or offices around the world, or in person. In Australia you can call 13 18 81 between 9 am and 4 pm Monday to Friday. Details on contacting our offices outside Australia are available on our website at [www.homeaffairs.gov.au](http://www.homeaffairs.gov.au).

Yours sincerely

«Case Officer Firstname Surname»  
Position number  
FOI Officer  
Freedom of Information Melbourne  
Department of Home Affairs

Telephone «PhoneBH»  
Email «EMail»

## Template – Partial Decision

<<Current Date>>

«SendToTitleFirstnameSurname»

«SendToTradingName»

«SendToAddress3»

«SENDOCTOCITY» «SENDTOSTATE» «SENDOPOSTCODE»

### In reply please quote:

Client Name «ApplicantFirstnameMiddleSurname»

Date of Birth «ApplicantDateOfBirth»

Client ID «ApplicantClientID»

FOI Request «CaseNumber»

File Number «FOIV2\_Request\_ADF\_Number»

Dear «SendToTitle» «SendToSurname»

### Freedom of Information request – Partial decision - Release of documents

#### OPTION – IF SENDING DECISION TO AN AGENT

«ApplicantFirstnameSurname», has authorised you to receive correspondence about their Freedom of Information request on their behalf. Correspondence will not be sent directly to the applicant. In this letter references to 'you' and 'your' relate to the applicant.

#### END OPTION

#### ADDITIONAL PARAGRAPH

On ### the former Department of Immigration and Border Protection received a request for access to documents under the Freedom of Information Act 1982 (the FOI Act).

On 20 December 2017 the Home Affairs Portfolio, including the Department of Home Affairs, was formally established. The Department of Home Affairs includes the entirety of the Department of Immigration and Border Protection, the Australian Border Force and the Office of Transport Security from within the Department of Infrastructure and Regional Development. It also includes specific functions from the Attorney-General's Department, the Department of Social Services and the Department of the Prime Minister and Cabinet.

As such a decision has now been made on your request by the Department of Home Affairs.

This letter refers to your request seeking access to the following documents:

<<insert details of the request as stated by the applicant>>

#### OPTION REDEFINED SCOPE

As discussed during our follow up telephone conversation on <<date of telephone call>> **OPTION REDEFINING LETTER** and referenced in my followup letter of <<date>>, **END OPTION** the scope of your request has been redefined as <<restate the request after the conversation>>.

OR

Your follow-up letter of <<date>> confirms the scope of your request has been redefined as <<restate the request as stated in the letter>>  
**END OPTION**

To date we have not received all the documents within the scope of your request. The following is a decision on those documents we have received. Once the outstanding documents have been received in this section, they will be assessed and you will be notified of the decision on those documents.

### 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 Departmental records. In reaching my decision, I have considered the following:

- The *Freedom of Information Act 1982*;
- Departmental files and/or documents (below/Decision Record);
- The Information Commissioner guidelines;
- The Department's Freedom of Information handbook; and
- Any other information considered.

### OPTION RELEASED IN FULL

#### Documents assessed

No.	Description	Reference (if applicable)	No. of folios
1.			

My decision on the documents currently before me is to release these documents in full.

I will make a decision on the outstanding documents as soon as possible.

**END OPTION**

### OPTION RELEASE IN PART

My decision is to release, in part, the documents within the scope of your request. Please see the attached Decision Record and Schedule of Documents for information on those documents which have been exempted as part of this decision.

I will make a decision on the outstanding documents as soon as possible.

**END OPTION**

### OPTION REFUSED IN FULL

My decision is to refuse in full the documents within the scope of your request. Please see the attached Decision Record and Schedule of Documents which will explain why these documents have been exempted.

I will make a decision on the outstanding documents as soon as possible.

**END OPTION**

### Review rights

#### Internal review

If you disagree with my decision, you have the right to apply for an internal review by the Department of a primary decision to refuse access to documents you have requested.

If you wish to make a request for internal review this must be sent within 30 days of being notified of the decision. Where possible please attach reasons why you believe 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:

Freedom of Information  
Department of Home Affairs  
Postal Address  
CITY STATE POSTCODE

Or email: [foi.vic@homeaffairs.gov.au](mailto:foi.vic@homeaffairs.gov.au)

#### **Information Commissioner review**

Under section 54L of the FOI Act, you may apply to the Australian Information Commissioner to review my decision. An application for review by the Information Commissioner must be made in writing within 60 days of the date of this letter, and be lodged in one of the following ways:

Online: [www.oaic.gov.au](http://www.oaic.gov.au)  
Post: GPO Box 5218 Sydney NSW 2001  
Fax: +61 2 9284 9666  
Email: [enquiries@oaic.gov.au](mailto:enquiries@oaic.gov.au)

More information about Information Commissioner review is available on the Office of the Australian Information Commissioner website at [www.oaic.gov.au](http://www.oaic.gov.au).

#### **How to make a complaint about the handling of your FOI request**

You may complain to the Australian Information Commissioner if you have concerns about how the Department has handled your request under the FOI Act.

Your complaint must be in writing and must specify the agency you are complaining about. You can send your complaint to the Australian Information Commissioner using the details above. A complaint form is also available at [www.oaic.gov.au](http://www.oaic.gov.au).

If you are unhappy with the Department's decision about giving or refusing access to documents, you should ask for the decision to be reviewed, which is a separate process which has been outlined in the previous section.

#### **Contacting the FOI section**

If you wish to discuss this matter, I can be contacted using the details provided below.

#### **Contacting the Department**

You can contact us with a general enquiry in a number of ways including by email, through our website, by telephone through our Service Centres or offices around the world, or in person. In Australia you can call 13 18 81 between 8.30 am and 4.30 pm Monday to Friday. Details on contacting our offices outside Australia are available on our website at [www.homeaffairs.gov.au](http://www.homeaffairs.gov.au).

Yours sincerely

«Case Officer Firstname Surname»  
Position number  
FOI Officer  
Freedom of Information Melbourne

Department of Home Affairs

Telephone «PhoneBH»  
Email «EMail»

**Attachment(s)**

**Decision Record**

**Schedule of Documents**

**Documents released: <<specify (copy) documents released that is, restate documents in scope>>**

DRAFT

## Template – Decision – Released in full

<<Current Date>>

«SendToTitleFirstnameSurname»

«SendToTradingName»

«SendToAddress3»

«SENTOCITY» «SENDTOSTATE» «SENDOPOSTCODE»

### In reply please quote:

Client Name «ApplicantFirstnameMiddleSurname»

Date of Birth «ApplicantDateOfBirth»

Client ID «ApplicantClientID»

FOI Request «CaseNumber»

File Number «FOIV2\_Request\_ADF\_Number»

Dear «SendToTitle» «SendToSurname»

### Freedom of Information request – Release of documents

#### OPTION – IF SENDING DECISION TO AN AGENT

«ApplicantFirstnameSurname», (the applicant) has authorised you to receive correspondence about their Freedom of Information request on their behalf. Correspondence will not be sent directly to the applicant. In this letter references to 'you' and 'your' relate to the applicant.

#### END OPTION

#### ADDITIONAL PARAGRAPH

On ### the former Department of Immigration and Border Protection received a request for access to documents under the Freedom of Information Act 1982 (the FOI Act).

On 20 December 2017 the Home Affairs Portfolio, including the Department of Home Affairs, was formally established. The Department of Home Affairs includes the entirety of the Department of Immigration and Border Protection, the Australian Border Force and the Office of Transport Security from within the Department of Infrastructure and Regional Development. It also includes specific functions from the Attorney-General's Department, the Department of Social Services and the Department of the Prime Minister and Cabinet.

As such a decision has now been made on your request by the Department of Home Affairs.

This letter refers to your request seeking access to the following documents:

<<insert details of the request as stated by the applicant>>

#### OPTION REDEFINED SCOPE

As discussed during our follow up telephone conversation on <<date of telephone call>> **OPTION REDEFINING LETTER** and referenced in my follow up letter of <<date>>, **END OPTION** the scope of your request has been redefined as <<restate the request after the conversation>>.

OR

Your follow-up letter of <<date>> confirms the scope of your request has been redefined as <<restate the request as stated in the letter>>.

END OPTION

#### OPTION – COMPLETE PARTIAL DECISION

On <<date>> you were sent a partial decision on this request. I am now advising you of the decision in relation to the remaining documents.

END OPTION

#### 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 departmental records. In reaching my decision, I have considered the following:

- The *Freedom of Information Act 1982*
- Departmental files and/or documents (identified below)
- The Information Commissioner Guidelines
- The Department's Freedom of Information handbook.

My decision is to release, in full, the documents within the scope of your request.

#### Documents in scope

No.	Description	Reference (if applicable)	No. of folios
1.			

#### Review rights

##### Internal review

If you disagree with my decision, you have the right to apply for an internal review by the Department of a primary decision to refuse access to documents you have requested.

If you wish to make a request for internal review this must be sent within 30 days of being notified of the decision. Where possible please attach reasons why you believe 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:

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Department of Home Affairs  
Postal Address  
CITY STATE POSTCODE

Or email: [foi.vic@homeaffairs.gov.au](mailto:foi.vic@homeaffairs.gov.au)

##### Information Commissioner review

Under section 54L of the FOI Act, you may apply to the Australian Information Commissioner to review my decision. An application for review by the Information Commissioner must be made in writing within 60 days of the date of this letter, and be lodged in one of the following ways:

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If you are unhappy with the Department's decision about giving or refusing access to documents, you should ask for the decision to be reviewed, which is a separate process which has been outlined in the previous section.

### **Contacting the FOI section**

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### **Contacting the Department**

You can contact us with a general enquiry in a number of ways including by email, through our website, by telephone through our Service Centres or offices around the world, or in person. In Australia you can call 13 18 81 between 8.30 am and 4.30 pm Monday to Friday. Details on contacting our offices outside Australia are available on our website at [www.homeaffairs.gov.au](http://www.homeaffairs.gov.au).

Yours sincerely

«Case Officer Firstname Surname»  
Position number  
FOI Officer  
Freedom of Information Melbourne  
Department of Home Affairs

Telephone «PhoneBH»  
Email «EMail»

### **Attachment(s)**

**Documents released:** <<specify (copy) documents released that is, restate documents in scope>>

## Template – Decision – Refused/exempt in part or full

<<Current Date>>

«SendToTitleFirstnameSurname»

«SendToTradingName»

«SendToAddress3»

«SENDOCTOITY» «SENDTOSTATE» «SENDOPOSTCODE»

### In reply please quote:

Client Name «ApplicantFirstnameMiddleSurname»

Date of Birth «ApplicantDateOfBirth»

Client ID «ApplicantClientID»

FOI Request «CaseNumber»

File Number «FOIV2\_Request\_ADF\_Number»

Dear «SendToTitle» «SendToSurname»

### Freedom of Information request – Release of documents

#### OPTION – IF SENDING DECISION TO AN AGENT

«ApplicantFirstnameSurname», (the applicant) has authorised you to receive correspondence about their Freedom of Information request on their behalf. Correspondence will not be sent directly to the applicant. In this letter references to 'you' and 'your' relate to the applicant.

#### END OPTION

#### ADDITIONAL PARAGRAPH

On ### the former Department of Immigration and Border Protection received a request for access to documents under the Freedom of Information Act 1982 (the FOI Act).

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As such a decision has now been made on your request by the Department of Home Affairs.

This letter refers to your request seeking access to the following documents:

<<insert details of the request as stated by the applicant>>

#### OPTION REDEFINED SCOPE

As discussed during our follow up telephone conversation on <<date of telephone call>> **OPTION REDEFINING LETTER** and referenced in my followup letter of <<date>>, **END OPTION** the scope of your request has been redefined as <<restate the request after the conversation>>.

#### OR

Your follow-up letter of <<date>> confirms the scope of your request has been redefined as <<restate the request as stated in the letter>>

END OPTION

**OPTION – COMPLETE PARTIAL DECISION**

On <<date>> you were sent a partial decision on this request. I am now advising you of the decision in relation to the remaining documents.

END OPTION

**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 departmental records. In reaching my decision, I have considered the following:

- The *Freedom of Information Act 1982*;
- Departmental files and/or documents (Decision Record);
- The Information Commissioner guidelines;
- The Department's Freedom of Information handbook

**OPTION RELEASE IN PART**

My decision is to release, in part, the documents within the scope of your request. Please see the attached Decision Record and Schedule of Documents for information on those documents which have been exempted or refused as part of this decision.

END OPTION

**OPTION REFUSED IN FULL**

My decision is to refuse/exempt in full the documents within the scope of your request. Please see the attached Decision Record and Schedule of Documents which will explain why these documents have been exempted.

**Review rights**

**Internal review**

If you disagree with my decision, you have the right to apply for an internal review by the Department of a primary decision to refuse access to documents you have requested.

If you wish to make a request for internal review this must be sent within 30 days of being notified of the decision. Where possible please attach reasons why you believe 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.

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Department of Home Affairs  
Postal Address  
CITY STATE POSTCODE

Or email: [foi.vic@homeaffairs.gov.au](mailto:foi.vic@homeaffairs.gov.au)

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If you are unhappy with the Department's decision about giving or refusing access to documents, you should ask for the decision to be reviewed, which is a separate process which has been outlined in the previous section.

### **Contacting the FOI section**

If you wish to discuss this matter, I can be contacted using the details provided below.

### **Contacting the Department**

You can contact us with a general enquiry in a number of ways including by email, through our website, by telephone through our Service Centres or offices around the world, or in person. In Australia you can call 13 18 81 between 8.30 am and 4.30 pm Monday to Friday. Details on contacting our offices outside Australia are available on our website at [www.homeaffairs.gov.au](http://www.homeaffairs.gov.au).

Yours sincerely

«Case Officer Firstname Surname»  
Position number  
FOI Officer  
Freedom of Information Melbourne  
Department of Home Affairs

Telephone «PhoneBH»  
Email «EMail»

### **Attachment(s)**

#### **Decision Record**

#### **Schedule of Documents**

**Documents released:** <<specify (copy) documents released that is, restate documents in scope>>

## Template – Additional standard paragraphs for access deferred decisions

I have decided that the following documents should be released in full or part as per the schedule of documents attached to this decision.

<<Insert extract from schedule ensuring descript of documents where access is being deferred does not contain so much information that deferral of access is overridden>>

While the decision has been made to release these documents, I am unable to forward a copy of these documents at this time for the following reason:

### OPTION – SECTION 21 DEFERMENT OF ACCESS

Section 21 of the FOI Act provides reasons for deferring access as follows:

#### 21 Deferral of access

- (1) *An agency which, or a Minister who, receives a request may defer the provision of access to the document concerned:*
  - (a) *if the publication of the document concerned is required by law—until the expiration of the period within which the document is required to be published; or*
  - (b) *if the document concerned has been prepared for presentation to Parliament or for the purpose of being made available to a particular person or body or with the intention that it should be so made available—until the expiration of a reasonable period after its preparation for it to be so presented or made available; or*
  - (c) *if the premature release of the document concerned would be contrary to the public interest—until the occurrence of any event after which or the expiration of any period of time beyond which the release of the document would not be contrary to the public interest; or*
  - (d) *if a Minister considers that the document concerned is of such general public interest that the Parliament should be informed of the contents of the document before the document is otherwise made public—until the expiration of 5 sitting days of either House of the Parliament; or*
  - (e) *if:*
    - (i) *the request is received by a Norfolk Island Minister or a Norfolk Island authority; and*
    - (ii) *a Norfolk Island Minister considers that the document concerned is of such general public interest that the Legislative Assembly of Norfolk Island should be informed of the contents of the document before the document is otherwise made public; until the end of 5 sitting days of the Legislative Assembly of Norfolk Island.*
- (2) *Where the provision of access to a document is deferred in accordance with subsection (1), the agency or Minister shall, in informing the applicant of the reasons for the decision, indicate, as far as practicable, the period for which the deferment will operate.*

<<Insert reasons, which will generally fall into (b), (c) or (d). A public interest argument must contain weighting. The argument should not reveal the content of the documents on which you are deferring access.>>

END OPTION

### OPTION – AFFECTED 3<sup>RD</sup> PARTY REVIEW RIGHTS

The documents in question contain information which affects a third party.

Section 54A and 54M of the FOI Act provide a right of review on an access grant decision where the document concerns an affected third party.

As the review right exists, I am unable to provide these documents until the review and appeal period is completed. The minimum time for this is 30 days if no review request is lodged by the affected third party.

If a review request is lodged you will be advised of this. Once the review and appeal process is completed you will be advised of the final decision and provided with any documents which may then be released.

END OPTION

DRAFT

## Template – Invalid Amendment request

<<Current Date>>

«SendToTitleFirstnameSurname»  
«SendToTradingName»  
«SendToAddress3»  
«SENDOCTOITY» «SENDTOSTATE» «SENDOPOSTCODE»

### In reply please quote:

Client Name «ApplicantFirstnameMiddleSurname»  
Date of Birth «ApplicantDateOfBirth»  
Client ID «ApplicantClientID»  
FOI Request «CaseNumber»  
File Number «FOIV2\_Request\_ADF\_Number»

Dear «SendToTitle» «SendToSurname»

### Freedom of Information request – Invalid amendment request

#### OPTION – IF SENDING DECISION TO AN AGENT

«ApplicantFirstnameSurname», (the applicant), has authorised you to receive correspondence about their Freedom of Information request on their behalf. Correspondence will not be sent directly to the applicant. In this letter references to 'you' and 'your' relate to the applicant.

#### END OPTION

This letter refers to a request under the *Freedom of Information Act 1982* (the FOI Act) received on <date>.

Your application is unable to be processed at this time for the following reason:

#### OPTION INSUFFICIENT INFORMATION

##### **49 Requirements of an application for amendment**

*An application for amendment must:*

- (a) *be in writing; and*
- (b) *as far as practicable, specify:*
  - (i) *the document or official document containing the record of personal information that is claimed to require amendment; and*
  - (ii) *the information that is claimed to be incomplete, incorrect, out of date or misleading; and*
  - (iii) *whether the information is claimed to be incomplete, incorrect, out of date or misleading; and*
  - (iv) *the applicant's reasons for so claiming; and*
  - (v) *the amendment requested by the applicant; and*
- (c) *specify an address in Australia to which a notice under this Part may be sent to the applicant; and*
- (d) *be sent by post to the agency or Minister, or delivered to an officer of the agency or a member of the staff of the Minister, at the address of the office of the agency or Minister (as the case may be) determined in accordance with paragraph 15(2)(d).*

Section 49 of the FOI Act requires that a request must as far as practicable identify the documents containing the record that is claimed to require amendment, specify the information that is claimed to be incorrect, incomplete, misleading out of date, the

reasons for claiming this and the information believed to be correct. You have not provided this information.

In order to assist you to lodge a valid FOI request, I have enclosed a form 424C. You should complete as much of the form as possible paying particular attention to questions 12, 13 and 14. By completing these questions with as much information as possible you will be making a valid request.

**END OPTION**

#### **OPTIONS – REQUEST NOT LODGED BY PERSON TO WHOM THE PERSONAL INFORMATION RELATES**

##### **48 Application for amendment or annotation of personal records**

*Where a person claims that a document of an agency or an official document of a Minister to which access has been lawfully provided to the person, whether under this Act or otherwise, contains personal information about that person:*

- (a) that is incomplete, incorrect, out of date or misleading; and*
- (b) that has been used, is being used or is available for use by the agency or Minister for an administrative purpose;*

*the person may apply to the agency or Minister for:*

- (c) an amendment; or*
- (d) an annotation;*

*of the record of that information kept by the agency or Minister.*

#### **OPTION UNABLE TO IDENTIFY APPLICANT**

You have not provided any evidence of your identity. <<or The identity documents and information you have submitted with your request do not provide sufficient evidence to show that personal information you are requesting be amended/annotated is your personal information.>> As only the person whom the personal information is about can apply I am refusing your request.

If you wish to lodge a new request you must provide evidence to show that the personal information you are requesting be amended/annotated is your personal information. You may be able to do this by providing further documentation including but not limited to the following:

- Your original travel document to Australia
- Copies of any letters that you have received from the Department
- Evidence of your change of name
- Utility bills or bank statements showing your name and address
- A statement explaining why your identity documents contain different details to those held by the Department

**END OPTION**

#### **OPTION DECEASED PERSON**

Section 48 of the FOI Act states that a person may apply to amend or annotate records of information kept by an agency or Minister where that information is personal information about that person. The Department has received a legal opinion advising that an application from a third party to amend the person information of a deceased person would be invalid.

As <<insert name>> is deceased and cannot lodge a valid application I am refusing this request as it is invalid.

According to departmental records, file number <<insert file number>> relates to <<insert name>> applications lodged with this Department. This file is located within

the Department/at National Archives of Australia. **OPTION** As these records are over 20 years old, they are subject to *the Australian Archive Act 1983*. **END OPTION**

Should you require a copy of documents relating to <<insert name>> you can lodge a request for access to those documents as follows:

- Direct to National Archive of Australia at the following address:

The National Archives of Australia  
PO Box 7425  
CANBERRA MAIL CENTRE ACT 2610

Telephone: 1300 886 881  
Fax: 1300 886 882  
Website: [www.naa.gov.au](http://www.naa.gov.au)

- Completing a form 424A (enclosed) and lodging it at the following address:

Freedom of Information  
Department of Home Affairs  
PO BOX number  
CITY STATE POSTCODE

By email: [foi.vic@homeaffairs.gov.au](mailto:foi.vic@homeaffairs.gov.au)

As this request relates to personal information of a person other yourself, it will be assessed against section 47F(1) which states:

*(1) A document is conditionally exempt if its disclosure under this Act would involve the unreasonable disclosure of personal information about any person (including a deceased person).*

If you wish to lodge a request, it will assist us to make a decision if you specify the type of documents that you would like to access, why you believe it would be reasonable to release the information to you and provide a copy of documents which show that the person you are requesting information about is deceased and your relationship to the deceased.

**END OPTION**

#### **OPTION – AMENDING THIRD PARTY INFORMATION**

Section 48 of the FOI Act states that a person may apply to amend or annotate records of information kept by an agency or Minister where that information is personal information about that person. You have requested an amendment of <name or relationship of third party> personal information.

As you are not requesting to amend or annotate your own personal information I am refusing this request as the request is invalid.

**END OPTION**

If you have any questions about how you can lodge a valid request please contact <FOI Officer> on <telephone number> and they will assist you.

#### **Contacting the FOI Section**

If you wish to discuss this matter, I can be contacted using the details provided below.

#### **How to make a complaint about the handling of your FOI request**

You may complain to the Australian Information Commissioner if you have concerns about how the Department has handled your request under the FOI Act.

Your complaint must be in writing and must specify the agency you are complaining about. You can send your complaint to the Australian Information Commissioner using the following details:

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A complaint form is also available at [www.oaic.gov.au](http://www.oaic.gov.au).

