



21 March 2019

[Redacted]

In reply please quote:

FOI Request: FA 18/12/00137

File Number: ADF2018/239246

Dear [Redacted]

Freedom of Information (FOI) request - Access Decision

On 4 December 2018, the Department of Home Affairs (the Department) received a request for access to document under the *Freedom of Information Act 1982* (the FOI Act).

[Redacted] (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.

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:

[Redacted]

[Redacted]

[Redacted]

[REDACTED]

I am also seeking [REDACTED] information as to the following

Name of Vessel

Date and time Vessel bearing [REDACTED] was intercepted by Border Patrol or the Australian Navy ("the interception")

Place of Interception

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

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 or to amend or annotate records.

3 Relevant material

In reaching my decision I referred to the following:

- the terms of your request
- the document relevant to the request
- the FOI Act
- Guidelines published by the Office of the Information Commissioner under section 93A of the FOI Act (the FOI Guidelines)
- advice from Departmental officers with responsibility for matters relating to the document to which you sought access

4 Partial Decision

Given the different kinds of information (personal and non-personal) requested under this FOI request, the Department proposes to make decisions in part on this request as the documents are processed.

The statutory time limits for review of this decision on your request will commence upon receipt of the Department's final decision on rest of the documents within the scope of this request.

Scope of this part of the decision is as follows:

I am also seeking [REDACTED] information as to the following

Name of Vessel

Date and time Vessel bearing [REDACTED] was intercepted by Border Patrol or the Australian Navy ("the interception")

Place of Interception

5 Document in scope of request

The Department has identified one document as falling within the scope of this part of your request. This document was in the possession of the Department on 4 December 2018 when your request was received.

6 Decision

The decision in relation to the document in the possession of the Department which falls within the scope of your request is as follows:

- Release one document in part with deletions

7 Reasons for Decision

Detailed reasons for my decision are set out below.

7.1 Section 22 of the FOI Act – irrelevant to request

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

Information I have deleted under section 22(1)(a)(ii) is the information that goes beyond the details of the Vessel, which you are seeking under your FOI request. I consider that this additional information is outside the scope of your request, and therefore not relevant to your request.

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

The remainder of the document has been released to you as it is relevant to your request.

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.

9 Your Review Rights

Internal Review

If you disagree with this decision, you have the right to apply for an internal review by the Department of this decision. Any request for internal review must be provided to the Department within 30 days of you being notified of the decision. Where possible please attach reasons why you believe a review of the decision is necessary. The internal review will be carried out by an officer other than the original decision maker and the Department must make a review decision within 30 days.

Applications for review should be sent to:

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

OR

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

Review by the Office of the Australian Information Commissioner

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

10 Making a Complaint

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

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

Phone 1300 363 992 (local call charge)

Email enquiries@oaic.gov.au

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

11 Contacting the FOI Section

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



**Authorised Decision Maker
Department of Home Affairs**