### **Contacting the Department**

You can contact us with a general enquiry in a number of ways including by email, through our website, by telephone through our Service Centres or offices around the world, or in person. In Australia you can call 13 18 81 between 8:30 am and 4:30 pm Monday to Friday. Details on contacting our offices outside Australia are available on our website at [www.homeaffairs.gov.au](http://www.homeaffairs.gov.au).

Yours sincerely

«Case Officer Firstname Surname»  
Position number  
FOI Officer  
Freedom of Information Melbourne  
Department of Home Affairs

Telephone «PhoneBH»  
Email «EMail»

## Template - Amendment Acknowledgement Letter

«Date»

«SendToTitleFirstnameSurname»

«SendToTradingName»

«SendToAddress1»

«SENDOFCITY» «SENDTOSTATE» «SENDOFPOSTCODE»

### In reply please quote:

Client Name «ApplicantFirstnameMiddleSurname»

Date of Birth «ApplicantDateOfBirth»

Client ID «ApplicantClientID»

FOI Request «CaseNumber»

File Number «FOIV2\_Request\_ADF\_Number»

Dear «SendToTitle» «SendToSurname»

### Acknowledgement of Freedom of Information request – Amendment/Annotation

#### OPTION IF SENDING DECISION TO AN AGENT

«ApplicantFirstnameSurname» (the applicant) has authorised you to receive, on their behalf, correspondence about their Freedom of Information request. Correspondence will not be sent directly to the applicant. In this letter, references to 'you' relate to the applicant.

#### END OPTION

This letter refers to a request received by the Department of Home Affairs ('the Department') under the *Freedom of Information Act 1982* (the FOI Act) on «ReceivedDate», seeking to amend or annotate the records held by the Department as follows:

From: «FOIV2ClaimedIncorrectInfo»

To: «FOIV2ClaimedCorrectInfo»

Your request has been allocated a FOI request number «CaseNumber». Please include your FOI request number in all correspondence with the Freedom of Information (FOI) Section.

Please note that on 20 December 2017 the Home Affairs Portfolio, including the Department of Home Affairs, was formally established. For the purposes of the FOI Act, the Department of Home Affairs includes the entirety of the former Department of Immigration and Border Protection, the Australian Border Force and the Office of Transport Security from within the Department of Infrastructure and Regional Development. It also includes specific functions from the Attorney-General's Department, the Department of Social Services and the Department of the Prime Minister and Cabinet.

A request for amendment to records held by the Department of Home Affairs will be limited to records held by the Department and will not include records held by other agencies within the wider Home Affairs portfolio, which remain separate agencies for the purposes of the FOI Act.

**Further documentation required**

The Department has identified that your request requires further supporting documentation. To ensure your personal information is protected, the Department will only amend your record if it is satisfied the request has been made by you. To help us ensure this, please provide a certified copy of your personal photographic identification. This identification could include any of the following: current drivers licence, passport or student card.

Please ensure your documents are certified as true and correct. Your case officer may also request original documents. Any documents in a language other than English *must* be accompanied by an English translation undertaken by a translator accredited by the National Accreditation Authority for Translators and Interpreters (NAATI).

If you anticipate any problems providing a copy of your personal identification, please contact this office using the details provided in the acknowledgement letter.

**Timeframe to provide additional documents**

Please forward these documents within 14 days of the date of this letter to the following address:

Scan and email to: [foi.vic@homeaffairs.gov.au](mailto:foi.vic@homeaffairs.gov.au)

Or by mail:  
Freedom of Information  
Department of Home Affairs  
«OwnerLocationAddress4»

If the documents have not been received within 14 days, a decision will be made on your request on the basis of the information held.

**Processing your application**

An amendment will only be made if you can demonstrate that the record is either incorrect, incomplete, out-of-date or misleading. Therefore, it is in your interest to provide as much evidence as possible to support your claim.

If you do not have any additional evidence, you do not need to do anything more. Your request will be assessed based on the information you have already provided.

**Timeframe for request**

The statutory timeframe provided under the FOI Act for processing requests is a standard 30 calendar days. FOI requests will generally be processed in the order that they are received.

**Contacting the FOI Section**

If you wish to discuss your access request you may contact the FOI Section using the details provided below.

**Contacting the Department**

You can contact us with a general enquiry in a number of ways including by email, through our website, by telephone through our Service Centres or offices around the world, or in person. In Australia you can call 13 18 81 between 8:30 am and 4:30 pm Monday to Friday. Details on contacting our offices outside Australia are available on our website at [www.homeaffairs.gov.au](http://www.homeaffairs.gov.au).

Yours sincerely

«Case Officer Firstname Surname»  
Position number  
FOI Officer  
Freedom of Information Melbourne  
Department of Home Affairs

Telephone      «PhoneBH»  
Email            «EMail»

DRAFT

## **Additional paragraphs - Specific documents requested for amendment application**

### **STATEMENT**

If you do not have any official documentation, you may provide a statement in support of your request. This statement should include, but is not limited to, the following:

- How the information held by the Department came to be incorrect
- The correct information
- How you know the information is correct
- Any events that occurred at the time of your birth. This could include but is not limited to, festivals, harvest, uprisings or general elections.
- A list of your immediate family members
  - their full names
  - their dates of birth or age if unknown
  - their relationship to you

You should also provide any other documents that support your request.

### **DATE OF BIRTH**

You have requested that your date of birth be amended. To assist us in making a decision on your request please provide certified copies of any official documents you have that support your claimed date of birth. This could include the following:

- Birth certificate (and NAATI accredited translation)
- Passport

### **MARITAL STATUS**

You have requested that your marital status be amended. To assist us in making a decision on your request please provide certified copies of any official documents you have that support your claimed marital status. This could include the following:

- Marriage certificate (and NAATI accredited translation)
- Decree absolute (and NAATI accredited translation)

### **CHILDREN UNDER 18 YEARS OF AGE – DATE OF BIRTH**

There is currently insufficient evidence before me to enable approval of your request.

The following documents may help you establish your date of birth:

- Birth certificate (and NAATI accredited translation)
- Passport

If you do not have these documents you may choose to provide the following:

- A statement from your school which contains the following:
  - The school letterhead
  - The class level in which you are enrolled
  - Your date of birth as held in school records
  - How the author of the statement
    - knows you
    - their interaction with you
    - the period they have known you
  - Your social and psychological development

- The author's opinion on your correct chronological age
- Contact details for the author
- A statement from one of your parents or another family member which contains the following:
  - How the information held by the Department came to be incorrect
  - The correct information
  - How they know the information is correct
    - Any events that occurred at the time of your birth. This could include but is not limited to, festivals, harvest, uprisings or general elections.
  - A list of your immediate family members
    - their full names
    - their dates of birth or age if unknown
    - their relationship to you
- Bone age x-ray (see below for details)
- Dental development report (see below for details)

### **BONE AGE**

For departmental purposes the bone age x-ray must be completed in a way that guarantees the identity of the person who takes the test.

**Please note that the cost of this bone age x-ray will need to be met by you.**

If you choose to proceed with a bone age x-ray, you must provide me with:

- 1 recent passport photographs of your child/children/self and
- documentary proof of their identity, such as travel document, birth certificate or identity card.

I will then issue you with a letter for the radiologist.

### **NEW SOUTH WALES**

In New South Wales, the bone age testing will be carried out by:

The Radiology Department  
Level 2, The Children's Hospital  
Cnr Hawkesbury Rd and Hainsworth Street  
WESTMEAD NSW 2145

The cost of the test currently stands at \$106. You can attend the hospital between 9.00 am to 4.30 pm (Monday to Friday) at the above address. You **do not** require a referral letter from your local General Medical Practitioner.

If you do decide to go ahead with a Bone Age X-ray for your child/children/self, you will need to contact me first so I can issue you with a letter to the Radiologist. You must carry this letter when you attend the hospital for the testing.

### **QUEENSLAND**

In Queensland, the bone age testing will be carried out by:

The Radiology Department  
Royal Children's Hospital  
Cnr Bramston Terrace & Herston Road  
HERSTON QLD 4029

The cost of the test currently stands at \$110. You need to obtain a referral letter from your local General Medical Practitioner (Family Doctor) in order to perform a Bone Age X-ray for your child/children/self. You can attend the hospital between 9.00 am to 4.30 pm (Monday to Friday) at the above address.

If you do decide to go ahead with a Bone Age X-ray for your child/children/self, you will need to contact me first so I can issue you with a letter to the Radiologist. You must carry this letter when you attend the hospital for the testing along with the referral letter from your local General Medical Practitioner.

#### **NORTHERN TERRITORY**

In Northern Territory, the bone age testing will be carried out by:

NT Medical Imaging  
Darwin Private Hospital  
Rocklands Drv  
TIWI NT 0810

The cost of the test currently stands at \$110. You need to obtain a referral letter from your local General Medical Practitioner (Family Doctor) in order to perform a Bone Age X-ray for your child/children/self. You also need to make an appointment for the X-ray by calling 08 8928 9819 to attend the centre at the above address.

If you do decide to go ahead with a Bone Age X-ray for your child/children/self, you will need to contact me first so I can issue you with a letter to the Radiologist. You must carry this letter when you attend the hospital for the testing along with the referral letter from your local General Medical Practitioner.

#### **OPTION VIC**

**Please note:** SA / WA Radiology Medical Testing Centres require medical referral from your local General Practitioner (Family Doctor) in order to perform a Bone Age X-ray for your child/children/self. Therefore if you do decide to go ahead with the procedure you will need to contact your local doctor and obtain medical referrals for your child/children/self.

If you would like to discuss this matter further you will need to contact me within 14 days of this letter. The details are provided below.

If I do not hear from you within 14 days of this letter, I will assume you do not wish to pursue this option.

#### **DENTAL DEVELOPMENT REPORT**

For departmental purposes the oral examination must be completed in a way that guarantees the identity of the person who takes the test.

**Please note that the cost of this oral examination will need to be met by you.**

If you choose to proceed with an oral examination, you must provide me with:

- 1 recent passport photographs of your child/children/self and
- documentary proof of their identity, such as travel document, birth certificate or identity card.

I will then issue you with a letter for the dentist.

If you would like to discuss this matter further you will need to contact me within 14 days of this letter. The details are provided below.

If I do not hear from you within 14 days of this letter, I will assume you do not wish to pursue this option.

#### CHANGE OF NAME - OFFICIAL

There is currently insufficient evidence before me to enable approval of your request. The following documents may help establish your change of name:

- Change of name certificate from a Registry of Births, Deaths and Marriages
- Marriage certificate (and NAATI accredited translation)
- Decree absolute (and NAATI accredited translation)

#### CHANGE OF NAME - COMMON USAGE

If you do not have any official documentation, you may be able to establish that you have been using this name within the community for at least the last five years. You can do this by providing a variety of documents over this time period which may include but are not limited to:

- Passport
- Drivers licence
- Utility bills
- Bank statements
- Tax returns
- General correspondence
- School records
- Work records

#### OPTION - GENDER CHANGE

You have requested that your gender be amended. To assist us in making a decision on your request, please provide one of the following:

- A statement from a Registered Medical practitioner or a Registered Psychologist in line with the Australian Government Guidelines on Sex and Gender Recognition; or
- A valid Australian Government travel document, such as a Valid Passport, which specifies your preferred gender; or
- An amended State or Territory birth certificate, which specifies your preferred gender. A state or Territory Gender Recognition Certificate or recognised details certificate showing a State or Territory Registrar of Births Deaths and Marriages has accepted a change in sex may also be provided.

#### ORIGINAL DOCUMENTS

I am unable to give weight to the copies of the documents you have presented as the information is unclear. I need to sight the original documents in order to be able to use these documents to support your request.

Please forward your original <birth certificate, marriage certificate, passport, citizenship certificate>.

#### POSSIBLE FURTHER AMENDMENT REQUIRED

You have requested that your <input details> be amended, however I have noted from your application form that your <name, date of birth etc> are recorded differently in the Department's databases.

If you would like to apply to amend these details, please advise me in writing and provide evidence of your <name, date of birth etc> within 14 days from the date of this letter to the following address:

Freedom of Information  
Department of Home Affairs  
<Post Office address>  
<CITY STATE Postcode>

If you do wish to request that this information is amended, this will be added to your current request and the decision made at the same time.

If you do not wish to request that this information is amended you need do nothing further and a decision will be made on your current request.

DRAFT

## Template – Email request for file

Dear

The Department has an obligation under the *Freedom of Information Act 1982* (FOI Act) to notify an applicant of the decision on an amendment/annotation request within 30 calendar days of the request being received.

A request has been made under the FOI Act for the following:

**<Insert scope as written by client>**

In order to make a complete assessment of the claims of the applicant I wish to look at the applications lodged by the applicant with the Department.

I have identified the following file as containing a relevant application:

TRIM File **<Number> <File Title>**

According to TRIM, this file is currently located **<Insert document location – copy directly from TRIM by highlighting location, copy and then paste to email>**

The above document/file relates to FOI request number «FOIV2\_Request\_ADF\_Number». This request was received on **<DD Month YYYY>** and must be decided by **<DD Month YYYY>**.

Please forward the file with this request attached to **<insert name of officer>** at, **<insert office>**

If you have any questions or concerns in relation to this request, please contact me by email or on **<insert telephone number>**

If I have not received advice within **5 days** of the date of this message that the file has been forwarded, I will send a follow-up message.

Your assistance in forwarding the file as soon as possible is greatly appreciated.

«Case Officer Firstname Surname»

«Section»

«State»

«PhoneBH»

## Template – Further documents requested

«Date»

«SendToTitleFirstnameSurname»

«SendToTradingName»

«SendToAddress1»

«SENDOCTOITY» «SENDTOSTATE» «SENDOPOSTCODE»

### In reply please quote:

Client Name «ApplicantFirstnameMiddleSurname»

Date of Birth «ApplicantDateOfBirth»

Client ID «ApplicantClientID»

FOI Request «CaseNumber»

File Number «FOIV2\_Request\_ADF\_Number»

Dear «SendToTitle» «SendToSurname»

### Application to amend or annotate departmental records – further documents request

#### OPTION IF SENDING DECISION TO AN AGENT

«ApplicantFirstnameSurname» (the applicant) has authorised you to receive, on their behalf, correspondence about their Freedom of Information request. Correspondence will not be sent directly to the applicant. In this letter, references to 'you' relate to the applicant.

#### END OPTION

This letter refers to an amendment request under the *Freedom of Information Act 1982* (the FOI Act) received on <<date>> to amend or annotate the Department's records as follows:

From: «FOIV2ClaimedIncorrectInfo»

To: «FOIV2ClaimedCorrectInfo»

I am the case officer assigned to your request. There is currently insufficient evidence before me to enable approval of your request.

#### OPTION STATEMENT

If you do not have any official documentation, you may provide a statement in support of your request. This statement should include, but is not limited to, the following:

- How the information held by the Department came to be incorrect
- The correct information
- How you know the information is correct
- Any events that occurred at the time of your birth. This could include but is not limited to, festivals, harvest, uprisings or general elections.
- A list of your immediate family members
  - their full names
  - their dates of birth or age if unknown
  - their relationship to you

You should also provide any other documents that support your request.

#### END OPTION

### OPTION DATE OF BIRTH

You have requested that your date of birth be amended. To assist us in making a decision on your request please provide certified copies of any official documents you have that support your claimed date of birth. This could include the following:

- Birth certificate (and NAATI accredited translation)
- Passport

### END OPTION

### OPTION MARITAL STATUS

You have requested that your marital status be amended. To assist us in making a decision on your request please provide certified copies of any official documents you have that support your claimed marital status. This could include the following:

- Marriage certificate (and NAATI accredited translation)
- Decree absolute (and NAATI accredited translation)

### END OPTION

### OPTION CHILDREN UNDER 18 YEARS OF AGE – DATE OF BIRTH

There is currently insufficient evidence before me to enable approval of your request.

The following documents may help you establish your date of birth:

- Birth certificate (and NAATI accredited translation)
- Passport

If you do not have these documents you may choose to provide the following:

- A statement from your school which contains the following:
  - The school letterhead
  - The class level in which you are enrolled
  - Your date of birth as held in school records
  - How the author of the statement
    - knows you
    - their interaction with you
    - the period they have known you
  - Your social and psychological development
  - The author's opinion on your correct chronological age
  - Contact details for the author
- A statement from one of your parents or another family member which contains the following:
  - How the information held by the Department came to be incorrect
  - The correct information
  - How they know the information is correct
    - Any events that occurred at the time of your birth. This could include but is not limited to, festivals, harvest, uprisings or general elections.
  - A list of your immediate family members
    - their full names
    - their dates of birth or age if unknown
    - their relationship to you
- Bone age x-ray (see below for details)
- Dental development report (see below for details)

### BONE AGE

For departmental purposes the bone age x-ray must be completed in a way that guarantees the identity of the person who takes the test.

**Please note that the cost of this bone age x-ray will need to be met by you.**

If you choose to proceed with a bone age x-ray, you must provide me with:

- 1 recent passport photographs of your child/children/self and
- documentary proof of their identity, such as travel document, birth certificate or identity card.

I will then issue you with a letter for the radiologist.

### **NEW SOUTH WALES**

In New South Wales, the bone age testing will be carried out by:

The Radiology Department  
Level 2, The Children's Hospital  
Cnr Hawkesbury Rd and Hainsworth Street  
WESTMEAD NSW 2145

The cost of the test currently stands at \$106. You can attend the hospital between 9.00 am to 4.30 pm (Monday to Friday) at the above address. You do not require a referral letter from your local General Medical Practitioner.

If you do decide to go ahead with a Bone Age X-ray for your child/children/self, you will need to contact me first so I can issue you with a letter to the Radiologist. You must carry this letter when you attend the hospital for the testing.

### **QUEENSLAND**

In Queensland, the bone age testing will be carried out by:

The Radiology Department  
Royal Children's Hospital  
Cnr Bramston Terrace & Herston Road  
HERSTON QLD 4029

The cost of the test currently stands at \$110. You need to obtain a referral letter from your local General Medical Practitioner (Family Doctor) in order to perform a Bone Age X-ray for your child/children/self. You can attend the hospital between 9.00 am to 4.30 pm (Monday to Friday) at the above address.

If you do decide to go ahead with a Bone Age X-ray for your child/children/self, you will need to contact me first so I can issue you with a letter to the Radiologist. You must carry this letter when you attend the hospital for the testing along with the referral letter from your local General Medical Practitioner.

### **NORTHERN TERRITORY**

In Northern Territory, the bone age testing will be carried out by:

NT Medical Imaging  
Darwin Private Hospital  
Rocklands Drv  
TIWI NT 0810

The cost of the test currently stands at \$110. You need to obtain a referral letter from your local General Medical Practitioner (Family Doctor) in order to perform a Bone Age X-ray for your child/children/self. You also need to make an appointment for the X-ray by calling 08 8928 9819 to attend the centre at the above address.

If you do decide to go ahead with a Bone Age X-ray for your child/children/self, you will need to contact me first so I can issue you with a letter to the Radiologist. You must carry this letter when you attend the hospital for the testing along with the referral letter from your local General Medical Practitioner.

#### **OPTION VIC**

**Please note:** SA / WA Radiology Medical Testing Centres require medical referral from your local General Practitioner (Family Doctor) in order to perform a Bone Age X-ray for your child/children/self. Therefore if you do decide to go ahead with the procedure you will need to contact your local doctor and obtain medical referrals for your child/children/self.

If you would like to discuss this matter further you will need to contact me within 14 days of this letter. The details are provided below.

If I do not hear from you within 14 days of this letter, I will assume you do not wish to pursue this option.

#### **DENTAL DEVELOPMENT REPORT**

For departmental purposes the oral examination must be completed in a way that guarantees the identity of the person who takes the test.

**Please note that the cost of this oral examination will need to be met by you.**

If you choose to proceed with an oral examination, you must provide me with:

- 1 recent passport photographs of your child/children/self and
- documentary proof of their identity, such as travel document, birth certificate or identity card.

I will then issue you with a letter for the dentist.

If you would like to discuss this matter further you will need to contact me within 14 days of this letter. The details are provided below.

If I do not hear from you within 14 days of this letter, I will assume you do not wish to pursue this option.

#### **END OPTION**

#### **OPTION CHANGE OF NAME - OFFICIAL**

There is currently insufficient evidence before me to enable approval of your request. The following documents may help establish your change of name:

- Change of name certificate from a Registry of Births, Deaths and Marriages
- Marriage certificate (and NAATI accredited translation)
- Decree absolute (and NAATI accredited translation)

#### **END OPTION**

#### **OPTION CHANGE OF NAME - COMMON USAGE**

If you do not have any official documentation, you may be able to establish that you have been using this name within the community for at least the last five years. You can do this by providing a variety of documents over this time period which may include but are not limited to:

- Passport
- Drivers licence
- Utility bills
- Bank statements
- Tax returns
- General correspondence
- School records
- Work records

END OPTION

#### OPTION - GENDER CHANGE

You have requested that your gender be amended. To assist us in making a decision on your request, please provide one of the following:

- A statement from a Registered Medical practitioner or a Registered Psychologist in line with the Australian Government Guidelines on Sex and Gender Recognition; or
- A valid Australian Government travel document, such as a Valid Passport, which specifies your preferred gender; or
- An amended State or Territory birth certificate, which specifies your preferred gender. A state or Territory Gender Recognition Certificate or recognised details certificate showing a State or Territory Registrar of Births Deaths and Marriages has accepted a change in sex may also be provided.

END OPTION

#### OPTION ORIGINAL DOCUMENTS

I am unable to give weight to the copies of the documents you have presented as the information is unclear. I need to sight the original documents in order to be able to use these documents to support your request.

Please forward your original <birth certificate, marriage certificate, passport, citizenship certificate>.

END OPTION

#### OPTION POSSIBLE FURTHER AMENDMENT REQUIRED

You have requested that your <input details> be amended, however I have noted from your application form that your <name, date of birth etc> are recorded differently in the Department's databases.

If you would like to apply to amend these details, please advise me in writing and provide evidence of your <name, date of birth etc> within 14 days from the date of this letter to the following address:

Freedom of Information  
Department of Home Affairs  
<Post Office address>  
<CITY STATE Postcode>

If you do wish to request that this information is amended, this will be added to your current request and the decision made at the same time.

If you do not wish to request that this information is amended you need do nothing further and a decision will be made on your current request.

**END OPTION**

**Timeframe for response**

Please forward these documents within 14 days from the date of this letter to the following address:

Freedom of Information  
Department of Home Affairs  
<Post Office address>  
<CITY STATE Postcode>

If I do not receive these documents within 14 days a decision will be made on your application on the basis of the information held.

If you do not have any additional evidence, you do not need to do anything more. Your request will be assessed based on the information you have already provided.

Please ensure your documents are certified true and correct. Your case officer may also request original documents. Any documents in a language other than English *must* be accompanied by an English translation undertaken by a translator accredited by the National Accreditation Authority for Translators and Interpreters (NAATI).

**Contacting the FOI Section**

If you wish to discuss this matter, I can be contacted using the details provided below.

**Contacting the Department**

You can contact us with a general enquiry in a number of ways including by email, through our website, by telephone through our Service Centres or offices around the world, or in person. In Australia you can call 13 18 81 between 8:30 am and 4:30 pm Monday to Friday. Details on contacting our offices outside Australia are available on our website at [www.homeaffairs.gov.au](http://www.homeaffairs.gov.au).

Yours sincerely

«Case Officer Firstname Surname»  
Position number  
FOI Officer  
Freedom of Information Melbourne  
Department of Home Affairs

Telephone    «PhoneBH»  
Email        «EMail»

## Template – Decision Record

### DECISION RECORD

#### Client details

Client Name «ApplicantFirstnameMiddleSurname»  
Date of Birth «ApplicantDateOfBirth»  
Client ID «ApplicantClientID»  
FOI Request «CaseNumber»  
File Number «FOIV2\_Request\_ADF\_Number»

#### Evidence/material considered in making my decision

In reaching my decision I relied on the following:

- Request for amendment or annotation to personal records;
- Supporting evidence as follows:
  - *List supporting evidence;*
- Departmental file *number*;
- The Department's Integrated Client Services Environment records;
- The *Freedom of Information Act 1982*;
- The Information Commissioner guidelines Part 7 Amendment and annotation of personal records; and
- The Department's Freedom of Information Handbook

#### Request

From «FOIV2ClaimedIncorrectInfo»

To «FOIV2ClaimedCorrectInfo»

Or

<<statement to be added to record>>

#### Findings and reasons for decision

*Is the applicant for amendment/annotation the person to whom the departmental record refers? The FOI Act allows a person to amend their personal information.*

#### Evidence and weighting

For:

- Information for
- Information for
- Information for

Against:

- Information against
- Information against
- Information against

*Weighting of information. Provide sufficient information to make the reason clear to the client. You must look at the weight you give to the evidence both for and against.*

*Decision on whether the departmental record is accurate, relevant, up to date, complete and not misleading.*

**Annotation**

*Is it reasonable to attach the requested statement? Is the statement unnecessary, defamatory or unnecessarily voluminous?*

**Conclusion**

*Decision on amendment/annotation*

«Case Officer Firstname Surname»  
Position number  
FOI Officer  
Freedom of Information Melbourne  
Department of Home Affairs

<<Current Date>>

DRAFT

## Template – Withdrawal of Amendment/Annotation Request

«Date»

«SendToTitleFirstnameSurname»

«SendToTradingName»

«SendToAddress1»

«SENDOCTOITY» «SENDTOSTATE» «SENDOPOSTCODE»

### In reply please quote:

Client Name «ApplicantFirstnameMiddleSurname»

Date of Birth «ApplicantDateOfBirth»

Client ID «ApplicantClientID»

FOI Request «CaseNumber»

File Number «FOIV2\_Request\_ADF\_Number»

Dear «SendToTitle» «SendToSurname»

### Notification of withdrawal of request to amend or annotate departmental records

#### OPTION

«ApplicantFirstnameSurname» (the applicant) has authorised you to receive, on their behalf, correspondence about their Freedom of Information request. Correspondence will not be sent directly to the applicant. In this letter, references to 'you' relate to the applicant.

#### END OPTION

#### ADDITIONAL PARAGRAPH

On ### the former Department of Immigration and Border Protection received a request seeking to amend the Department's records relating to <<general description, name, date of birth>> under the Freedom of Information Act 1982 (the FOI Act).

On 20 December 2017 the Home Affairs Portfolio, including the Department of Home Affairs, was formally established. The Department of Home Affairs includes the entirety of the Department of Immigration and Border Protection, the Australian Border Force and the Office of Transport Security from within the Department of Infrastructure and Regional Development. It also includes specific functions from the Attorney-General's Department, the Department of Social Services and the Department of the Prime Minister and Cabinet.

As such a decision has now been made on your request by the Department of Home Affairs.

This letter refers to your request that your personal records be amended as follows:

From: «FOIV2ClaimedIncorrectInfo»

To: «FOIV2ClaimedCorrectInfo»

On <<date of receipt of withdrawal>>, I received <<an email/a letter>> from you confirming your decision to withdraw this FOI request.

Your request has now been finalised as withdrawn. The Department will therefore continue to refer to <<input current departmental details>>.

**Contacting the FOI Section**

If you wish to discuss this matter, I can be contacted using the details provided below.

**Contacting the Department**

You can contact us with a general enquiry in a number of ways including by email, through our website, by telephone through our Service Centres or offices around the world, or in person. In Australia you can call 13 18 81 between 8:30 am and 4:30 pm Monday to Friday. Details on contacting our offices outside Australia are available on our website at [www.homeaffairs.gov.au](http://www.homeaffairs.gov.au).

Yours sincerely

«Case Officer Firstname Surname»  
Position number  
FOI Officer  
Freedom of Information Melbourne  
Department of Home Affairs

Telephone «PhoneBH»  
Email «EMail»

## Template – Amendment approved

«Date»

«SendToTitleFirstnameSurname»

«SendToTradingName»

«SendToAddress1»

«SENDCITY» «SENDSTATE» «SENDPOSTCODE»

### In reply please quote:

Client Name «ApplicantFirstnameMiddleSurname»

Date of Birth «ApplicantDateOfBirth»

Client ID «ApplicantClientID»

FOI Request «CaseNumber»

File Number «FOIV2\_Request\_ADF\_Number»

Dear «SendToTitle» «SendToSurname»

### Freedom of Information request – Decision on request to amend

#### OPTION

«ApplicantFirstnameSurname» (the applicant) has authorised you to receive, on their behalf, correspondence about their Freedom of Information request. Correspondence will not be sent directly to the applicant. In this letter, references to 'you' relate to the applicant.

#### END OPTION

#### ADDITIONAL PARAGRAPH

On ### the former Department of Immigration and Border Protection received a request seeking to amend the Department's records relating to <<general description, name, date of birth>> under the Freedom of Information Act 1982 (the FOI Act).

On 20 December 2017 the Home Affairs Portfolio, including the Department of Home Affairs, was formally established. The Department of Home Affairs includes the entirety of the Department of Immigration and Border Protection, the Australian Border Force and the Office of Transport Security from within the Department of Infrastructure and Regional Development. It also includes specific functions from the Attorney-General's Department, the Department of Social Services and the Department of the Prime Minister and Cabinet.

As such a decision has now been made on your request by the Department of Home Affairs.

This letter refers to your request that your personal records be amended as follows:

From: «FOIV2ClaimedIncorrectInfo»

To: «FOIV2ClaimedCorrectInfo»

### 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 departmental records.

I am pleased to inform you that I have made a decision to approve your request for amendment of <<general description, name, date of birth>>. I have altered the Department's computer records to reflect the changes. (Copy attached).

The Department will now refer to <<general description, your name, date of birth>> as <<insert amended details>>.

**You should understand that this decision only affects the records held by this Department and not those of other organisations.**

**OPTION – AUSTRALIAN CITIZEN**

Should you require a new evidence of your Australian citizenship, please visit our website at [www.homeaffairs.gov.au](http://www.homeaffairs.gov.au) or telephone 131 880.

**END OPTION**

**OPTION - DFTTA**

If you wish to have your original Document for travel to Australia (DFTTA) updated to reflect this decision, please forward your DFTTA to the following address:

Freedom of Information  
Department of Home Affairs  
PO Box  
CITY STATE POSTCODE

We recommend that you forward this document by registered post.

Your DFTTA will be annotated by placing a label with the correct information on the back of the original DFTTA and stamping over the label with a departmental stamp.

If you have laminated your DFTTA we will not be able to add the annotation. In this case you should ensure that you keep this letter and your DFTTA together at all times.

**END OPTION**

**Evidence/material considered in making my decision**

In reaching my decision I relied on the following:

- Request for amendment or annotation to personal records;
- Supporting evidence as follows:
  - List supporting evidence;
- Departmental file number;
- The Department's Integrated Client Services Environment records;
- The *Freedom of Information Act 1982*;
- The Information Commissioner guidelines Part 7 Amendment and annotation of personal records; and
- The Department's Freedom of Information Handbook

**Review rights**

**Internal review**

If you disagree with my decision, you have the right to apply for an internal review by the Department of a primary decision to refuse to amend a record of personal information.

If you wish to make a request for internal review this must be sent within 30 days of being notified of the decision. Where possible please attach reasons why you believe

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:

Freedom of Information  
Department of Home Affairs  
Postal Address  
CITY STATE POSTCODE

Or email: [foi.vic@homeaffairs.gov.au](mailto:foi.vic@homeaffairs.gov.au)

#### **Information Commissioner review**

Under section 54L of the FOI Act, you may apply to the Australian Information Commissioner to review my decision. An application for review by the Information Commissioner must be made in writing within 60 days of the date of this letter, and be lodged in one of the following ways:

Online: [www.oaic.gov.au](http://www.oaic.gov.au)  
Post: GPO Box 5218 Sydney NSW 2001  
Fax: +61 2 9284 9666  
Email: [enquiries@oaic.gov.au](mailto:enquiries@oaic.gov.au)

More information about Information Commissioner review is available on the Office of the Australian Information Commissioner website at [www.oaic.gov.au](http://www.oaic.gov.au)

#### **How to make a complaint about the handling of your FOI request**

You may complain to the Australian Information commissioner if you have concerns about how the Department has handled your request under the FOI Act.

Your complaint must be in writing and must specify the agency you are complaining about. You can send your complaint to the Australian Information commissioner using the details above. A complaint form is also available at [www.oaic.gov.au](http://www.oaic.gov.au)

If you are unhappy with the Department's decision in this matter, you should ask for the decision to be reviewed, which is a separate process which has been outlined in the previous section.

#### **Contacting the FOI Section**

If you wish to discuss this matter, I can be contacted using the details provided below.

#### **Contacting the Department**

You can contact us with a general enquiry in a number of ways including by email, through our website, by telephone through our Service Centres or offices around the world, or in person. In Australia you can call 13 18 81 between 8:30 am and 4:30 pm Monday to Friday. Details on contacting our offices outside Australia are available on our website at [www.homeaffairs.gov.au](http://www.homeaffairs.gov.au).

Yours sincerely

«Case Officer Firstname Surname»  
Position number  
FOI Officer

Freedom of Information Melbourne  
Department of Home Affairs

Telephone «PhoneBH»  
Email «EMail»

**Attachments:**

List original documents being returned

DRAFT

## Template – Annotation approved

«Date»

«SendToTitleFirstnameSurname»

«SendToTradingName»

«SendToAddress1»

«SENDCITY» «SENDTOSTATE» «SENDTOPOSTCODE»

### In reply please quote:

Client Name «ApplicantFirstnameMiddleSurname»

Date of Birth «ApplicantDateOfBirth»

Client ID «ApplicantClientID»

FOI Request «CaseNumber»

File Number «FOIV2\_Request\_ADF\_Number»

Dear «SendToTitle» «SendToSurname»

### Freedom of Information request – Decision on request to annotate

#### OPTION

«ApplicantFirstnameSurname» (the applicant) has authorised you to receive, on their behalf, correspondence about their Freedom of Information request. Correspondence will not be sent directly to the applicant. In this letter, references to 'you' relate to the applicant.

#### END OPTION

#### ADDITIONAL PARAGRAPH

On ### the former Department of Immigration and Border Protection received a request seeking to annotate the Department's records relating to <<general description, name, date of birth>> under the Freedom of Information Act 1982 (the FOI Act).

On 20 December 2017 the Home Affairs Portfolio, including the Department of Home Affairs, was formally established. The Department of Home Affairs includes the entirety of the Department of Immigration and Border Protection, the Australian Border Force and the Office of Transport Security from within the Department of Infrastructure and Regional Development. It also includes specific functions from the Attorney-General's Department, the Department of Social Services and the Department of the Prime Minister and Cabinet.

As such a decision has now been made on your request by the Department of Home Affairs.

This letter refers to your request that your personal records be annotated as follows:

<<insert requested annotation>>.

### 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 departmental records.

I am pleased to inform you that I have made a decision to approve your request for annotation. I have done the following:

### OPTIONS – DELETE AS NECESSARY

- added a note to your record in the Integrated Client Services Environment (copy attached).
- placed a copy of your requested annotation electronically on departmental file <<file number>> (copy attached).
- placed a copy of the document (list as appropriate) provided by you electronically on departmental file <<file number>> (copy attached).

### Evidence/material considered in making my decision

In reaching my decision I relied on the following:

- Request for amendment or annotation to personal records;
- Supporting evidence as follows:
  - List supporting evidence;
- Departmental file number;
- The Department's Integrated Client Services Environment records;
- The *Freedom of Information Act 1982*;
- The Information Commissioner guidelines Part 7 Amendment and annotation of personal records; and
- The Department's Freedom of Information Handbook

### OPTION – AUSTRALIAN CITIZEN

Should you require a new evidence of your Australian citizenship, please visit our website at [www.immi.gov.au](http://www.immi.gov.au) or telephone 131 880.

### END OPTION

### Review rights

#### Internal review

If you disagree with my decision, you have the right to apply for an internal review by the Department of a primary decision to refuse to annotate a record of personal information.

If you wish to make a request for internal review this must be sent within 30 days of being notified of the decision. Where possible please attach reasons why you believe 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:

Freedom of Information  
Department of Home Affairs  
Postal Address  
CITY STATE POSTCODE

Or email: [foi.vic@homeaffairs.gov.au](mailto:foi.vic@homeaffairs.gov.au)

#### Information Commissioner review

Under section 54L of the FOI Act, you may apply to the Australian Information Commissioner to review my decision. An application for review by the Information Commissioner must be made in writing within 60 days of the date of this letter, and be lodged in one of the following ways:

Online: [www.oaic.gov.au](http://www.oaic.gov.au)  
Post: GPO Box 5218 Sydney NSW 2001

Fax: +61 2 9284 9666  
Email: [enquiries@oaic.gov.au](mailto:enquiries@oaic.gov.au)

More information about Information Commissioner review is available on the Office of the Australian Information Commissioner website at [www.oaic.gov.au](http://www.oaic.gov.au).

**How to make a complaint about the handling of your FOI request**

You may complain to the Australian Information Commissioner if you have concerns about how the Department has handled your request under the FOI Act.

Your complaint must be in writing and must specify the agency you are complaining about. You can send your complaint to the Australian Information Commissioner using the details above. A complaint form is also available at [www.oaic.gov.au](http://www.oaic.gov.au).

If you are unhappy with the Department's decision in this matter, you should ask for the decision to be reviewed, which is a separate process which has been outlined in the previous section.

**Contacting the FOI Section**

If you wish to discuss this matter, I can be contacted using the details provided below.

**Contacting the Department**

You can contact us with a general enquiry in a number of ways including by email, through our website, by telephone through our Service Centres or offices around the world, or in person. In Australia you can call 13 18 81 between 8:30 am and 4:30 pm Monday to Friday. Details on contacting our offices outside Australia are available on our website at [www.homeaffairs.gov.au](http://www.homeaffairs.gov.au).

Yours sincerely

«Case Officer Firstname Surname»  
Position number  
FOI Officer  
Freedom of Information Melbourne  
Department of Home Affairs

Telephone «PhoneBH»  
Email «EMail»

**Attachments:**

List original documents being returned

## Template – Amendment refused

«Date»

«SendToTitleFirstnameSurname»

«SendToTradingName»

«SendToAddress1»

«SENDOCTOITY» «SENDTOSTATE» «SENDTOPOSTCODE»

### In reply please quote:

Client Name «ApplicantFirstnameMiddleSurname»

Date of Birth «ApplicantDateOfBirth»

Client ID «ApplicantClientID»

FOI Request «CaseNumber»

File Number «FOIV2\_Request\_ADF\_Number»

Dear «SendToTitle» «SendToSurname»

### Freedom of Information request – Decision on request to amend

#### OPTION

«ApplicantFirstnameSurname» (the applicant) has authorised you to receive, on their behalf, correspondence about their Freedom of Information request. Correspondence will not be sent directly to the applicant. In this letter, references to 'you' relate to the applicant.

#### END OPTION

#### ADDITIONAL PARAGRAPH

On ### the former Department of Immigration and Border Protection received a request seeking to amend the Department's records relating to <<general description, name, date of birth>> under the Freedom of Information Act 1982 (the FOI Act).

On 20 December 2017 the Home Affairs Portfolio, including the Department of Home Affairs, was formally established. The Department of Home Affairs includes the entirety of the Department of Immigration and Border Protection, the Australian Border Force and the Office of Transport Security from within the Department of Infrastructure and Regional Development. It also includes specific functions from the Attorney-General's Department, the Department of Social Services and the Department of the Prime Minister and Cabinet.

As such a decision has now been made on your request by the Department of Home Affairs.

This letter refers to your request that your personal records be amended as follows:

From: «FOIV2ClaimedIncorrectInfo»

To: «FOIV2ClaimedCorrectInfo»

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 departmental records.

In order for me to make an amendment under section 50 of the FOI Act, I must be satisfied that the record of personal information is incomplete, incorrect, out of date or misleading and that on the balance of probabilities the claimed information is correct.

The following is my decision and the reason for that decision.

#### Decision

##### OPTION AUSTRALIAN CITIZENSHIP CERTIFICATE

You have requested that your evidence of Australian citizenship be amended. It is an offence to alter an evidence of Australian citizenship as stated in section 39 of the Australian Citizenship Act as follows:

##### **39 Altering evidentiary notice**

*A person commits an offence if:*

- (a) the person alters, or causes or permits to be altered, a notice; and*
- (b) the notice was given to a person under section 37.*

*Penalty: Imprisonment for 12 months.*

As it is unlawful to amend your evidence of Australian citizenship, I have refused your request.

If you wish to obtain a new evidence of Australian citizenship you should complete a form 119 and send it to your nearest Department of Home Affairs office accompanied by the supporting documentation and appropriate fee. For more information on obtaining a new evidence of Australian citizenship please visit our website, [www.homeaffairs.gov.au](http://www.homeaffairs.gov.au) or telephone 131 880.

END OPTION

##### OPTION REFUSED IN FULL

I have decided to refuse your request for amendment of <<general description, name, date of birth>> as the departmental records were not incomplete, incorrect, out of date or misleading. Or

I have decided to refuse your request for amendment of <<general description, name, date of birth>>. While the departmental records may be incomplete/incorrect, the evidence provided by you to support your application did not meet the balance of probability test and I am not satisfied that it is the correct information. I am satisfied on the balance of probability that the information on the departmental record is more likely to be correct than any other alternate date.

The Department will continue to refer to <<general description, name, date of birth>> as <<current record>>. My reasons for this decision can be found attached.

END OPTION

##### OPTION REFUSED IN PART

Your request for amendment relates to more than one piece of personal information. You have requested amendment for <<general description, name, date of birth>> and <<general description, name, date of birth>>.

I have decided to approve your request for amendment of <<first part>>.

I have decided to refuse your request for amendment of <<general description, name, date of birth>> as the departmental records were not incomplete, incorrect, out of date or misleading. Or

I have decided to refuse your request for amendment of <<general description, name, date of birth>>. While the departmental records were incomplete/incorrect, the evidence provided by you to support your application did not meet the balance of probability test and I am not satisfied that it is the correct information.

The Department will refer to <<general description, name, date of birth>> as <<change>> and continue to refer to <<general description, name, date of birth>> as <<current record>>. My reasons for this decision can be found attached.

END OPTION

### **Making an annotation**

Under the FOI Act, where a request for amendment is refused, this Department may make an annotation upon your request. Your claim <<request for amendment>> has been noted on our records. Please find attached a copy of that annotation.

If you believe that the notation I have placed in the system is insufficient you may provide a short statement to explain your claims, which I will add to the system.

### **Review rights**

#### **Internal review**

If you disagree with my decision, you have the right to apply for an internal review by the Department of a primary decision to refuse to amend a record of personal information.

If you wish to make a request for internal review this must be sent within 30 days of being notified of the decision. Where possible please attach reasons why you believe 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:

Freedom of Information  
Department of Home Affairs  
Postal Address  
CITY STATE POSTCODE

Or email: [foi.vic@homeaffairs.gov.au](mailto:foi.vic@homeaffairs.gov.au)

#### **Information Commissioner review**

Under section 54L of the FOI Act, you may apply to the Australian Information Commissioner to review my decision. An application for review by the Information Commissioner must be made in writing within 60 days of the date of this letter, and be lodged in one of the following ways:

Online: [www.oaic.gov.au](http://www.oaic.gov.au)  
Post: GPO Box 5218 Sydney NSW 2001  
Fax: +61 2 9284 9666  
Email: [enquiries@oaic.gov.au](mailto:enquiries@oaic.gov.au)

More information about Information Commissioner review is available on the Office of the Australian Information Commissioner website at [www.oaic.gov.au](http://www.oaic.gov.au).

#### **How to make a complaint about the handling of your FOI request**

You may complain to the Australian Information Commissioner if you have concerns about how the Department has handled your request under the FOI Act.

Your complaint must be in writing and must specify the agency you are complaining about. You can send your complaint to the Australian Information Commissioner using the details above. A complaint form is also available at [www.oaic.gov.au](http://www.oaic.gov.au).

If you are unhappy with the Department's decision in this matter, you should ask for the decision to be reviewed, which is a separate process which has been outlined in the previous section.

#### **Contacting the FOI Section**

If you wish to discuss this matter, I can be contacted using the details provided below.

#### **Contacting the Department**

You can contact us with a general enquiry in a number of ways including by email, through our website, by telephone through our Service Centres or offices around the world, or in person. In Australia you can call 13 18 81 between 8:30 am and 4:30 pm Monday to Friday. Details on contacting our offices outside Australia are available on our website at [www.homeaffairs.gov.au](http://www.homeaffairs.gov.au).

Yours sincerely

«Case Officer Firstname Surname»

Position number

FOI Officer

Freedom of Information Melbourne

Department of Home Affairs

Telephone «PhoneBH»

Email «EMail»

#### **Attachments:**

Decision Record

Copy of note on Integrated Client Services Environment

List original documents being returned

## Template – Annotation refused

«Date»

«SendToTitleFirstnameSurname»

«SendToTradingName»

«SendToAddress1»

«SENDOCTOITY» «SENDTOSTATE» «SENDOPOSTCODE»

### In reply please quote:

Client Name «ApplicantFirstnameMiddleSurname»

Date of Birth «ApplicantDateOfBirth»

Client ID «ApplicantClientID»

FOI Request «CaseNumber»

File Number «FOIV2\_Request\_ADF\_Number»

Dear «SendToTitle» «SendToSurname»

### Freedom of Information request – Decision on request to annotate

#### OPTION

«ApplicantFirstnameSurname» (the applicant) has authorised you to receive, on their behalf, correspondence about their Freedom of Information request. Correspondence will not be sent directly to the applicant. In this letter, references to 'you' relate to the applicant.

#### END OPTION

#### ADDITIONAL PARAGRAPH

On ### the former Department of Immigration and Border Protection received a request seeking to annotate the Department's records relating to <<general description, name, date of birth>> under the Freedom of Information Act 1982 (the FOI Act).

On 20 December 2017 the Home Affairs Portfolio, including the Department of Home Affairs, was formally established. The Department of Home Affairs includes the entirety of the Department of Immigration and Border Protection, the Australian Border Force and the Office of Transport Security from within the Department of Infrastructure and Regional Development. It also includes specific functions from the Attorney-General's Department, the Department of Social Services and the Department of the Prime Minister and Cabinet.

As such a decision has now been made on your request by the Department of Home Affairs.

This letter refers to your request that your personal records be annotated as follows:

<<insert requested annotation>>.

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 departmental records.

The requirement to annotate a record of personal information contained in a document of the agency under section 51B(1) of the FOI Act, does not apply if it is considered that the statement is irrelevant, defamatory or unnecessarily voluminous.

The following is my decision and the reason for that decision.

### **Decision**

I have decided to refuse your request for annotation as your request is <<irrelevant, defamatory or unnecessarily voluminous>>. My reasons for this decision can be found attached.

I have added some of the information you provided and I have attached a copy of that notation for your information.

### **Review rights**

#### **Internal review**

If you disagree with my decision, you have the right to apply for an internal review by the Department of a primary decision to refuse to annotate a record of personal information.

If you wish to make a request for internal review this must be sent within 30 days of being notified of the decision. Where possible please attach reasons why you believe 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:

Freedom of Information  
Department of Home Affairs  
Postal Address  
CITY STATE POSTCODE

Or email: [foi.vic@homeaffairs.gov.au](mailto:foi.vic@homeaffairs.gov.au)

#### **Information Commissioner review**

Under section 54L of the FOI Act, you may apply to the Australian Information Commissioner to review my decision. An application for review by the Information Commissioner must be made in writing within 60 days of the date of this letter, and be lodged in one of the following ways:

Online:	<a href="http://www.oaic.gov.au">www.oaic.gov.au</a>
Post:	GPO Box 5218 Sydney NSW 2001
Fax:	+61 2 9284 9666
Email:	<a href="mailto:enquiries@oaic.gov.au">enquiries@oaic.gov.au</a>

More information about Information Commissioner review is available on the Office of the Australian Information Commissioner website at [www.oaic.gov.au](http://www.oaic.gov.au).

#### **How to make a complaint about the handling of your FOI request**

You may complain to the Australian Information Commissioner if you have concerns about how the Department has handled your request under the FOI Act.

Your complaint must be in writing and must specify the agency you are complaining about. You can send your complaint to the Australian Information Commissioner using the details above. A complaint form is also available at [www.oaic.gov.au](http://www.oaic.gov.au).

If you are unhappy with the Department's decision in this matter, you should ask for the decision to be reviewed, which is a separate process which has been outlined in the previous section.

**Contacting the FOI Section**

If you wish to discuss this matter, I can be contacted using the details provided below.

**Contacting the Department**

You can contact us with a general enquiry in a number of ways including by email, through our website, by telephone through our Service Centres or offices around the world, or in person. In Australia you can call 13 18 81 between 8:30 am and 4:30 pm Monday to Friday. Details on contacting our offices outside Australia are available on our website at [www.homeaffairs.gov.au](http://www.homeaffairs.gov.au).

Yours sincerely

«Case Officer Firstname Surname»  
Position number  
FOI Officer  
Freedom of Information Melbourne  
Department of Home Affairs

Telephone «PhoneBH»  
Email «EMail»

**Attachments:**

Decision Record  
Copy of note on Integrated Client Services Environment  
List original documents being returned



<<Current Date>>

«SendToTitleFirstnameSurname»  
«SendToTradingName»  
«SendToAddress3»  
«SENDOCTOCITY» «SENDTOSTATE» «SENDTOPOSTCODE»

**In reply please quote:**

Client Name «ApplicantFirstnameMiddleSurname»  
Date of Birth «ApplicantDateOfBirth»  
Client ID «ApplicantClientID»  
FOI Request «CaseNumber»  
File Number «FOIV2\_Request\_ADF\_Number»

Dear «SendToTitle» «SendToSurname»

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

**OPTION IF SENDING DECISION TO AN AGENT**

«ApplicantFirstnameSurname», (the applicant) has authorised you to receive, on their behalf, correspondence about their Freedom of Information (FOI) request. Correspondence will not be sent directly to the applicant. In this letter, references to 'you' relate to the applicant.

**END OPTION**

This letter refers to an access request received by the Department of Home Affairs ('the Department') under the *Freedom of Information Act 1982* (the FOI Act) on <date>, seeking access to: **NOTE: remove any notes that have since been inserted into the 'other documents' scope field (below)**

**EXAMPLE - REVISED SCOPE**

On <<insert date>> the Department sought to clarify the terms of your request / issued you a notice under s.24AB of the FOI Act.

On <<insert date>> you revised the terms of your request to seek access to: **NOTE: remove any notes that have since been inserted into the 'other documents' scope field (below)**

**END OF EXAMPLE**

**ADDITIONAL PARAGRAPH – Requests received prior to 20 December 2017**

Please note that on 20 December 2017 the Home Affairs Portfolio, including the Department of Home Affairs, was formally established. The Department of Home Affairs includes the entirety of the Department of Immigration and Border Protection, the Australian Border Force

and the Office of Transport Security from within the Department of Infrastructure and Regional Development. It also includes specific functions from the Attorney-General's Department, the Department of Social Services and the Department of the Prime Minister and Cabinet.

As such a decision has now been made on your request by the Department of Home Affairs.

### **Timeframe for processing your request**

The FOI Act provides a statutory period for processing your request of 30 calendar days, unless an extension of time is agreed to, or provided for under a provision of the FOI Act.

#### **EXAMPLE – amend as required**

On <<insert date>>, the Department wrote to you acknowledging your request and requesting a further 30 days within which to make a decision on your request.

On <<insert date>> you agreed in writing to this extension of time. Pursuant to section 15AA of the FOI Act, the Department has notified the Information Commissioner in writing of this extension of time.

#### **END OF EXAMPLE**

The due date for a decision on your request is <date>.

#### **OR**

According to section 15 of the FOI Act, the statutory timeframe for the processing of your request expired on <date>. The Department apologises for the delay in processing your request.

#### **END**

#### **OPTION – COMPLETE PARTIAL DECISION**

On <<insert date>>, you were sent a partial decision on this request. I am now advising you of the decision in relation to the remaining documents.

#### **END OPTION**

### **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 Departmental records.

### **Information considered**

In reaching my decision, I have considered the following:

- the *Freedom of Information Act 1982*;
- the Australian Information Commissioner's FOI guidelines relating to access to documents held by government;
- the terms of your request;
- Departmental documents, (identified below); and
- consultation with relevant business area/s.

### **Decision**

The Department has identified <<number (i.e. one (1))>> file(s) / document(s) that falls within the scope of your request. These document(s) were in the possession of the Department on 5 Sep, 2019 when your request was received.

#### **OPTION**

My decision is to exempt in part / full the document(s) in the possession of the Department which falls within the scope of your request. The reasons for my decision are set out in **Attachment A**.

#### **OR**

My decision is to refuse access to parts of your request where documents could not be found or do not exist, and to exempt in part / full the document(s) in the possession of the

Department which falls within the scope of your request. The reasons for my decision are set out in the Decision Record at **Attachment A**.

END

The Schedule of Documents that falls within the scope of your request is at **Attachment B**. Read together the Decision Record and Schedule sets out the decision on access and where appropriate refers to various sections of the FOI Act.

## Review rights

### Internal review

If you disagree with my decision, you have the right to apply for an internal review by the Department of my 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 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:

Email to: [foi.vic@homeaffairs.gov.au](mailto:foi.vic@homeaffairs.gov.au)

Or by mail at:

Freedom of Information  
Department of Home Affairs  
GPO Box 241 MELBOURNE VIC 3001

### 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 my decision. You must apply in writing within 60 days of this notice. For further information about review rights and how to submit a review request to the OAIC, please see FOI fact sheet 12 '*Freedom of information – Your review rights*', available online at [www.oaic.gov.au](http://www.oaic.gov.au).

### How to make a complaint about the handling of this FOI request

You may complain to the Australian Information Commissioner if you have concerns about how the Department has handled your request under the FOI Act. Information about how to submit a complaint is available at [www.oaic.gov.au](http://www.oaic.gov.au).

### Contacting the FOI Section

If you wish to discuss this matter, I can be contacted using the details provided below.

### Contacting the Department

You can contact us with an enquiry in a number of ways including by email, through our website; by telephone, through our Service Centres or offices around the world, or in person. In Australia you can call 13 18 81 between 8:30 am and 4:30 pm Monday to Friday. Details on submitting a webform, or contacting our offices outside Australia are available on our website at [www.homeaffairs.gov.au](http://www.homeaffairs.gov.au).

Yours sincerely

### Attachments

- Attachment A – Decision Record
- Attachment B – Schedule of Documents
- Documents released to you under the FOI Act



## Attachment A – Decision Record

### In reply please quote:

Client Name «ApplicantFirstnameMiddleSurname»

Date of Birth «ApplicantDateOfBirth»

Client ID «ApplicantClientID»

FOI Request «CaseNumber»

File Number «FOIV2\_Request\_ADF\_Number»

### Scope of Request

<Include scope exactly as written on request>

### Departmental records within scope

No.	Description	Reference (if applicable)	No. of folios
1.	Departmental File	ABCXXXX/XXXXXX	XX
2.	Departmental File	XX	XX
3.	Electronic records from ICSE	CIDXXXXX	XX

### 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 Departmental records.

### Information considered

In reaching my decision, I have considered the following:

- the *Freedom of Information Act 1982*;
- the Australian Information Commissioner's FOI guidelines relating to access to documents held by government;
- the terms of your request;
- Departmental documents, (identified above); and
- consultation with relevant business area/s.

### Reasons for decision

I have considered the documents within the scope of your request and applied exemptions in part or in full as detailed in the Schedule of Documents. You should read the schedule in conjunction with the reasons for exemption below.

### OPTION – refused in part

In your request you sought access to <<insert parts of scope being refused>>.

The Department has undertaken reasonable searches to locate these documents and I am satisfied that no documents exist. Therefore, my decision in relation to this part of your request is to refuse access under the FOI Act. A full set of my reasons is below. **NOTE:** if

using this option include below the relevant information and reasons for this decision – to be inserted prior to s.22.

END

## **22 Access to edited copies with exempt or irrelevant matter deleted (extract)**

### *Scope*

- (1) *This section applies if:*
- (a) *an agency or Minister decides:*
    - (i) *to refuse to give access to an exempt document; or*
    - (ii) *that to give access to a document would disclose information that would reasonably be regarded as irrelevant to the request for access; and*
  - (b) *it is possible for the agency or Minister to prepare a copy (an **edited copy**) of the document, modified by deletions, ensuring that:*
    - (i) *access to the edited copy would be required to be given under section 11A (access to documents on request); and*
    - (ii) *the edited copy would not disclose any information that would reasonably be regarded as irrelevant to the request; and*
  - (c) *it is reasonably practicable for the agency or Minister to prepare the edited copy, having regard to:*
    - (i) *the nature and extent of the modification; and*
    - (ii) *the resources available to modify the document; and*
  - (d) *it is not apparent (from the request or from consultation with the applicant) that the applicant would decline access to the edited copy.*

Section 22(2) of the FOI Act provides that, where an agency reaches the view that a document contains exempt information or material that is irrelevant to the request and it is possible for the agency to prepare an edited copy of the document with the irrelevant or exempt material deleted, then the agency must prepare such a copy.

This edited copy must be provided to the applicant. Further, the decision maker must advise the applicant in writing that the edited copy of the document has been prepared and of the reason(s) for each of the deletions in the document (s.22(3) of the FOI Act).

Exempt material is deleted pursuant to s.22(1)(a)(i) and irrelevant material is deleted pursuant to s.22(1)(a)(ii) of the FOI Act.

### **OPTION**

I have decided that parts of the documents would disclose information that could reasonably be regarded as irrelevant to your request. This information consists <<insert reason for deletion of irrelevant material>>.

END

The schedule identifies documents where material has either been deleted as exempt information under the FOI Act; or deleted as irrelevant to the scope of the request.

**\*\*Insert exemptions and the reasons you have applied the exemptions to the specific information within the documents Please ensure that you begin with exemptions and then discuss conditional exemptions followed by one section for the public interest arguments\*\***

**Example of exemption – Please delete in not relevant to your case**

<<position number>>

FOI Officer

Freedom of Information Section

Department of Home Affairs

Telephone

Email [xxx@homeaffairs.gov.au](mailto:xxx@homeaffairs.gov.au)



## Attachment B – Schedule of Documents

### In reply please quote:

Client Name «ApplicantFirstnameMiddleSurname»

Date of Birth «ApplicantDateOfBirth»

Client ID «ApplicantClientID»

FOI Request «CaseNumber»

File Number «FOIV2\_Request\_ADF\_Number»

For the collation of this FOI request only, all files and documents within the scope have been folioed with an underlined number in the top right hand corner of each page.

\*\* the below template is a guide; please ensure that you add and/or **delete** rows as necessary.

### Departmental File <<insert file reference>>

Page No.	Description	Decision	Legislation
1-25		Released in full	
26-27	Email dated XX/XX/XXXX	Exempt in part	s.47F(1)

### Departmental File <<insert file reference>>

Page No.	Description	Decision	Legislation

### Electronic Records

Document No.	No of folios	Description	Decision	Legislation
1.	10	Notes from ICSE regarding your visa application for a subclass 457	Released in full	
2.				
3.				



<<Current Date>>

«SendToTitleFirstnameSurname»  
«SendToTradingName»  
«SendToAddress3»  
«SENTOCITY» «SENDTOSTATE» «SENDOPOSTCODE»

**In reply please quote:**

Client Name «ApplicantFirstnameMiddleSurname»  
Date of Birth «ApplicantDateOfBirth»  
Client ID «ApplicantClientID»  
FOI Request «CaseNumber»  
File Number «FOIV2\_Request\_ADF\_Number»

Dear «SendToTitle» «SendToSurname»

**Access Decision - Freedom of Information (FOI) request – Release of documents**

**OPTION IF SENDING DECISION TO AN AGENT**

«ApplicantFirstnameSurname», (the applicant) has authorised you to receive, on their behalf, correspondence about their Freedom of Information (FOI) request. Correspondence will not be sent directly to the applicant. In this letter, references to 'you' relate to the applicant.

**END OPTION**

This letter refers to an access request received by the Department of Home Affairs ('the Department') under the *Freedom of Information Act 1982* (the FOI Act) on <date>, seeking access to: **NOTE: remove any notes that have since been inserted into the 'other documents' scope field (below)**

<Include scope exactly as written on request>

**EXAMPLE - REVISED SCOPE**

On <<insert date>> the Department sought to clarify the terms of your request / issued you a notice under s.24AB of the FOI Act.

On <<insert date>> you revised the terms of your request to seek access to: **NOTE: remove any notes that have since been inserted into the 'other documents' scope field (below)**

**END OF EXAMPLE**

**ADDITIONAL PARAGRAPH – Requests received prior to 20 December 2017**

Please note that on 20 December 2017 the Home Affairs Portfolio, including the Department of Home Affairs, was formally established. The Department of Home Affairs includes the entirety of the Department of Immigration and Border Protection, the Australian Border Force and the Office of Transport Security from within the Department of Infrastructure and Regional Development. It also includes specific functions from the Attorney-General's Department, the Department of Social Services and the Department of the Prime Minister and Cabinet.

As such a decision has now been made on your request by the Department of Home Affairs.

### Timeframe for processing your request

The FOI Act provides a statutory period for processing your request of 30 calendar days, unless an extension of time is agreed to, or provided for under a provision of the FOI Act.

#### EXAMPLE – amend as required

On <<insert date>>, the Department wrote to you acknowledging your request and requesting a further 30 days within which to make a decision on your request.

On <<insert date>> you agreed in writing to this extension of time. Pursuant to section 15AA of the FOI Act, the Department has notified the Information Commissioner in writing of this extension of time.

#### END OF EXAMPLE

The due date for a decision on your request is <<insert date>>.

#### OR

According to section 15 of the FOI Act, the statutory timeframe for the processing of your request expired on <<insert date>>. The Department apologises for the delay in processing your request.

#### END

#### OPTION – COMPLETE PARTIAL DECISION

On <<insert date>>, you were sent a partial decision on this request. I am now advising you of the decision in relation to the remaining documents.

#### END OPTION

### 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 Departmental records.

### Information considered

In reaching my decision, I have considered the following:

- the *Freedom of Information Act 1982*;
- the Australian Information Commissioner's FOI guidelines relating to access to documents held by government;
- the terms of your request;
- Departmental documents, (identified below); and
- consultation with relevant business area/s.

### Decision

The Department has identified <<number i.e. one (1)>> file(s) / document(s) that falls within the scope of your request. These document(s) were in the possession of the Department on 5 Sep, 2019 when your request was received.

My decision is to release in full the document(s) in the possession of the Department which falls within the scope of your request. A list of the files / documents is below for your reference. **NOTE: amend table below as required.**

No.	Description	Reference (if applicable)	No. of folios
1.	Departmental File	ABCXXXX/XXXXXX	XX

2.	Departmental File	XX	XX
3.	Electronic records from ICSE	CIDXXXXX	XX

## Review rights

### Internal review

If you disagree with my decision, you have the right to apply for an internal review by the Department of my 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 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:

Email to: [foi.vic@homeaffairs.gov.au](mailto:foi.vic@homeaffairs.gov.au)

Or by mail at:

Freedom of Information  
Department of Home Affairs  
GPO Box 241 MELBOURNE VIC 3001

### 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 my decision. You must apply in writing within 60 days of this notice. For further information about review rights and how to submit a review request to the OAIC, please see FOI fact sheet 12 '*Freedom of information – Your review rights*', available online at [www.oaic.gov.au](http://www.oaic.gov.au).

### How to make a complaint about the handling of this FOI request

You may complain to the Australian Information Commissioner if you have concerns about how the Department has handled your request under the FOI Act. Information about how to submit a complaint is available at [www.oaic.gov.au](http://www.oaic.gov.au).

### Contacting the FOI Section

If you wish to discuss this matter, I can be contacted using the details provided below.

### Contacting the Department

You can contact us with an enquiry in a number of ways including by email, through our website; by telephone, through our Service Centres or offices around the world, or in person. In Australia you can call 13 18 81 between 8:30 am and 4:30 pm Monday to Friday. Details on submitting a webform, or contacting our offices outside Australia are available on our website at [www.homeaffairs.gov.au](http://www.homeaffairs.gov.au).

Yours sincerely

### Attachments

- Documents released to you under the FOI Act



<<Current Date>>

«SendToTitleFirstnameSurname»  
«SendToTradingName»  
«SendToAddress3»  
«SENTOCITY» «SENDTOSTATE» «SENDOPOSTCODE»

**In reply please quote:**

Client Name «ApplicantFirstnameMiddleSurname»  
Date of Birth «ApplicantDateOfBirth»  
Client ID «ApplicantClientID»  
FOI Request «CaseNumber»  
File Number «FOIV2\_Request\_ADF\_Number»

Dear «SendToTitle» «SendToSurname»

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

**OPTION IF SENDING DECISION TO AN AGENT**

«ApplicantFirstnameSurname», (the applicant) has authorised you to receive, on their behalf, correspondence about their Freedom of Information (FOI) request. Correspondence will not be sent directly to the applicant. In this letter, references to 'you' relate to the applicant.

**END OPTION**

This letter refers to an access request received under the *Freedom of Information Act 1982* (the FOI Act) on <date>, seeking access to: **NOTE: remove any notes that have since been inserted into the 'other documents' scope field (below)**

<Include scope exactly as written on request>

**EXAMPLE - REVISED SCOPE**

On <<insert date>> the Department sought to clarify the terms of your request / issued you a notice under s.24AB of the FOI Act.

On <<insert date>> you revised the terms of your request to seek access to: **NOTE: remove any notes that have since been inserted into the 'other documents' scope field (below)**

**END OF EXAMPLE**

**Timeframe for processing your request**

The FOI Act provides a statutory period for processing your request of 30 calendar days, unless an extension of time is agreed to, or provided for under a provision of the FOI Act.

**EXAMPLE – amend as required**

On <<insert date>>, the Department wrote to you acknowledging your request and requesting a further 30 days within which to make a decision on your request.

On <<insert date>> you agreed in writing to this extension of time. Pursuant to section 15AA of the FOI Act, the Department has notified the Information Commissioner in writing of this extension of time.

END OF EXAMPLE

The due date for a decision on your request is <<insert date>>.

OR

According to section 15 of the FOI Act, the statutory timeframe for the processing of your request expired on <<insert date>>. The Department apologises for the delay in processing your request.

END

#### OPTION – COMPLETE PARTIAL DECISION

On <<insert date>>, you were sent a partial decision on this request. I am now advising you of the decision in relation to the remaining documents.

END OPTION

#### 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 Departmental records.

#### Information considered

In reaching my decision, I have considered the following:

- the *Freedom of Information Act 1982*;
- the Australian Information Commissioner's FOI guidelines relating to access to documents held by government;
- the terms of your request; and
- consultation with relevant business area/s.

#### Decision

The Department has taken reasonable searches in relation to your request. No documents were located in the possession of the Department on 5 September 2019 when your FOI request was valid and the Department therefore has no records to produce.

My decision is to refuse access under section 24A of the FOI Act. My reasons and an extract of the legislation are set out below.

#### **24A Requests may be refused if documents cannot be found, do not exist or have not been received**

##### *Document lost or non-existent*

- (1) An agency or Minister may refuse a request for access to a document if:
- (a) all reasonable steps have been taken to find the document; and
  - (b) the agency or Minister is satisfied that the document:
    - (i) is in the agency's or Minister's possession but cannot be found; or
    - (ii) does not exist.

##### *Document not received as required by contract*

- (2) An agency may refuse a request for access to a document if:
- (a) in order to comply with section 6C, the agency has taken contractual measures to ensure that it receives the document; and
  - (b) the agency has not received the document; and

- (c) *the agency has taken all reasonable steps to receive the document in accordance with those contractual measures.*

#### OPTION – CANNOT BE FOUND

I have identified the following file(s) / document(s) as coming within the scope of your request.

##### 1. List documents or files

I have taken the following actions to locate these records, and received the following advice:

**NOTE:** below is an example please amend as required and set out each step you took to locate the file/documents

1. Requested your client file from its currently recorded location (in the Departmental record keeping system) and received a written response that the file is not there and cannot be located
2. Contacted the last person known to have possessed this document and received a written response that the document is not there and cannot be located
3. Posted an All Staff message to Departmental staff and received no favourable responses
4. List any further action taken

As the document cannot be found and I am satisfied that all reasonable searches have been undertaken I am refusing your request for access.

END

#### OPTION - DOES NOT EXIST

I have undertaken a search of the relevant Departmental systems to located and identify the document/s you have requested. The systems I have searched include: **NOTE:** below is an example please amend as required and reference each system you searched. You can also include the key words that you used to search in TRIM

- Integrated Client Services Environment (ICSE) – this includes the record management of visa applications received onshore
- ICSE Offspring – this includes the record management of visa applications received at Post
- TRIM – the Department's record management system
- Movement records

#### ADDITIONAL TEXT

No documents which would fall within the scope of your request were located as part of these searches. To ensure the Department has undertaken all reasonable steps to identify and locate documents, I have contacted the following business areas and requested that they search their record holdings, or provided advice regarding why the document may not exist:

- List any business areas contacted

The business area advised <<insert advice from business area>>.

END OF TEXT

I am satisfied that all reasonable searches have been undertaken by the Department and that the document you seek access to, does not exist, therefore I am refusing your request for access.

END OPTION

#### OPTION - COPY OF AUS CITIZENSHIP CERTIFICATE - FOR A DECEASED PERSON

The Department only produces a single certificate of Evidence of Australian Citizenship. This certificate is provided to the person at the time they are granted Australian Citizenship. The department does not keep a copy of this document.

As the Department does not retain copies of Australian citizenship certificates the document you are requesting does not exist.

As a copy of the document requested does not exist, I am refusing your request for access.

However, written confirmation of your <<insert relationship>> citizenship status may be provided to you by the Citizenship section in Canberra. I have forwarded a copy of your request to the Citizenship section. You will be contacted by them should any further forms or information be required.

Please be advised that the Citizenship section may require you to submit any of the following documents:

**Delete those already submitted**

- Photographic identification for yourself, i.e. a certified copy of your passport or drivers licence
- Evidence that the person who's information you are requesting is deceased
- Evidence of your relationship to that person
- A short letter explaining the reasons why you require this information.

**END OPTION**

**OPTION DOCUMENT NOT FORWARDED UNDER TERMS OF CONTRACT**

The document you have requested is in the possession of <<insert service provider name>> which has been contracted to undertake the provision of services for the Department. I have taken the following steps to obtain the document:

- *List steps taken*

<<insert service provider name>> has not provided the document in response to my requests.

As the document has not been received by this Department, I am refusing your request for access.

**END OPTION**

**Review rights**

**Internal review**

If you disagree with my decision, you have the right to apply for an internal review by the Department of my 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 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.

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Freedom of Information  
Department of Home Affairs  
GPO Box 241 MELBOURNE VIC 3001

**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 my decision. You must apply in writing within 60 days of this notice. For further information about review rights and how to submit a review request to the OAIC, please see FOI fact sheet 12 '*Freedom of information – Your review rights*', available online at [www.oaic.gov.au](http://www.oaic.gov.au) .

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**Contacting the FOI Section**

If you wish to discuss this matter, I can be contacted using the details provided below.

**Contacting the Department**

You can contact us with an enquiry in a number of ways including by email, through our website; by telephone, through our Service Centres or offices around the world, or in person. In Australia you can call 13 18 81 between 8:30 am and 4:30 pm Monday to Friday. Details on submitting a webform, or contacting our offices outside Australia are available on our website at [www.homeaffairs.gov.au](http://www.homeaffairs.gov.au).

Yours sincerely



3 October 2019

«SendToTitleFirstnameSurname»  
«SendToTradingName»  
«SendToAddress1»  
«SendToAddress2»  
«SENTOCITY» «SENDTOSTATE» «SENDOPOSTCODE»  
«SENTOCOUNTRY»

Email: «SendToEmail»

**In reply please quote:**

Client Name: «ApplicantFirstnameSurname»  
Date of Birth: «ApplicantDateOfBirth»  
Client ID: «ApplicantClientID»  
FOI Request: «CaseNumber»  
File Number: «FOIV2\_Request\_ADF\_Number»

Dear «SendToTitle» «SendToSurname»

**Acknowledgement of Freedom of Information Access request**

**OPTION Delete or un-highlight**

«ApplicantFirstnameSurname» (the applicant) has authorised you to receive, on their behalf, correspondence about their Freedom of Information (FOI) request. Correspondence will not be sent directly to the applicant. In this letter, references to 'you' relate to the applicant.

**END OPTION**

This letter refers to an access request received by the Department of Home Affairs ('the Department') under the *Freedom of Information Act 1982* (the FOI Act) on «ReceivedDate», seeking access to:

«FOIV2\_Docs\_Other\_text\_field»

**OPTION**

On <insert date> the Department sought to clarify the terms of your request. As per the advice received the Department understands the scope of your request is now:

«FOIV2\_Docs\_Other\_text\_field»

**END OPTION**

Your request has been allocated FOI request number «CaseNumber». Please include your FOI request number in all correspondence with the Freedom of Information (FOI) Section.

Please note that on 20 December 2017 the Home Affairs Portfolio, including the Department of Home Affairs, was formally established. For the purposes of the FOI Act, the Department of Home Affairs includes the entirety of the former Department of Immigration and Border Protection, the Australian Border Force and the Office of Transport Security from within the Department of Infrastructure and Regional Development. It also includes specific functions

Released by Department of Home Affairs  
under the Freedom of Information Act 1982

from the Attorney-General's Department, the Department of Social Services and the Department of the Prime Minister and Cabinet.

A request for access to documents held by the Department of Home Affairs will be limited to documents held by the Department and will not include documents held by other agencies within the wider Home Affairs portfolio, which remain separate agencies for the purposes of the FOI Act.

### **Staff and Contractor Names**

The Department's policy is to consider irrelevant to the scope of your request the personal details of staff and contractors engaged in some roles. This includes their names, email addresses and their mobile and direct work telephone numbers. This material will therefore be removed under s 22 (1)(a)(ii) of the FOI Act from the documents that form the scope of your request, unless you advise us otherwise (within seven days from the date of this letter).

### **OPTION**

#### **Further documentation required**

The Department has identified that your access request requires further documentation to support the release of documents to you.

#### Identification

The Department is committed to maintaining your records to ensure that they are not released to a person who is not entitled to receive them. To help us do this, please provide a copy of your personal photographic identification. This identification could include any of the following: current Drivers Licence; Passport; or student card.

If you anticipate any problems providing a copy of your personal identification, please contact this office using the details provided in the acknowledgement letter.

#### Third party consent

Section 47F(1) of the FOI Act provides that documents are exempt from release where this would involve unreasonable disclosure of personal information. As you are seeking access to documents containing information about 3rdPartyName it will assist the Department to make a decision on your request if you provide written consent from 3rdPartyName.

Where possible, you should also provide photographic identification for 3rdPartyName. This identification could include any of the following: current Drivers Licence; Passport; or student card.

If you anticipate any problems obtaining consent or photographic identification, please contact me, using the details provided in the Acknowledgement letter.

If you cannot obtain consent or photographic identification from 3rdPartyName and you still wish to access their documents, you should write to this office setting out reasons why you believe the release would not be unreasonable or contrary to the public interest. In cases where consent cannot be obtained the Department may be required to consult the individual(s) concerned under section 27A of the FOI Act prior to making an access decision.

### **Business Authorisation**

Section 47F(1) of the FOI Act provides that documents are exempt from release where this would involve unreasonable disclosure of information and be contrary to the public interest. As you are seeking access to documents containing information about **[COMPANY NAME]** it will assist this office to make a decision on your request if you provide documentary evidence that **person** is authorised to receive company documents.

### **Timeframe to provide additional documents**

Please forward these documents within 14 days of the date of this letter to the following address:

Scan and email to: «OwnerLocationAddress3»

Or by mail:

Freedom of Information  
Department of Home Affairs  
«OwnerLocationAddress4»

If the documents have not been received within 14 days, a decision will be made on your request on the basis of the information held.

**END OPTION**

### **Timeframe for request**

The statutory timeframe provided under the FOI Act for processing requests is a standard 30 calendar days. FOI requests will generally be processed in the order that they are received.

### **OPTION**

#### **Request for an extension of time**

For this reason the Department seeks your agreement (under s.15AA of the FOI Act) to extend the timeframe for the processing of your request by 30 days. You may confirm your agreement to the extension of time by writing to the Department at:

Email to: «OwnerLocationAddress3»

Or by mail at:

Freedom of Information  
Department of Home Affairs  
«OwnerLocationAddress4»

If you agree to the extension of time please advise the Department within 14 days from the date of this letter. If you are unable or unwilling to provide an extension of time you are not required to respond to this letter.

**END OPTION**

### **Contacting the FOI Section**

If you wish to discuss your access request you may contact the FOI Section using the details provided below.

### **Contacting the Department**

You can contact us with an enquiry in a number of ways including by email, through our website; by telephone, through our Service Centres or offices around the world, or in person. In Australia you can call 13 18 81 between 8:30 am and 4:30 pm Monday to Friday. Details on submitting a webform, or contacting our offices outside Australia are available on our website at [www.homeaffairs.gov.au](http://www.homeaffairs.gov.au).

Yours sincerely

«InvestigativeOfficerFirstnameSurname»  
FOI Officer | Freedom of Information Section  
Department of Home Affairs

Telephone      «InvestigativeOfficerAddress1»  
Email            «OwnerLocationAddress3»

## NATO FOI response to general enquiries

I refer to your email below.

The Department's Freedom of Information Section manages formal requests for access to documents under the *Freedom of Information Act 1982* (FOI Act). Your enquiry is general in nature, and this Section of the Department is unable to assist you.

This email address is not the appropriate channel for lodging feedback or general enquiries.

For general enquiries, or status updates on existing visa and citizenship applications, please use:  
[www.homeaffairs.gov.au/about/contact/make-enquiry](http://www.homeaffairs.gov.au/about/contact/make-enquiry)

For feedback in relation a service provided by the Department of Home Affairs, please use:  
[www.homeaffairs.gov.au/about/contact/provide-feedback/compliments-complaints-suggestions/visa-citizenship-service](http://www.homeaffairs.gov.au/about/contact/provide-feedback/compliments-complaints-suggestions/visa-citizenship-service)

I refer to your email below.

The Department's Freedom of Information Section manages formal requests for access to documents under the Freedom of Information Act 1982 (FOI Act). The scope of your enquiry is a general question rather than a request for documents. Therefore, this Section of the Department is unable to assist you.

This email address is not the appropriate channel for lodging feedback or general enquiries.

For general enquiries, or status updates on existing visa and citizenship applications, please use:  
[www.homeaffairs.gov.au/about/contact/make-enquiry](http://www.homeaffairs.gov.au/about/contact/make-enquiry)

Please Note: As I have provided the above information, no further action will be taken on your FOI request.

Should you want to access your documents, then please submit a new request, with a specific and clear description of the relevant documents or files you are after. Please also remember to include a scanned copy of your identity document (such as a passport or driver's license). If you want documents or information about another person, please provide evidence of your authority to ask for their information. This will assist us in processing your request and determining if we can provide another person's information to you.

Kind Regards

Joseph  
Position number: 00011453  
Freedom of Information Victoria  
Department of Home Affairs

**CITIZENSHIP OR VISA APPLICATION (PARTNER/PARENT/ETC) – request for PROGRESS of application**

Dear...

Thank you for submitting a Freedom of Information (FOI) request. However, I am returning this application and supporting documents to you. The scope of your request appears to be predominately seeking advice or an explanation in relation to your current application for citizenship (or visa application).

The role of FOI is to provide access to documents that are held by the Department. We are not able to provide personal advice, explanations in relation to departmental matters or progress reports on applications that are in process. For processing updates, or for general processing information, I would encourage you to check your application on-line, via your ImmiAccount.

If you did not lodge your application on-line through ImmiAccount, you may be able to import your application into ImmiAccount. This will allow you greater access to check the progress of your application on-line, as well as provide you a direct communication channel to the relevant area within the Department.

Your ImmiAccount allows you to do the following on your own device, immediately and conveniently:

[Check your application status](#)

[Import an application](#)

[Check what information you have given us](#)

[Check messages from us](#)

[Tell us if you made a mistake](#)

[Update your details](#)

[Attach documents to an application](#)

For more information about ImmiAccount, including how to start, import, withdraw or remove an application, please refer to:

<https://immi.homeaffairs.gov.au/help-support/applying-online-or-on-paper/online>

If you require further information, please visit <https://immi.homeaffairs.gov.au/help-support/contact-us>. Please note that if you telephone us, there may be a long delay before you can speak to an operator due to peak periods.

Please Note: As I have provided the above information to you under the Privacy Act 1988, no further action will be taken on your FOI request.

If you would still like to access your documents, then please submit a new request, with a specific and clear description of the relevant documents or files you are after. Please also remember to include a scanned copy of your identity document (such as a passport or driver's license). If you want documents or information about another person, please provide evidence of your authority to ask for their information. This will assist us in processing your request and determining if we can provide another person's information to you.

Kind Regards

A brief summary of action taken i.e. Email sent – Immi Card or VEVO option provided; Email sent – FOI does not provide processing up-dates; Phone call – applicant provided with Visa Grant Number

**Access up-loaded docs via ImmiAccount (no longer used due to confirmation that clients cannot access these docs)**

Dear ....,

Thank you for submitting a Freedom of Information (FOI) request. However, I am returning this application and supporting documents to you. The scope of your request appears to be predominately seeking access to documents that you have previously up-loaded yourself through your ImmiAccount.

The role of FOI is to provide access to documents that are held by the Department. However, when a visa applicant is seeking documents they previously up-loaded to their ImmiAccount, they can access these documents immediately and conveniently by logging into their ImmiAccount.

Your ImmiAccount allows you to do the following on your own device, immediately and conveniently:

[Check your application status](#)

[Import an application](#)

[Check what information you have given us](#)

[Check messages from us](#)

[Tell us if you made a mistake](#)

[Update your details](#)

[Attach documents to an application](#)

For more information about ImmiAccount, including how to start, import, withdraw or remove an application, please refer to:

<https://immi.homeaffairs.gov.au/help-support/applying-online-or-on-paper/online>

If you require further information, please visit <https://immi.homeaffairs.gov.au/help-support/contact-us>. Please note that if you telephone us, there may be a long delay before you can speak to an operator due to peak periods.

Please Note: As I have provided the above information to you under the Privacy Act 1988, no further action will be taken on your FOI request.

If you have forgotten your ImmiAccount user name or password, please visit:

<https://online.immi.gov.au/lusc/forgotUsername>

<https://online.immi.gov.au/lusc/forgotPassword>

Kind Regards

Joseph  
Position number: 00011453  
Freedom of Information Victoria  
Department of Home Affairs

**Permanent Residence – request for evidence of PR or current visa status**

Dear

Thank you for submitting a Freedom of Information (FOI) request. However, I am returning this application and supporting documents to you. The scope of your request appears to be predominately seeking evidence or an explanation in relation to your current visa status.

The role of FOI is to provide access to documents or information that are held on your record or file. However, while we may be able to provide you with a copy of this information, any record we can provide you will not be accepted as official evidence of your current visa status by other government agencies or for employment purposes.

You can check your visa details and conditions immediately on-line using our Visa Entitlement Verification Online (VEVO) functionality. Alternatively, you may be able to apply for an ImmiCard, which is an official proof of identity card. These two options allow you to obtain official evidence of your current visa status that is accepted by other government agencies and employers.

For further information on how to use VEVO, please visit:  
<https://immi.homeaffairs.gov.au/visas/already-have-a-visa/check-visa-details-and-conditions/check-conditions-online>

For further information on how to apply for an ImmiCard, please visit:  
<https://immi.homeaffairs.gov.au/entering-and-leaving-australia/proof-of-identity>

If you require further information, please visit <https://immi.homeaffairs.gov.au/help-support/contact-us>. If you telephone us, there may be a delay before you can speak to an operator during peak periods of incoming calls.

Please Note: As I have provided the above information to you under the Privacy Act 1988, no further action will be taken on your FOI request.

If you would still like to access your documents, then please submit a new request, with a specific and clear description of the relevant documents or files you are after. Please also remember to include a scanned copy of your identity document (such as a passport or driver's license). If you want documents or information about another person, please provide evidence of your authority to ask for their information. This will assist us in processing your request and determining if we can provide another person's information to you.

Kind Regards

**Long term resident who has not travelled since 1990 submits FOI Access request for evidence of PR or current visa status**

Dear...

Thank you for submitting a Freedom of Information (FOI) request. However, I am returning this application and supporting documents to you. The scope of your request appears to be predominately seeking evidence of your permanent resident visa status. I have checked your departmental record and can see that you are a long term resident who arrived in Australia before 1990, and that you may not have left the country since. As such, you are unlikely to currently have an electronic visa record.

The role of FOI is to provide access to documents or information that are held on your immigration record or file. However, while we may be able to provide you with a copy of your date of entry to Australia, this will not be evidence of your current immigration status. Please note that a screen shot of your entry date will not be accepted as evidence of your current visa status by other government agencies or for employment purposes.

To obtain evidence of your current visa status you have two options:

1, You can apply for an Evidence of Immigration Status ImmiCard. This is a proof of identity card, which can be used as evidence of your current visa status that is accepted by other government agencies and employers.

For further information on how to apply for an ImmiCard, please visit:

<https://immi.homeaffairs.gov.au/entering-and-leaving-australia/proof-of-identity>

2, You can request an electronic visa record, which will allow you to use VEVO to provide evidence of your current visa status to other government agencies and employers.

For further information on how to request an electronic visa record, please visit:

<https://immi.homeaffairs.gov.au/visas/permanent-resident/evidence-of-residency-status/request-an-electronic-visa-record>

If you require further information, please visit <https://immi.homeaffairs.gov.au/help-support/contact-us>. If you telephone us, there may be a delay before you can speak to an operator during peak periods of incoming calls.

Please Note: As I have provided the above information to you under the *Privacy Act 1988*, no further action will be taken on your FOI request.

If you would still like to access your documents, then please submit a new request, with a specific and clear description of the relevant documents or files you are after. Please also remember to include a scanned copy of your identity document (such as a passport or driver's license). If you want documents or information about another person, please provide evidence of your authority to ask for their information. This will assist us in processing your request and determining if we can provide another person's information to you.

Kind Regards

**Request Australian citizenship status of a deceased person**

Dear...

Thank you for submitting a Freedom of Information (FOI) Access request. However, I am returning this application and supporting documents to you. You have indicated in your request that you are seeking evidence of the citizenship status (or non-citizenship status) of a deceased person for official purposes.

Please note that the role of FOI is to provide access to documents or information that exist in immigration or citizenship records. The FOI section cannot produce documents such as an Australian citizenship certificates or evidence that a person is not an Australian citizen. This is because Australian citizenship certificates are given to the new citizen at their citizenship ceremony and are not kept on citizenship application files. Nor can the FOI section make a determination on whether a person has or has not been conferred Australian citizenship as only Citizenship officers can make that finding of fact.

Therefore, to obtain evidence of a deceased person's citizenship status please click on the link below. This link will provide you with the information you need to obtain official evidence of the citizenship status of a deceased family member from a Citizenship Officer:

<https://immi.homeaffairs.gov.au/citizenship/certificate/request-status-of-deceased-person#Overview>

Please note that if you are not a family member of the deceased person, you should provide a statement and official evidence of why you require the citizenship status – for example: evidence that you are the executor appointed under the deceased person's will.

If you require further information, please visit <https://immi.homeaffairs.gov.au/help-support/contact-us>. If you telephone us, there may be a delay before you can speak to an operator during peak periods of incoming calls.

Please Note: As I have provided the above information to you under the *Privacy Act 1988*, no further action will be taken on your FOI request.

If you wish to access a copy of an Australian citizenship application file, then please submit a new FOI request, with a clear description of the relevant documents or files you are after. Please also remember to include a scanned copy of your identity document (such as a passport or driver's license). If you want documents or information about another person, please provide evidence of your authority to ask for their information. If the third party is deceased, you should provide the death certificate and evidence of the relationship between yourself and the deceased person. This will assist us in processing your request and determining if we can provide another person's information to you.

Please Note: A copy of a previous citizenship application is NOT evidence of a person's citizenship status.

Kind Regards

## Request for Australian citizenship status

Dear...

Thank you for submitting a Freedom of Information (FOI) Access request. However, I am returning this application and supporting documents to you. You have indicated in your request that you are seeking evidence of your Australian citizenship status or a copy of your Australian citizenship certificate.

Please note that the role of FOI is to provide access to documents or information that exist in immigration or citizenship records. While we may be able to provide you with a copy of your application for Australian citizenship, this is not evidence that you have been conferred Australian citizenship.

The FOI section cannot produce documents such as an Australian citizenship certificates or evidence that a person is an Australian citizen. This is because Australian citizenship certificates are given to the new citizen at their citizenship ceremony and are not kept on citizenship application files. Nor can the FOI section make a determination on whether a person has, or has not been, conferred Australian citizenship as only Citizenship officers can make that finding of fact.

Therefore, to obtain evidence of your Australian citizenship status (i.e. your Australian citizenship certificate) please click on the link below. This link will provide you with the information you need to obtain official evidence of your Australian citizenship status from a Citizenship Officer:

<https://immi.homeaffairs.gov.au/citizenship/certificate>

Please Note: As I have provided the above information to you under the *Privacy Act 1988*, no further action will be taken on your FOI request.

If you require further information, please visit <https://immi.homeaffairs.gov.au/help-support/contact-us>. If you telephone us, there may be a delay before you can speak to an operator during peak periods of incoming calls.

If you wish to access a copy of an Australian citizenship application file, then please submit a new FOI request, with a clear description of the relevant documents or files you are after. Please also remember to include a scanned copy of your identity document (such as a passport or driver's license). If you want documents or information about another person, please provide evidence of your authority to ask for their information. If the third party is deceased, you should provide the death certificate and evidence of the relationship between yourself and the deceased person. This will assist us in processing your request and determining if we can provide another person's information to you.

Please Note: A copy of a previous citizenship application is NOT evidence of a person's citizenship status.

Kind Regards

**CITIZENSHIP (PARENT) – request for PROGRESS of application**

Dear

Thank you for submitting a Freedom of Information (FOI) request via our website. However, I am returning this application and supporting documents to you.

The role of FOI is to provide access to documents that are held on file by the Department. We are not able to provide process reports on applications that are in progress or current processing times.

The scope of your request appears to be predominately seeking a progress up-date on your parents' Contributory Parent visa application. For processing updates, or for general processing information, I would encourage you to contact the Parent Visa Centre on the contact details provided on the first page of the Parent Visa application lodgement acknowledgment letter.

If you require further information, please visit <https://immi.homeaffairs.gov.au/help-support/contact-us>. Please note that if you telephone us, there may be a long delay before you can speak to an operator due to peak periods.

Please Note: No further action will be taken on this request. However, if you would still like to access the documents on your parents' application, please submit a new request with a clear description of the relevant documents or files you would like to gain access to.

Please also remember to include a scanned copy of your identity document (such as a passport or driver's license). If you want documents or information about another person, please provide evidence of your authority to ask for their information. This will assist us in processing your request and determining if we can provide another person's information to you.

Kind Regards

**VEVO Privacy release - Permanent Residence – request for evidence of PR or current visa status**

Dear

Thank you for submitting a Freedom of Information (FOI) request. However, I am returning this application and supporting documents to you. The scope of your request appears to be predominately seeking official evidence of your current visa status.

The role of FOI is to provide access to documents or information that are held on your record or file. However, any record we can provide you will not be accepted as official evidence of your current visa status by other government agencies or for employment purposes.

You can check your visa details and conditions immediately on-line by using our Visa Entitlement Verification Online (VEVO) functionality. This option allows you to obtain official evidence of your current visa status that is accepted by other government agencies and employers immediately on-line. You can then either print out your VEVO record or email it directly to another person, such as an employer.

For further information on how to use VEVO, please visit:  
<https://immi.homeaffairs.gov.au/visas/already-have-a-visa/check-visa-details-and-conditions/check-conditions-online>

To use VEVO you will require your current visa grant number and your travel document number. After checking the identity documents you attached with your FOI form, I am able to release this information to you under the Privacy Act 1988.

**Your visa current grant number is: \$\$\$\$\$\$\$\$\$\$**

**Your travel document number is: \$\$\$\$\$\$\$\$\$\$**

Please Note: As I have provided the above information to you under the Privacy Act 1988, no further action will be taken on your FOI request.

If you require further information, please visit <https://immi.homeaffairs.gov.au/help-support/contact-us>. If you telephone us, there may be a delay before you can speak to an operator during peak periods of incoming calls.

If you would still like to access your documents, then please submit a new request, with a specific and clear description of the relevant documents or files you are after. Please also remember to include a scanned copy of your identity document (such as a passport or driver's license). If you want documents or information about another person, please provide evidence of your authority to ask for their information. This will assist us in processing your request and determining if we can provide another person's information to you.

Kind Regards

**VEVO Privacy release – Movement records**

Dear

Thank you for submitting a Freedom of Information (FOI) form 424A. However, I am returning this application and supporting documents to you. The scope of your request appears to be predominately seeking your movement records.

Access to your own movement records is available under section 488 of the Migration Act 1958 by completing form 1359. Page one of this form provides you with all the necessary instructions on how and where to apply for your movement records, including your first date of entry to Australia.

For your convenience, the link to form 1359 is below:

<https://www.abf.gov.au/form-listing/forms/1359.pdf>

Please Note: As I have provided the above information to you, no further action will be taken on your FOI request.

If you require further information, please visit <https://immi.homeaffairs.gov.au/help-support/contact-us>. If you telephone us, there may be a delay before you can speak to an operator during peak periods of incoming calls.

Kind Regards

\*FOI Scope Field resides here\*

I note that you have requested access to medical documents held by the department's contractor, International Health & Medical Services (IHMS). There is an administrative access process set up by IHMS which enables you to request these documents directly and outside the FOI Act.

<http://www.ihms.com.au/medical-records-requests.php>

The FOI Act, in sections 3 and 3A, promotes public access to information, promptly and at the lowest reasonable cost and it encourages agencies to provide access to documents outside of the Act. As such, you are advised to obtain those documents directly from IHMS.



03/05/2019

Name  
Address  
Address  
Address

**In reply please quote:**

Client Name  
Date of Birth  
Client ID  
FOI Request  
File Number

Dear Stephanie Pashias,

**Administrative access to previous FOI documentation**

..... (the applicant) has authorised you to receive correspondence on their behalf about their Freedom of Information (FOI) request. In this letter, references to 'you' relate to the applicant.

I refer to your most recent request to the Department of Immigration and Border Protection (the Department) under the *Freedom of Information Act 1982* (the FOI Act) received on 28/08/2017.

I have identified an existing FOI request that has undergone assessment and finalisation resulting in documentation previously being released to you.

I am providing administrative access to the previous release rather than the department making a fresh decision on those documents

The department considers the terms of your request satisfied on the basis we have provided a subsequent copy of documentation that has already been released to you.

Regards

Jo  
FOI Officer  
Freedom of Information Melbourne  
Department of Home Affairs  
E: [foi.vic@homeaffairs.gov.au](mailto:foi.vic@homeaffairs.gov.au)

Released by Department of Home Affairs  
under the *Freedom of Information Act 1982*



## Template – Request Consultation - withdrawn or invalid request

<<Current Date>>

«SendToTitleFirstnameSurname»  
«SendToTradingName»  
«SendToAddress3»  
«SENDOFCITY» «SENDTOSTATE» «SENDTOPOSTCODE»

### In reply please quote:

Client Name «ApplicantFirstnameMiddleSurname»  
Date of Birth «ApplicantDateOfBirth»  
Client ID «ApplicantClientID»  
FOI Request «CaseNumber»  
File Number «FOIV2\_Request\_ADF\_Number»

Dear «SendToTitle» «SendToSurname»

### Freedom of Information request – Decision on request - Access

#### OPTION – IF SENDING DECISION TO AN AGENT

«ApplicantFirstnameSurname», (the applicant), has authorised you to receive correspondence about their Freedom of Information request on their behalf. Correspondence will not be sent directly to the applicant. In this letter references to 'you' and 'your' relate to the applicant.

#### END OPTION

This letter refers to an access request received under the *Freedom of Information Act 1982* (the FOI Act) received on <<date>>.

You requested access to the following information:

<scope of request at time of application>

On <<insert date>> you were sent a notification that a practical refusal reason existed in relation to this request and asked to provide a response within 14 days of the date of the letter.

#### OPTION WITHDRAWN BY CLIENT

Your response was received on <<insert date>> in which you advised that you wished to withdraw your request.

This request has been finalised in line with your response. No further action will be taken on this request. You may lodge a new request for access at any time.

#### END OPTION

#### OPTION DEEMED WITHDRAWN

You have not responded to this letter. As advised in the letter, if no response was received in the specified timeframe, your request will be taken to be withdrawn.

This request has been finalised as withdrawn. No further action will be taken on this request.

You may lodge a new request for access at any time.

END OPTION

**OPTION REQUEST NOT REVISED 15(2)(b) INVALID**

You have advised that you do not wish to revise the scope of your request. As it is not possible to identify the documents to which you are requesting access your request does not meet subsection 15(2)(b) and is therefore invalid.

No further action will be taken on this request.

You may lodge a new request for access at any time.

END OPTION

**Contacting the FOI Section**

If you wish to discuss this matter, I can be contacted using the details provided below.

**How to make a complaint about the handling of your FOI request**

You may complain to the Australian Information Commissioner if you have concerns about how the Department has handled your request under the FOI Act.

Your complaint must be in writing and must specify the agency you are complaining about. You can send your complaint to the Australian Information Commissioner using the following details:

Online:	<a href="http://www.oaic.gov.au">www.oaic.gov.au</a>
Post:	GPO Box 5218 Sydney NSW 2001
Fax:	+61 2 9284 9666
Email:	<a href="mailto:enquiries@oaic.gov.au">enquiries@oaic.gov.au</a>

A complaint form is also available at [www.oaic.gov.au](http://www.oaic.gov.au).

**Contacting the Department**

You can contact us with a general enquiry in a number of ways including by email, through our website, by telephone through our Service Centres or offices around the world, or in person. In Australia you can call 13 18 81 between 9 am and 4 pm Monday to Friday. Details on contacting our offices outside Australia are available on our website at [www.homeaffairs.gov.au](http://www.homeaffairs.gov.au).

Yours sincerely

«Case Officer Firstname Surname»  
Position number  
FOI Officer  
«Section»  
«Office»  
Department of Home Affairs

Telephone «PhoneBH»  
Email «EMail»



<<Current Date>>

«SendToTitleFirstnameSurname»  
«SendToTradingName»  
«SendToAddress3»  
«SENTOCITY» «SENDTOSTATE» «SENDOPOSTCODE»

**In reply please quote:**

Client Name «ApplicantFirstnameMiddleSurname»  
Date of Birth «ApplicantDateOfBirth»  
Client ID «ApplicantClientID»  
FOI Request «CaseNumber»  
File Number «FOIV2\_Request\_ADF\_Number»

Dear «SendToTitle» «SendToSurname»

**Freedom of Information request – decision on request – access**

**OPTION – IF SENDING DECISION TO AN AGENT**

«ApplicantFirstnameSurname», (the applicant), has authorised you to receive correspondence about their Freedom of Information request on their behalf. Correspondence will not be sent directly to the applicant. In this letter references to 'you' and 'your' relate to the applicant.

**END OPTION**

Your request has been allocated a FOI Request Number «FA number». Please include your FOI Request Number in all correspondence with the Freedom of Information Section.

This letter refers to an access request received under the *Freedom of Information Act 1982* (the Act) received on «Date».

You requested access to the following information:

«Scope of request»

On «Date» I sent you a notice under s.24AB(2) of the Act, advising you that a 'practical refusal reason' existed in relation to this request. I advised you that I was satisfied that your request met the definition of a practical refusal reason in s.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.

Under the notice, you were provided with a 14 day 'consultation period', during which you could consult with me about the scope of the request. The notice advised you that you were required to respond before the end of the consultation period and either (a) withdraw your request or (b) revise the scope of your request or (c) confirm that you did not wish to revise the scope.

The notice advised that if you failed to respond before the end of the consultation period to

do one of those three things, the request would be 'deemed withdrawn' under s.24AB(6)(a) of the Act.

You responded to the notice on «Date» and provided a new scope/advised that you did not wish to amend the scope of your request. After considering your response, I am satisfied that the work involved in processing the request will substantially and unreasonably divert the resources of this Department from its other operations. Therefore, I am satisfied that a practical refusal reason still exists under s.24AA(1)(a)(i) of the Act.

### Decision

I am an officer authorised under s.23 of the Act to make decisions in respect of requests to access documents. My decision is to refuse access under section 24(1)(b) of the Act. My reasons are set out below.

Section 24(1)(b) of the Act provides that, where a practical refusal reason exists, an agency may refuse to process a request only if the agency has undertaken the 'consultation process' in s.24AB of the Act and, after completing the consultation, the agency remains satisfied that a practical refusal reason exists.

I note that I have undertaken the consultation process in s.24AB. Within that particular 24AB notice I provided information to demonstrate why processing the request specified in a particular nature would reasonably divert this agency unreasonably and substantially if processing of the request occurred. Although non-specific FOI requests can be accepted in some limited circumstances, the wide number of documents and databases that would require perusal in this specific circumstance concerning your particular client would far surpass 40 hours of processing time.

I remain satisfied that the request still meets the definition of a 'practical refusal reason' in s.24AA(1)(a)(i) in that processing the request will involve a substantial and unreasonable diversion of the Department's resources.

The founding principals in this particular case concern the fact the Department has attempted to assist your endeavours to identify the documentation by providing you an opportunity to contact us and contribute to the document identification process. In this particular case, document identification hasn't been successful and the Department would be legislatively required to fulfil the FOI request in its current state.

Therefore, I am refusing your request for access under s.24(1)(b) of the Act.

Your FOI request has accordingly been closed on our system. I invite you to submit a new request to the Department, should you wish to do so, taking into account my correspondence to you on scope.

### Review rights

#### Internal review

If you disagree with my decision to refuse access under s.24(1)(b) of the Act, you have the right to apply for an internal review by the Department my 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 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:

Freedom of Information Melbourne  
Department of Home Affairs  
GPO Box 241  
MELBOURNE VIC 3001

Or by email to: [foi.vic@homeaffairs.gov.au](mailto:foi.vic@homeaffairs.gov.au)

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 my decision. You must apply in writing within 60 days of this notice. For further information about review rights and how to submit a review request to the OAIC, please see FOI fact sheet 12 '*Freedom of information – Your review rights*', available online at [www.oaic.gov.au](http://www.oaic.gov.au)

**How to make a complaint about the handling of your FOI request**

You may complain to the Australian Information Commissioner if you have concerns about how the Department has handled your request under the FOI Act. Information about how to submit a complaint is available at [www.oaic.gov.au](http://www.oaic.gov.au)

**Contacting the FOI Section**

If you wish to discuss this matter, I can be contacted using the details provided below.

Yours sincerely

«Case Officer Firstname Surname»

Authorised decision maker

Freedom of Information Melbourne

Department of Home Affairs

Telephone «PhoneBH»

Email [foi.vic@homeaffairs.gov.au](mailto:foi.vic@homeaffairs.gov.au)



## Template – Request Consultation Process

<<Current Date>>

«SendToTitleFirstnameSurname»  
«SendToTradingName»  
«SendToAddress3»  
«SENDOCITY» «SENDTOSTATE» «SENDOPOSTCODE»

### In reply please quote:

Client Name «ApplicantFirstnameMiddleSurname»  
Date of Birth «ApplicantDateOfBirth»  
Client ID «ApplicantClientID»  
FOI Request «CaseNumber»  
File Number «FOIV2\_Request\_ADF\_Number»

Dear «SendToTitle» «SendToSurname»

### Freedom of Information request – Notice of Practical Refusal Reason

#### OPTION – IF SENDING DECISION TO AN AGENT

«ApplicantFirstnameSurname», (the applicant), has authorised you to receive correspondence about their Freedom of Information request on their behalf. Correspondence will not be sent directly to the applicant. In this letter references to 'you' and 'your' relate to the applicant.

#### END OPTION

This letter refers to a request received under the *Freedom of Information Act 1982* (the FOI Act) received on <date>. Your request has been allocated a FOI Request Number «FOIV2\_Request\_ADF\_Number». Please include your FOI Request Number in all correspondence with the Freedom of Information Section.

### Notification of intention to refuse access under section 24

You have requested access to the following documents:

<Include scope exactly as written on request>

Under section 24 of the FOI Act there is a power to refuse a request if a request consultation process has been undertaken and a practical refusal reason still exists.

Section 24AA provides information as to when a practical refusal reason exists as follows:

#### 24AA When does a *practical refusal reason* exist?

- (1) For the purposes of section 24, a ***practical refusal reason*** exists in relation to a request for a document if either (or both) of the following applies:
  - (a) the work involved in processing the request:

- (i) in the case of an agency—would substantially and unreasonably divert the resources of the agency from its other operations; or
  - (ii) in the case of a Minister—would substantially and unreasonably interfere with the performance of the Minister's functions;
- (b) the request does not satisfy the requirement in paragraph 15(2)(b) (identification of documents).

### Why I intend to refuse your request

**INSERT APPROPRIATE PARAGRAPH (provided below)**

**XXXXXXXXXX**

### Consultation period

If you have any questions regarding this request or would like to discuss this matter with me, I can be contacted on [telephone number] or by email to [firstname.familyname@homeaffairs.gov.au]

The FOI Act provides a timeframe of 14 days for us to consult in relation to this matter. Within 14 days of receiving this notice you should contact me or, in writing, do one of the following:

- (a) withdraw the request;
- (b) make a revised request; or
- (c) indicate that you do not wish to revise the request.

If you do not contact me or do one of the above within 14 days of receiving this letter your request will be taken to be withdrawn.

Please note processing of your request will be suspended during this time.

Yours sincerely

«Case Officer Firstname Surname»

Position number

FOI Officer

«Section»

«Office»

Department of Home Affairs

Telephone      «PhoneBH»

Fax              «Fax»

Email           «EMail»

## APPROPRIATE PARAGRAPHS

### OPTION – No scope provided

You have not provided any information about the documents you wish to access. You need to state the information you are requesting and identify the documents with specificity.

To assist the FOI Section in processing requests in a timely manner, we ask that you consider how you word the scope of your request. If you are seeking a specific file; and/or documents in connection to a specific contact that you had with the Department, it is greatly appreciated if you state that in the terms of your request. For example you could state that you are seeking the documents in connection to **you/your client's...**

**Officer required to provide a suggested scope based on your observation from ICSE and ICSE offspring.**

**Eg you will provide a suggested scope similar to: *your most recently approve/refused protection visa file; your most recently approved/refused student visa file; ministerial file; visitor visa file XXXX.***

### OPTION – Unable to identify client – personal information

You have not provided enough information about yourself to identify the documents you are requesting. Please provide the following information:

- Full name
- Date of birth
- File number if known
- Certified photographic identification for yourself

Please forward this information to the following address:

**[Name of Officer]**

Freedom of Information

Department of Home Affairs

**<PO Box number>**

**<CITY STATE POSTCODE>**

or

By email to **<foi.vic>@homeaffairs.gov.au>**

Please include the FOI request number listed at the top of this letter with the documents you forward.

**END OPTION**

### OPTION – Non-specific request – personal information

The information you have provided is unspecific and the FOI Section is therefore unable to identify the documents you are requesting.

Applications lodged with this Department often include details of third parties. On occasion the files to which these documents are attached will not list the names of third parties in a readily searchable fashion, for example, where a visa applicant has been asked to provide the names of their parents and siblings who are not included in the application.

As the Department could hold records that contain information about you in this format, the FOI Section requires more information in order to identify these documents.

To assist the FOI Section in processing requests in a timely manner, we ask that you consider how you have worded the scope of your request. If you are seeking a specific file; and/or documents in connection to a specific contact that you had with the Department, it is greatly appreciated if you state that in the terms of your request. For example you could clarify that you are only seeking the documents in connection to your client's...

**Officer required to provide a suggested scope based on your observation from ICSE and ICSE offspring.**

**Eg you will provide a suggested scope similar to:** *your most recently approve/refused protection visa file; your most recently approved/refused student visa file; ministerial file; visitor visa file XXXX.*

END OPTION

**OPTION – Using broad terminology requesting all docs relating to the applicant**

When you use the terminology of 'All documents' and/or 'including but not limited to' this makes the assessment of interpreting the scope of your request difficult. This is because you may have had multiple contacts with the Department for different purposes, and records could be located across various systems and departmental files. The retrieval of files can vary in the time that it takes to be received within the FOI Section. In some cases it can add a considerable amount of time to the processing of an FOI request.

To assist the FOI Section in processing requests in a timely manner, we ask that you consider how you have worded the scope of your request. If you are seeking a specific file; and/or documents in connection to a specific contact that you had with the Department, it is greatly appreciated if you state that in the terms of your request. For example you could clarify that you are only seeking the documents in connection to your client's...

**Officer required to provide a suggested scope based on your observation from ICSE and ICSE offspring.**

**Eg you will provide a suggested scope similar to:** *your most recently approve/refused protection visa file; your most recently approved/refused student visa file; ministerial file; visitor visa file XXXX.*

END OPTION

**OPTION – Requesting 'all detention records'**

In order to progress with this application please specify what you are requesting in relation to "detention records". Detention "records" may include everything held on CCMD and PSP reports where the client is noted which are not readily available on any files solely relating to the applicant alone, records held by third parties in which your client is mentioned, Global Feedback complaints and any ombudsman reports. In order to satisfy the wording of "detention records" at external accountability the Department would be required to undertake voluminous searches and requests for any material from every officer within the detention network. If you are seeking a specific file; and/or documents in connection to a specific incident, it is greatly appreciated if you state that in the terms of your request. For example you could clarify that you are only seeking the documents in connection to your detention dossier or any incident reports relating to my detention from XXXX to XXXX.

END OPTION

### **OPTION – Client requesting ‘entire file’**

The Department does not hold one file regarding each client, but rather a separate file (electronic or paper), boxed document, electronic document or other record is created for every separate interaction that the applicant has with the Department.

To assist the FOI Section in processing requests in a timely manner, we ask that you consider how you have worded the scope of your request. If you are seeking a specific file; and/or documents in connection to a specific contact that you had with the Department, it is greatly appreciated if you state that in the terms of your request. For example you could clarify that you are only seeking the documents in connection to your clients XXXX.

### **Officer required to provide a suggested scope based on your observation from ICSE and ICSE offspring.**

**Eg you will provide a suggested scope similar to: *your most recently approve/refused protection visa file; your most recently approved/refused student visa file; ministerial file; visitor visa file XXXX.***

### **OPTION – Documents previously released**

A practical refusal reason exists under Section 24AA(1)(a)(i).

I believe that the work involved in processing your request would substantially and unreasonably divert the resources of this agency from its other operations as documents within the scope of your request have already been released on XXX to XXX

On this basis, I intend to refuse access to the documents you requested. However, before we make a final decision to do this, you have an opportunity to revise your request. This is called a ‘request consultation process’ as set out under section 24AB of the FOI Act.

You may wish to consider specifying the exact document(s) you wish to obtain that have not previously been assessed and released to you.

**END OPTION**

### **OPTION – 188/163/132 visa files – this option is available to FOI decision makers faced with files and boxes that are excessively voluminous**

You have exercised a legally enforceable right to obtain documentation either reasonably held within your own personal possession, the possession of your business or possession of any representative assisting you for the purposes of your visa application.

The Department notes that you are seeking a wide ranging scope of documentation, predominantly documentation that was submitted as part of the visa application process. Given much of the supporting documentation submitted as part of the visa application process would reasonably reside with you or your business, you are able to access these documents administratively by accessing your personal records and/or business records which hold the documentation submitted to this department as part of the visa application process.

As these business documents you provided are captured within your FOI request, you are binding this agency to take measures to search and identify the documents, photocopy the document, then subsequently assess the documents pursuant to FOI legislation. The department are conducting these tasks concurrent to the fact these are documents

originating from you, your business and/or documents residing within the possession of any previous representative that prepared the visa application.

It is my belief that the Department utilising public money for the purposes of discharging functions under the FOI Act 1982 concerning documents reasonably residing within your possession or reasonably ascertainable by you is an unreasonable and substantial diversion of resources.

However, the Department considers that documents you may not reasonably hold a copy of, which a phrase encompassing such documents is as follows, are documents that could reasonably be pursued under FOI legislation and you may wish to consider requesting:

1. Departmental documents created for the purposes of handling the visa(s) which include the departmental application form(s), decision making notes, emails and other documents created by the department within the file to which these visas relate which I have not directly provided the department.

On this basis, I intend to refuse access to the documents you requested. However, before we make a final decision to do this, you have an opportunity to revise your request, withdraw the request or continue with the request as stated within your original correspondence. This is called a 'request consultation process' as set out under section 24AB of the FOI Act.

**END OPTION**

#### **OPTION – Non-specific request – business information**

This Department currently employs several thousand people and it is possible that some of these people may have worked for your company and therefore personnel records held by this Department may contain documents which fall within the scope of your request. To undertake a search of this nature would substantially and unreasonably divert the resources of the agency from its other operations as the search would need to be done physically.

The Department also holds applications that have listed the places the visa applicant has worked. This is not in a readily searchable format. If a visa applicant has worked for your company but has never been sponsored by your company these documents will not be identifiable.

On this basis, I intend to refuse access to the documents you requested. However, before we make a final decision to do this, you have an opportunity to revise your request and advise the specific documents you are requesting or, if this is unknown, the nature of the documents you are requesting. If you do not wish to re-scope your request it may be possible for the above searches to be undertaken if you provide the names of all the people who work or have worked for your company. You have the option to withdraw the request or continue with the request as stated within your original correspondence. This is called a 'request consultation process' as set out under section 24AB of the FOI Act.

**END OPTION**

#### **OPTION – Non-specific request – policy information**

As you have requested all information about <policy area> the information is not readily identifiable. Often policy decisions will have a flow-on effect on other policy areas. These policy areas will be mentioned in reports, however files won't be titled to show which additional policy areas might be affected and therefore the information is not readily identifiable.

Further, the Department has been operating for over 65 years and undertaking a search for all documents related to a policy area for the last 20 years, which is the period prior to documents falling within the purview of the *Archives Act 1983*, would substantially and unreasonably divert the resources of the agency from its other operations.

On this basis, I intend to refuse access to the documents you requested. However, before we make a final decision to do this, you have an opportunity to revise your request by asking for a particular policy or the policy at a particular time, withdraw the request or continue with the request as stated within your original correspondence. This is called a 'request consultation process' as set out under section 24AB of the FOI Act.



[Click to select date]

[Correspondent Name]

[Correspondent Street]

[Correspondent Suburb] [State] [Post Code]

**In reply please quote:**

Privacy Request number:

File Number: ADF2019/XXXXXX

Dear [Correspondent Name]

**(If applicant is represented, otherwise delete first paragraph: )**

[Applicant Firstname Surname] (the applicant) has authorised you to receive, on their behalf, correspondence about their request for access to information. Correspondence will not be sent directly to the applicant. In this letter, references to 'you' relate to the applicant.

This letter is in relation to your request for copies of your personal records held by the Department of Home Affairs. The Department has established an administrative release arrangement for Temporary Protection Visa (TPV) and Safe Haven Enterprise Visa (SHEV) holders to assist in subsequent applications. This is outside the formal Freedom of Information process. Accordingly I am releasing to you copies of the following:

- audio recording of TPV/SHEV interview
- TPV/SHEV application form and statement of claims
- post-interview submission by Migration Agent (if applicable)
- visa recommendation (also known as assessment or grant decision record)

This request has been processed under the *Privacy Act 1988*. The release of these records does not detract from your right to request information about yourself in departmental documents under the *Freedom of Information Act 1982* (the FOI Act).

Yours sincerely

NAME NAME

PN: XXXXXXXX

Freedom of Information Victoria

Department of Home Affairs

Email [foi.vic@homeaffairs.gov.au](mailto:foi.vic@homeaffairs.gov.au)

Released by Department of Home Affairs  
under the Freedom of Information Act 1982

Subject: FOI Request «FAREF» - Request for Extension of time

Our References: «FAREF»: «FileNo»

Good morning / afternoon

I refer to your request received on «ValidDate:3 June 1990» for access to documents under the FOI Act.

The current due date for your request is «DueDate:3 June 1990». Due to the number of requests currently being processed by our office, we will not be able to finalise your request by the original due date.

The Department seeks your agreement under section 15AA of the FOI Act to extend the timeframe for the processing of your request by «EOTdays:9999» days. This would extend the due date for your request to «EOTDueDate». «NonWorkingDayWording»

It would assist the Department in managing its FOI caseload if you could provide a response to this request by close of business, «ResponseDate:Sunday 3 June 1990»

If you wish to discuss this matter further, please do not hesitate to contact me on the details below.

«INSERT "SETAGENCY.docx"»

Subject: Acknowledgement – FOI request «FAREF»

**In reply please quote:**

FOI Request: «FAREF»

File Number: «FileNo»

«IF ANSWERED( App\_Ref )»Your Reference: «App\_Ref»  
«END IF»

Dear «App\_Salutation»

**Acknowledgement of Freedom of Information Access request**

I refer to your correspondence received on «RequestDate:3 June 1990\*» «IF InternalReview»in which you have sought an Internal Review of a decision dated «OrigDecDate:3 June 1990» under section 54 of «ELSE»seeking access to documents held by the «IF TransferredIn»«AgencyFrom» «ELSE»«MY COMPANY» (the «MY INITIALS») «END IF»«END IF»under the *Freedom of Information Act 1982* (the FOI Act).

«IF NOT InternalReview»

You have requested access to the following:

«INSERT "SCOPE.docx"»

«IF ActOBO»«App\_Name» (the applicant) has authorised you to receive correspondence on their behalf about their FOI request. Correspondence will not be sent directly to the applicant. In this letter, references to 'you' relate to the applicant.

«END IF»«IF TransferredIn»

The subject matter of the documents requested by you is more closely connected with the functions of the «MY COMPANY» (the «MY INITIALS») than the functions of the «AgencyFrom». As such, your request was transferred to the «MY INITIALS» on «TransferDate:3 June 1990\*» under section 16 of the FOI Act.

«END IF»«END IF»

Your request was received «IF NOT TransferredIn»by the «MY INITIALS» «END IF»on «RequestDate:3 June 1990\*» and has been allocated FOI request number «FAREF». Please include your FOI request number in all correspondence with the Freedom of Information Section.

«IF PersInfo AND AddIDReq»

**Further documentation to support your request for access**

The «MY INITIALS» has identified that your access request requires further documentation for the purpose of processing the request.

«IF PersonalID\_Required»

**Identification**

The «MY INITIALS» is committed to maintaining your records to ensure that they are not released to a person who is not entitled to receive them. To help us do this, please provide a

copy of your personal photographic identification. This identification could include any of the following: current Drivers Licence; Passport; or student card.

If you anticipate any problems providing a copy of your personal identification, please contact this office using the details provided in the acknowledgement letter.

«END IF»«IF ThirdPartyID\_Required»

### Third party consent

Section 47F(1) of the FOI Act provides that documents are exempt from release where this would involve unreasonable disclosure of personal information and be contrary to the public interest. As you are seeking access to documents containing information about <3rdPartyFirstnameSurname> it will assist this office to make a decision on your request if you provide written consent from <3rdPartyFirstnameSurname>.

Where possible, you should also provide photographic identification for <3rdPartyFirstnameSurname>. This identification could include any of the following: current Drivers Licence; Passport; or student card.

If you anticipate any problems obtaining consent, please contact me, using the details provided in the acknowledgement letter.

If you cannot obtain consent or photographic identification and you still wish to access the documents, you may wish to write to this office setting out reasons why you believe their release would not be unreasonable and contrary to the public interest. In cases where consent cannot be obtained the «MY INITIALS» may be required to consult the individual(s) concerned prior to making an access decision in accordance with section 27A of the FOI Act.  
«END IF»

### Timeframe for response

Please forward these documents within 14 days of the date of this letter to the following address:

By email to: «FOI\_Team:foi/foi.vic/foi.nsw»@«DomainName»

Freedom of Information  
«MY COMPANY»  
«SetTeamAddress»

«END IF»

«IF StaffWorkersCompRequest »We note that under section 59 of the Safety Rehabilitation and Compensation Act 1988 you can request a copy of your compensation file from Comcare. This would include documents provided by the Department to Comcare as part of your claim. Details on how to request a copy of your Comcare claim file can be found here: [https://www.comcare.gov.au/claims\\_and\\_benefits/privacy\\_and\\_access\\_to\\_information/how\\_do\\_i\\_request\\_a\\_copy\\_of\\_my\\_claim\\_file](https://www.comcare.gov.au/claims_and_benefits/privacy_and_access_to_information/how_do_i_request_a_copy_of_my_claim_file).

As such, you may wish to consider seeking access to your claim file from Comcare and withdrawing your FOI request with the Department. Should you wish to pursue that course of action, please advise us as soon as possible.

«END IF»

### Timeframe for receiving your decision

The statutory timeframe for processing a request is 30 days from the date upon which your application was received by the «MY INITIALS».

## «IF s15AAResult»

### Request for an extension of time

The «MY INITIALS» seeks your agreement (under s.15AA of the FOI Act) to extend the timeframe for the processing of your request by 30 days. You may confirm your agreement to the extension of time by writing to the Department at:

Email to: «MY GROUPEMAIL»

Or by mail at: Freedom of Information Section  
«MY COMPANY»  
«MY ADDRESS2»

If you agree to the extension of time please advise the «MY INITIALS» within 14 days from the date of this letter. If you are unable or unwilling to provide an extension of time you are not required to respond to this letter.

«END IF»

## «IF FOI\_Team = "1"»

### Exclusion of non-SES staff personal details and SES telephone contact details

The «MY INITIALS»'s policy is to exclude the personal details of staff not in the Senior Executive Service (SES), as well as the direct contact details of SES staff, contained in documents that fall within scope of an FOI request. If you require personal details of non-SES officers, or direct contact details of SES staff, please inform us so the decision maker may consider your request. Otherwise we will take it that you agree to that information being excluded from the scope of your request.

## «IF NOT PersInfo»

### Publication of document

Where documents are released to you in response to your request, the «MY INITIALS» may be required to publish these documents on its website within 10 working days in accordance with section 11C of the FOI Act. Publication will not be required where the documents contain personal or business affairs information.

«END IF»«END IF»

### Contacting the FOI Section

Should you wish to discuss your request you may contact the FOI Section at «MY GROUPEMAIL».

«MY NAME»  
«MY TITLE» | «MY SECTION»  
«MY BRANCH»  
«MY DIVISION» | «MY GROUP»  
«MY COMPANY»  
«SETAckDate»

«INSERT "SETAGENCY.docx"»«INSERT "LTR\_APP.docx"»«SETDecision»

I refer to your request dated «RequestDate:3 June 1990\*» in which you have sought access to documents held by the «MY COMPANY» (the «MY INITIALS») under the *Freedom of Information Act 1982* (the FOI Act).

You have requested access to:

«INSERT "SCOPE.docx"»

«IF Scope\_Changed»

«INSERT "SCOPE\_AMEND.docx"»

«END IF»

This letter is to notify you that a preliminary assessment has been made that you are liable to pay a charge for the processing of this request.

As provided under section 29 of the FOI Act and the *Freedom of Information (Charges) Regulations 1982* (the Regulations), my preliminary assessment of the amount of charges you are liable to pay is \$«TotalCharges:9,999.00».

### Preliminary assessment of charges

The «MY INITIALS» has identified «NoFiles:nine» file«File/s» which contain«Documents» document«Document/s» relevant to the terms of your request. A search of «CMP1» has located «NoDocuments» document«Document/s» which fall within the scope of your request.

I have assessed the work the «MY INITIALS» would need to do to process your request, taking into account time spent by the relevant area to conduct the search and retrieval of documents, and have calculated the following breakdown of charges.

<b>Search and Retrieval</b> - «SearchHours» hour«SearchHour/s» @ \$15 per hour	\$
	«SearchAmount:9,999.00»

<b>Decision Making</b> - «DecisionMakingHours» hour«DecisionHour/s» (5 hours free of charge)«IF DecisionMakingHours > 5»	\$
Subsequent «ChargeableDecisionHours» hour«ChargeableDecisionHour/s» at \$20per hour«END IF»	«DecisionAmount:9,999.00»

«IF TF1»	\$
Copies of documents at 10 cents per copy x «NoFolios» folio«Folio/s»	«CopyAmount:9,999.00»

«END IF»«IF TF2»	\$
Postage	«PostageAmount»

«END IF»	\$
<b>Total</b>	«TotalCharges:9,999.00»

0»

«IF TotalCharges > 25»

**Deposit payable**

\$«DepositAmount:9,999.00»

«END IF»

### Details of the Charge

It has taken «SearchHours» hour«SearchHour/s» to search the file«File/s» identified and retrieve the document«Document/s» which fall«Documents» within the scope of your request. **OPTION:** The documents include third party information and a formal consultation under the FOI Act is required, this has been taken into account within the assessment of time for decision making. **END OPTION** The «NoDocuments» document«Document/s» will require a decision to be made on access, and it is estimated that this will take «DecisionMakingHours» hour«DecisionHour/s» (noting that the first 5 hours are free of charge).

«IF TotalCharges > 25»

As the charge exceeds \$25.00, a deposit of \$«DepositAmount» will be sought if the charge is imposed. Please note that by paying the deposit you are deemed to have accepted the charge and will be liable for the full amount once a decision has been made on the documents.

«ELSE»

As the charge is less than \$25.00 the full amount will be sought if the charge is imposed. Please note that by paying the charge you are deemed to have accepted the charge.

«END IF»

### Timeframe for your response and next steps

The FOI Act provides you with 30 days to respond, in writing, to this notice, which is «PayDueDate:Sunday, 3 June 1990».«AdjustPayDueDate»

By this date you **must** do one of the following:

- agree to pay the charge;
- contend that the charge has been wrongly assessed; or should be reduced or not imposed; and explain your reasons; or
- you may withdraw your request.

If you seek to contend the assessment of charges the Department may make a decision on whether a charge should be reduced or not imposed and **must** take into account:

- whether payment of the charge, or part of it, would cause you financial hardship
- whether giving access to the documents is in the general public interest or in the interest of a substantial section of the public

This is not an exhaustive list and the Department may consider any other relevant matters.

Released by Department of Home Affairs  
under the Freedom of Information Act 1982

Please note that if you do not provide a written response within the 30 day timeframe your request will be taken to have been withdrawn (by you) under section 29(2) of the Act.

## Payment

To indicate your agreement to pay the charge you are required to pay the deposit, or pay the charge in full.

The Department has a number of payment options available, including an online payment facility for credit/debit cards; automated telephone payment system and BPay. You may also pay the charge by cheque or money order.

### Electronic funds transfer/credit card payment

If you wish to pay the charges using a credit card, the online payment facility, telephone payment system or BPay, please advise the FOI Section, and a tax invoice will be provided to you which will include full details of how the payment can be made.

### Payment by cheque/money order

If you wish to pay by cheque or money order, please make the cheque/money order payable to 'Collector of Public Monies Home Affairs'; and send via post to:

«MY SECTION»  
«MY COMPANY»  
«MY ADDRESS2»

If the Department fails to make a decision on your request within the statutory time limit, the payment will be refunded.

## Processing period suspended

The period for processing your request is suspended from the day that you are deemed to have been 'notified' of the charge and resumes on:

- the day you indicate that you agree to pay the charge; or
- the day on which this agency makes a decision not to impose a charge.

## 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.

## Contact

If you have any enquiries concerning this matter, please contact the FOI Section at «MY GROUPEMAIL».

Yours sincerely

«INSERT "FOI\_Sign\_Off.docx"»  
«MY NAME»  
«MY TITLE» | «MY SECTION»  
«MY BRANCH»  
«MY DIVISION» | «MY GROUP»  
«MY COMPANY»  
«SETCharges»

«INSERT "SETAGENCY.docx"»

Subject: FOI request «FAREF» - Notification of third party consultation

I refer to your request dated «RequestDate» for access to documents held by the «AgencyLong» (the «AgencyShort») under the *Freedom of Information Act 1982* (the FOI Act).

The «AgencyShort» has identified «DocNoWords» document«Document/s» that fall«Documents» within the scope of your request. «THIS/THESE:Like this» contain«Documents» «CONSULTTYPE:personal information relating to individual third:a, b and c».

«IF CONSULTTYPE = "1"»In order to protect individual privacy, the «AgencyShort» must consider whether the disclosure of the document«Document/s» would involve an unreasonable disclosure of an individual's personal information (section 47F of the FOI Act) and whether access to «THIS/THESE» would, on balance, be contrary to the public interest (section 11A of the FOI Act).

«END IF»«IF CONSULTTYPE = "2"»The «AgencyShort» must not decide to give access to the business affairs information unless the third party about whom that information relates has been given a reasonable opportunity to make submissions in support of the exemption contention.

«END IF»«IF CONSULTTYPE = "3"»It appears to the «AgencyShort» that the State may reasonably wish to contend that the document is conditionally exempt under section 47B and that access to that document would, on balance, be contrary to the public interest (section 11A of the FOI Act).

«END IF»The «AgencyShort» intends to consult «CONSULTTYPE:third parties/third parties/a State Authority:a, b and c» prior to making a decision on access to the document«Document/s» under section «CONSULTTYPE:27A/27/26A:a, b and c» of the FOI Act. As a result, the timeframe for processing this request has been extended by 30 days in accordance with subsection 15(6) of the FOI Act.

«IF CONSULTTYPE = "1" OR CONSULTTYPE = "2" »«IF TF1»Consistent with the Office of the Australian Information Commissioner's Guidelines concerning consultation processes, the disclosure of your identity to a third party may assist in reducing any concerns the third party may have regarding the disclosure of the information to you. However, I am unable to disclose your identity to any third party without your consent.

For the purpose of undertaking this consultation process, could you please indicate whether you consent to the disclosure of your identity as the FOI applicant?

«END IF»«END IF»If you wish to discuss the matter with me directly, please do not hesitate to contact me at «MY GROUPEMAIL».

## Freedom of Information (FOI) request - Access Decision

«IF TransferredIn»On «ValidDate», the «TransferFrom» received a request for access to «document/s» under the *Freedom of Information Act 1982* (the FOI Act). The request is more closely associated with the functions of the «AgencyLong» (the «AgencyShort») and your request was transferred to this «AgencyShort» on «TransferDate:15 June 1990».

«ELSE»On «ValidDate», the «AgencyLong» (the «AgencyShort») received a request for access to «document/s» under the *Freedom of Information Act 1982* (the FOI Act).

«END IF»«IF ActOBO»«App\_Name» (the applicant) has authorised you to receive correspondence on their behalf about their FOI request. In this letter, references to 'you' relate to the applicant.

«END IF»

«IF ValidDate < EstablishmentDate»

On 20 December 2017 the Home Affairs Portfolio, including the «AgencyLong», was formally established. The «AgencyLong» includes the entirety of the Department of Immigration and Border Protection, the Australian Border Force and the Office of Transport Security from within the Department of Infrastructure and Regional Development. It also includes specific functions from the Attorney-General's Department, the Department of Social Services and the Department of the Prime Minister and Cabinet.

As such a decision has now been made on your request by the «AgencyLong» (the «AgencyShort»).

«END IF»

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 «document/s»:

«INSERT "SCOPE.docx"»

«IF s24AB\_Notice OR Scope\_Changed»

«INSERT "SCOPE\_AMEND.docx"»

«END IF»

### 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 «document/s» or to amend or annotate records.

### 3 Relevant material

In reaching my decision I referred to the following:

- the terms of your request

«IF RelevantMaterial2»

- the «document/s» relevant to the request

«END IF»

- the FOI Act

«IF RelevantMaterial3»

- «OtherLegislation»

«END IF»

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

«IF RelevantMaterial4»

- consultation responses from third parties consulted in accordance with the FOI Act

«END IF»

«IF RelevantMaterial5»

- advice from Departmental officers with responsibility for matters relating to the «document/s» to which you sought access

«END IF»

«IF RelevantMaterial6»

- advice from other Commonwealth Departments

«END IF»

#### 4 «document/s:Like This» in scope of request

«IF DocumentType = "1"»

The «AgencyShort» has identified «NumHCDocsWords» «HCdocument/s» as falling within the scope of your request. «HCthis/these:Like This» «HCdocument/s» «HCwas/were» in the possession of the «AgencyShort» on «ValidDate» when your request was received.

«END IF»«IF DocumentType = "2"»

In «IF DocumentType = "1" AND DocumentType = "2"»addition, in «END IF»accordance with section 17 of the FOI Act, the «AgencyShort» has used its computer system to produce «NumEDocsWords» «Edocument/s» that contain[s] information that falls within the scope of your request. The data produced in the «Edocument/s» existed in the possession of the «AgencyShort» on «ValidDate» when your FOI request was received.

«END IF»«IF DocumentType = "1" OR DocumentType = "2"»

«IF ScheduleIncluded»Attachment A is a schedule which describes the relevant «document/s» and sets out my decision in relation to each of them.

«END IF»«END IF»«IF DocumentType = "3"»

The «AgencyShort» has undertaken reasonable searches in relation to the documents you have requested access to.

#### Searches

In summary, the searches undertaken by the relevant business areas in relation to your request included:

«REPEAT Search Details»

- «SearchUndertaken»

«END REPEAT»

«IF SocialMedia»

I note that social media records held in their native applications at third party sites may not be legally regarded as a Commonwealth record. Despite being created by an Australian Government agency, the information retention and ongoing access might not be assured.

«END IF»

Having regard to your request and the types of «document/s» 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.

«END IF»

«IF StagedDecision»

«INSERT "TRANCHES.docx"»

«END IF»

## 5 Decision

«IF DocumentType = "3"»

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

I am satisfied that the «AgencyShort» has undertaken reasonable searches in relation to your request and that no documents were in the possession of the «AgencyShort» on «ValidDate» 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.

«END IF»«IF DocumentType = "1" OR DocumentType = "2"»

The decision in relation to the «document/s» in the possession of the «AgencyShort» which fall within the scope of your request is as follows:

«IF DocsFull != 0»

- Release «ReleaseFullWords» document«Doc/sFull» in full

«END IF»

«IF DocsPart != 0»

- Release «ReleasePartWords» document«Doc/sPart» in part with deletions

«END IF»

«IF DocsExempt != 0»

- Exempt «ExemptFullWords» document«Doc/sExempt» in full from disclosure

«END IF»

«IF DocsPart != 0 OR DocsExempt != 0»

«END IF»«END IF»

«IF ThirdPartyReviewRights»

## 6 Documents subject to third party appeal rights

Although I have decided to release all or parts of «document/s» to you, a third party has objected to the disclosure of those «document/s».

As such, I am unable to provide access to those «document/s» until the third party has had an opportunity to exercise their appeal rights. The «AgencyShort» will keep you informed in relation to any third party appeal. A third party has 30 days to appeal.

«END IF»

«IF (DocumentType = "1" OR DocumentType = "2") AND (DocsPart != 0 OR DocsExempt != 0)»

## 7 Reasons for Decision

Detailed reasons for my decision are set out below.

«IF ScheduleIncluded»Where the schedule of documents indicates an exemption claim has been applied to a document or part of document, m«ELSE»M«END IF»y findings of fact and reasons for deciding that the exemption provision applies to that information are set out below.

«IF Exemptions = "1"»

«INSERT "EXEMP22.docx"»

«END IF»

«IF Exemptions = "2"»

«INSERT "EXEMP33.docx"»

«END IF»

«IF Exemptions = "3"»

«INSERT "EXEMP34.docx"»

«END IF»

«IF Exemptions = "4"»

«INSERT "EXEMP37.docx"»

«END IF»

«IF Exemptions = "5"»

«INSERT "EXEMP42.docx"»

«END IF»

«IF Exemptions = "6"»

«INSERT "EXEMP45.docx"»

«END IF»

«IF Exemptions = "7"»

«INSERT "EXEMP47.docx"»

«END IF»

«IF Exemptions = "8"»

«INSERT "EXEMP47B.docx"»

«END IF»

«IF Exemptions = "9"»

«INSERT "EXEMP47C.docx"»

«END IF»

«IF Exemptions = "10"»

«INSERT "EXEMP47E.docx"»

«END IF»

«IF Exemptions = "11"»

«INSERT "EXEMP47F.docx"»

«END IF»  
«IF Exemptions = "12"»  
«INSERT "EXEMP47G.docx"»  
«END IF»  
«IF Exemptions = "8" OR Exemptions = "9" OR Exemptions = "10" OR Exemptions = "11" OR Exemptions = "12"»  
«INSERT "EXEMP11.docx"»  
«END IF»«END IF»

## 8 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.

«INSERT "ReviewRights.docx"»

## 9 Contacting the FOI Section

Should you wish to discuss this decision, please do not hesitate to contact the FOI Section at «MY GROUPEMAIL».

«IF NOT Complex»

«MY NAME»

«END IF»

**Authorised Decision Maker**

«MY COMPANY»

«IF ScheduleIncluded»

«INSERT "Schedule.docx"»

«END IF»

«INSERT "SETAGENCY.docx"»«INSERT "LTR\_APP.docx"»

I refer to your email dated «RequestDate:3 June 1990» in which you request access to documents held by the «MY COMPANY» (the «MY INITIALS») under the *Freedom of Information Act 1982* (the FOI Act).

I am writing to tell you that I intend to refuse your request on the basis that a practical refusal reason exists. However, before I make a final decision to do this, you have an opportunity to revise your request to remove the practical refusal reason. This is called a '*request consultation process*'. You have 14 days to respond to this notice in one of the ways set out below.

### Power to refuse request

Section 24 of the FOI Act provides that if the Department is satisfied that a practical refusal reason exists in relation to a request, the Department must undertake a consultation process with you, and if, after that consultation process, the Department remains satisfied that the practical refusal reason still exists, the Department may refuse to give you access to the documents subject to the request.

### Practical refusal

A *practical refusal reason* exists if either (or both) of the following applies:

- (a) the work involved in the processing of the request would substantially and unreasonably divert the resources of the Department from its other operations
- (b) the request does not satisfy the requirement in section 15(2)(b) of the FOI Act, which requires you to provide such information concerning the document you are seeking access to, to enable the Department to be able to identify it.

### Scope of Request

You have requested access to the following:

«INSERT "SCOPE.docx"»

«IF MultipleRequests»I note that you have submitted «RequestNumber:nine» separate requests. Given that the subject matter of the «RequestNumber:nine» requests is substantially the same, the «MY INITIALS» may treat the requests as a single request under section 24(2)(b) of the FOI Act.

«END IF»

### Reasons for practical refusal

Provide details of what information has been located and provide an estimate of the time needed to finalise the request. If total number of documents are not available, it will be necessary to provide a snapshot of the number of documents captured by the request, and then extrapolate that across the timeframe of the request.

The «MY INITIALS» would be required to divert significant resources from its current operations in order to identify, locate and collate the documents held within the agency. In addition, significant resources would be required to decide whether to grant, refuse or defer access to the large number of documents to which your request relates, or to grant access to edited copies of such documents, including resources that would have to be used to examine the documents, or to consult with any person or body in relation to the request, and to make

copies, or edited copies, of the documents, and to notify you of any interim or final decision on the request.

This diversion would result in a significant drain on the resources of the area within the agency that would be required to process this request. To process the request would require a complete diversion from that area's ability to carry out their normal functions and activities.

In order to undertake such a search, the «MY INITIALS» would be required to divert significant resources from its current operations. This diversion would result in both a substantial diversion of the resources of the business areas within the «MY INITIALS» that would be required to process this request, and would have an unreasonable adverse effect on the ability of the Department to carry out its normal operational functions and activities.

### **Request Consultation Process**

You now have an opportunity to revise your request to enable it to proceed.

**INSERT** assistance to the applicant to revise the scope of the request.

Under section 24AB of the FOI Act, you have 14 days to do one of the following:

- withdraw your request;
- make a revised request;
- indicate that you do not wish to revise your request.

If you do not do one of the three things listed above during the consultation period (14 days) or you do not consult the contact person listed below during this period, your request will be taken to have been withdrawn in accordance with section 24AB(7) of the FOI Act.

### **Contact**

Should you wish to revise your request or have any questions in relation to this process, please do not hesitate to contact «MY NAME» at «MY GROUPEMAIL».

«INSERT "FOI\_Sign\_Off.docx"»

«MY NAME»

«MY TITLE» | «MY SECTION»

«MY BRANCH»

«MY DIVISION» | «MY GROUP»

«MY COMPANY»



EXEMPT IN PART OR IN FULL with optional paragraphs for Staff & contractor name deletion and other irrelevant deletions

<<Current Date>>

«SendToTitleFirstnameSurname»  
«SendToTradingName»  
«SendToAddress2»  
«SENTOCITY» «SENDTOSTATE» «SENDOPOSTCODE»

**In reply please quote:**

Client Name «ApplicantFirstnameSurname»  
Date of Birth «ApplicantDateOfBirth»  
Client ID «ApplicantClientID»  
FOI Request «CaseNumber»  
File Number «FOIV2\_Request\_ADF\_Number»

Dear «SendToTitle» «SendToSurname»

**Freedom of Information request – Release of documents**

**OPTION – IF SENDING DECISION TO AN AGENT**

«ApplicantFirstnameSurname», (the applicant) has authorised you to receive correspondence about their Freedom of Information request on their behalf. Correspondence will not be sent directly to the applicant. In this letter references to 'you' and 'your' relate to the applicant.

**END OPTION**

This letter refers to your request received on <<date received>> seeking access under the *Freedom of Information Act 1982* (the FOI Act) to the following documents held by the Department of Home Affairs (the Department):

<<insert details of the request as stated by the applicant>>

**OPTION REDEFINED SCOPE**

As discussed during our follow up telephone conversation on <<date of telephone call>> **OPTION REDEFINING LETTER** and referenced in my follow up letter of <<date>>, **END OPTION** the scope of your request has been redefined as <<restate the request after the conversation>>.

**OR**

Your follow-up letter of <<date>> confirms the scope of your request has been redefined as <<restate the request as stated in the letter>>  
**END OPTION**

**OPTION – COMPLETE PARTIAL DECISION**

On <<date>> you were sent a partial decision on this request. I am now advising you of the decision in relation to the remaining documents.

## END OPTION

### 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 departmental records. In reaching my decision, I have considered the following:

- The *Freedom of Information Act 1982*;
- Departmental files and/or documents (Decision Record);
- The Information Commissioner guidelines; and
- The terms of your request

## OPTION - RELEASE IN PART

My decision is to release, in part, the documents within the scope of your request. Please see the attached Decision Record and Schedule of Documents for information on those documents which have been exempted or refused as part of this decision.

## END OPTION

## OPTION – EXEMPT OR REFUSED IN FULL

My decision is to refuse/exempt in full the documents within the scope of your request. Please see the attached Decision Record and Schedule of Documents which will explain why these documents have been exempted.

## END OPTION

### Review rights

#### Internal review

If you disagree with my decision, you have the right to apply for an internal review by the Department of a primary decision to refuse access to documents you have requested.

If you wish to make a request for internal review this must be sent within 30 days of being notified of the decision. Where possible please attach reasons why you believe 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:

Freedom of Information Section  
Department of Home Affairs  
PO Box 9984  
SYDNEY NSW 2001

Or email: [foi.nsw@homeaffairs.gov.au](mailto:foi.nsw@homeaffairs.gov.au)

#### Information Commissioner Review

Under section 54L of the FOI Act, you may apply to the Australian Information Commissioner to review my decision. An application for review by the Information Commissioner must be made in writing within 60 days of the date of this letter, and be lodged in one of the following ways:

Online	<a href="https://forms.business.gov.au/aba/oaic/foi-review/">https://forms.business.gov.au/aba/oaic/foi-review/</a>
Email	<a href="mailto:enquiries@oaic.gov.au">enquiries@oaic.gov.au</a>
Post	GPO Box 5218, Sydney NSW 2001
In person	Level 3, 175 Pitt Street, Sydney NSW

More information about Information Commissioner review is available on the Office of the Australian Information Commissioner website at [www.oaic.gov.au](http://www.oaic.gov.au).

### **How to make a complaint about the handling of your FOI request**

You may complain to the Australian Information Commissioner if you have concerns about how the Department has handled your request under the FOI Act.

Your complaint must be in writing and must specify the agency you are complaining about. You can send your complaint to the Australian Information Commissioner using the details above. A complaint form is also available at [www.oaic.gov.au](http://www.oaic.gov.au).

If you are unhappy with the Department's decision about giving or refusing access to documents, you should ask for the decision to be reviewed, which is a separate process which has been outlined in the previous section.

### **Contacting the FOI section**

If you wish to discuss this matter, I can be contacted using the details provided below.

### **Contacting the Department**

You can contact us with a general enquiry in a number of ways including by email, through our website, by telephone through our Service Centres or offices around the world, or in person. In Australia you can call 13 18 81 between 8.30 am and 4.30 pm Monday to Friday. Details on contacting our offices outside Australia are available on our website at [www.homeaffairs.gov.au](http://www.homeaffairs.gov.au).

Yours sincerely

«InvestigativeOfficerFirstnameSurname»

Position number

FOI Officer

Department of Home Affairs

Telephone «InvestigativeOfficerPhoneBH»

Fax «InvestigativeOfficerFax»

Email «InvestigativeOfficerEMail»

### **Attachment(s)**

#### **Decision Record**

#### **Schedule of Documents**

**Documents released:** <<specify (copy) documents released that is, restate documents in scope>>

## DECISION RECORD

### Client Details

Client Name «ApplicantFirstnameSurname»  
Date of Birth «ApplicantDateOfBirth»  
Client ID «ApplicantClientID»  
FOI Request «CaseNumber»  
File Number «FOIV2\_Request\_ADF\_Number»

### Documents in scope

1. Departmental file xxxx/xxxxx – containing x folios.
2. Departmental file xxxx/xxxxx – containing x folios.

### Information considered

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 departmental records. In reaching my decision, I have considered the following:

- The *Freedom of Information Act 1982*;
- Departmental files and/or documents (identified above);
- The Australian Information Commissioner's guidelines relating to access to documents held by government;
- The terms of your request

### Reasons for decision

I have considered the documents within the scope of your request and applied exemptions in part **or in full** to documents as detailed in the Schedule of Documents. You should read the schedule in conjunction with the reasons for exemptions below.

## 22 Access to edited copies with exempt or irrelevant matter deleted (extract)

### Scope

- (1) *This section applies if:*
- (a) *an agency or Minister decides:*
    - (i) *to refuse to give access to an exempt document; or*
    - (ii) *that to give access to a document would disclose information that would reasonably be regarded as irrelevant to the request for access;*  
*and*
  - (b) *it is possible for the agency or Minister to prepare a copy (an **edited copy**) of the document, modified by deletions, ensuring that:*
    - (i) *access to the edited copy would be required to be given under section 11A (access to documents on request); and*
    - (ii) *the edited copy would not disclose any information that would reasonably be regarded as irrelevant to the request; and*
  - (c) *it is reasonably practicable for the agency or Minister to prepare the edited copy, having regard to:*
    - (i) *the nature and extent of the modification; and*
    - (ii) *the resources available to modify the document; and*
  - (d) *it is not apparent (from the request or from consultation with the applicant) that the applicant would decline access to the edited copy.*

A number of documents contain information that is exempt under one or more sections of the FOI Act. I am able to provide you with an edited copy of those documents under section

22(1)(b). You can identify those documents in the Schedule of Documents with the words 'Exempt in part' or 'Refused in part' in the decision column.

**SELECT FROM THE BELOW PARAGRAPHS FOR IRRELEVANT MATERIAL DELETION**

**OPTION – STAFF AND CONTRACTOR NAMES - IRRELEVANT MATERIAL**

In your acknowledgement letter, you were advised of the Department's policy to consider irrelevant to the scope of your request the personal details of staff engaged in some roles. This includes their names, direct email addresses and also the mobile and direct work telephone numbers of these staff. This material has therefore been removed under s 22 (1)(a)(ii) of the FOI Act from the documents that form the scope of your request.

You will see these exemptions in the documents released to you as they will be clearly identified with 's 22 (1)(a)(ii)' however they will not be individually noted in the Schedule of Documents.

**END OPTION**

**OPTION – OTHER IRRELEVANT MATERIAL UNDER S.22**

I have decided that parts of the documents would disclose information that could reasonably be regarded as irrelevant to your request under section 22(1)(a)(ii) of the FOI Act. You can identify those documents in the Schedule of Documents with the words as 'irrelevant material deleted' in the decision column.

**SELECT FROM ANY OF THE BELOW OPTIONS FOR YOUR REASONS**

The materials in question relate to third parties. Your request is for information about yourself and you have indicated at questions 12 and 17 of the form 424A that you do not require information about any other person.

OR

The Department stores documents in many formats and the documents you have requested have been stored with other documents of a similar nature that are not part of your request.

OR

Investigations conducted by the Department often relate to more than one person or entity. You have requested access to information about yourself, the information on this file that relates to persons other than yourself is not in the scope of your request.

OR

At times, documents are incorrectly stored on a file. That has happened in this instance. This document does not relate to you or your application for a visa.

I have therefore determined the materials which do not relate to you to be irrelevant to your request and have deleted them under section 22(1)(a)(ii) of the FOI Act.

**EXEMPTIONS**

\*\*\*\*Free text - include legislation and standard paragraphs for any exemptions and refusals used here\*\*\*\*

Yours sincerely,

«InvestigativeOfficerFirstnameSurname»

Position number

FOI Officer

Department of Home Affairs

Telephone «InvestigativeOfficerPhoneBH»

Fax «InvestigativeOfficerFax»

Email «InvestigativeOfficerEMail»

## SCHEDULE OF DOCUMENTS TO DECISION RECORD

Client Name «ApplicantFirstnameSurname»  
Date of Birth «ApplicantDateOfBirth»  
Client ID «ApplicantClientID»  
FOI Request «CaseNumber»  
File Number «FOIV2\_Request\_ADF\_Number»

### 1. Departmental File:

Page	Description	Decision	Legislation

### 2. Departmental File:

Page	Description	Decision	Legislation

### 3. Other documents; << insert other records such as loose documents, Trim files, ICSE records that are within the scope of the request>>

Document Number	Number of pages	Description	Decision	Legislation
Eg TRIM file ADFxxxx	23 pages	Consultation emails		



**FULL RELEASE WITH IRRELEVANT DELETIONS**  
**(Both Staff names and other s22 deletions OR only other s22 deletions)**

<<Current Date>>

«SendToTitleFirstnameSurname»  
«SendToTradingName»  
«SendToAddress2»  
«SENDOCCITY» «SENDTOSTATE» «SENDTOPOSTCODE»

**In reply please quote:**

Client Name «ApplicantFirstnameSurname»  
Date of Birth «ApplicantDateOfBirth»  
Client ID «ApplicantClientID»  
FOI Request «CaseNumber»  
File Number «FOIV2\_Request\_ADF\_Number»

Dear «SendToTitle» «SendToSurname»

**Freedom of Information request – Release of documents**

**OPTION – IF SENDING DECISION TO AN AGENT**

«ApplicantFirstnameSurname», (the applicant) has authorised you to receive correspondence about their Freedom of Information request on their behalf. Correspondence will not be sent directly to the applicant. In this letter references to 'you' and 'your' relate to the applicant.

**END OPTION**

This letter refers to your request received on <<date received>> seeking access under the *Freedom of Information Act 1982* (the FOI Act) to the following documents held by the Department of Home Affairs (the Department):

<<insert details of the request as stated by the applicant>>

**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 departmental records. In reaching my decision, I have considered the following:

- The *Freedom of Information Act 1982*
- Departmental files and/or documents (identified below)
- The Information Commissioner Guidelines
- The terms of your request.

My decision is to release, in full, the documents within the scope of your request.

**Documents in scope**

- 1.
2. .

## 22 Access to edited copies with exempt or irrelevant matter deleted (extract)

### Scope

- (1) This section applies if:
- (a) an agency or Minister decides:
    - (i) to refuse to give access to an exempt document; or
    - (ii) that to give access to a document would disclose information that would reasonably be regarded as irrelevant to the request for access; and
  - (b) it is possible for the agency or Minister to prepare a copy (an **edited copy**) of the document, modified by deletions, ensuring that:
    - (i) access to the edited copy would be required to be given under section 11A (access to documents on request); and
    - (ii) the edited copy would not disclose any information that would reasonably be regarded as irrelevant to the request; and
  - (c) it is reasonably practicable for the agency or Minister to prepare the edited copy, having regard to:
    - (i) the nature and extent of the modification; and
    - (ii) the resources available to modify the document; and
  - (d) it is not apparent (from the request or from consultation with the applicant) that the applicant would decline access to the edited copy.

Section 22(2) of the FOI Act provides that, where an agency reaches the view that a document contains exempt information or material that is irrelevant to the request and it is possible for the agency to prepare an edited copy of the document with the irrelevant or exempt material deleted, then the agency must prepare such a copy.

### OPTION – STAFF AND CONTRACTOR NAMES - IRRELEVANT MATERIAL

In your acknowledgement letter, you were advised of the Department's policy to consider irrelevant to the scope of your request the personal details of staff engaged in some roles. This includes their names, direct email addresses and also the mobile and direct work telephone numbers of these staff. This material has therefore been removed under s 22 (1)(a)(ii) of the FOI Act from the documents that form the scope of your request.

(Use the below paragraph only if you are attaching a Schedule of Documents for other s.22 deletions)

You will see these exemptions in the documents released to you as they will be clearly identified with 's 22 (1)(a)(ii)' however they will not be individually noted in the Schedule of Documents. Please note that there are times that this same section of the FOI Act will be used to remove other material and this will be in the Schedule of Documents with a clear explanation as to what the material is.

END OPTION

### OPTION - DELETION OF OTHER IRRELEVANT MATERIAL UNDER S.22 SELECT THE CORRECT SUB-OPTION

#### SUB-OPTION – if not attaching Schedule of Documents

Please note that I have deleted other irrelevant material under section 22(1)(a)(ii) of the FOI Act from the following pages:

- pages \_\_\_\_\_ of \_\_\_\_\_
- pages \_\_\_\_\_ of \_\_\_\_\_.

**END OF OPTION**

**SUB-OPTION – if attaching Schedule of Documents**

Please note that I have deleted other irrelevant material under section 22(1)(a)(ii) of the FOI Act as detailed in the attached Schedule of Documents.

**END OF OPTION**

**SELECT FROM ANY OF THE BELOW OPTIONS FOR YOUR REASONS**

The materials in question relate to third parties. Your request is for information about yourself and you have indicated at questions 12 and 17 of the form 424A that you do not require information about any other person.

OR

The Department stores documents in many formats and the documents you have requested have been stored with other documents of a similar nature that are not part of your request.

OR

Investigations conducted by the Department often relate to more than one person or entity. You have requested access to information about yourself, the information on this file that relates to persons other than yourself is not in the scope of your request.

OR

At times, documents are incorrectly stored on a file. That has happened in this instance. This document does not relate to you or your application for a visa.

I have therefore determined the materials which do not relate to you to be irrelevant to your request and have deleted them under section 22(1)(a)(ii) of the FOI Act.

**Review rights**

**Internal review**

If you disagree with my decision, you have the right to apply for an internal review by the Department of a primary decision to refuse access to documents you have requested.

If you wish to make a request for internal review this must be sent within 30 days of being notified of the decision. Where possible please attach reasons why you believe 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:

Freedom of Information Section  
Department of Home Affairs  
PO Box 9984  
SYDNEY NSW 2001

Or email: [foi.nsw@homeaffairs.gov.au](mailto:foi.nsw@homeaffairs.gov.au)

**Information Commissioner Review**

Under section 54L of the FOI Act, you may apply to the Australian Information Commissioner to review my decision. An application for review by the Information Commissioner must be

made in writing within 60 days of the date of this letter, and be lodged in one of the following ways:

Online	<a href="https://forms.business.gov.au/aba/oaic/foi-review/">https://forms.business.gov.au/aba/oaic/foi-review/</a>
Email	<a href="mailto:enquiries@oaic.gov.au">enquiries@oaic.gov.au</a>
Post	GPO Box 5218, Sydney NSW 2001
In person	Level 3, 175 Pitt Street, Sydney NSW

More information about Information Commissioner review is available on the Office of the Australian Information Commissioner website at [www.oaic.gov.au](http://www.oaic.gov.au).

### How to make a complaint about the handling of your FOI request

You may complain to the Australian Information Commissioner if you have concerns about how the Department has handled your request under the FOI Act.

Your complaint must be in writing and must specify the agency you are complaining about. You can send your complaint to the Australian Information Commissioner using the details above. A complaint form is also available at [www.oaic.gov.au](http://www.oaic.gov.au).

If you are unhappy with the Department's decision about giving or refusing access to documents, you should ask for the decision to be reviewed, which is a separate process which has been outlined in the previous section.

### Contacting the FOI section

If you wish to discuss this matter, I can be contacted using the details provided below.

### Contacting the Department

You can contact us with a general enquiry in a number of ways including by email, through our website, by telephone through our Service Centres or offices around the world, or in person. In Australia you can call 13 18 81 between 8.30 am and 4.30 pm Monday to Friday. Details on contacting our offices outside Australia are available on our website at [www.homeaffairs.gov.au](http://www.homeaffairs.gov.au).

«InvestigativeOfficerFirstnameSurname»  
Position number  
FOI Officer  
Department of Home Affairs  
Telephone «InvestigativeOfficerPhoneBH»  
Fax «InvestigativeOfficerFax»  
Email «InvestigativeOfficerEMail»

### Attachments:

**Schedule of Documents- DELETE ATTACHED SCHEDULE ON THE LAST PAGE IF N/A**  
**Document released: <<specify (copy) documents released that is, restate documents in scope>>**

**DELETE THIS SCHEDULE IF NOT APPLICABLE**

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Client Name «ApplicantFirstnameSurname»  
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FOI Request «CaseNumber»  
File Number «FOIV2\_Request\_ADF\_Number»

**1. Departmental File:**

Page	Description	Decision	Legislation
		Irrelevant material deleted	s22(1)(a)(ii)
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**3. Other documents; << insert other records such as loose documents, Trim files, ICSE records that are within the scope of the request>>**

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