



15 May 2019

In reply please quote:

FOI Request: FA 19/02/00750
File Number: OBJ2019/7084

Dear [REDACTED]

Freedom of Information (FOI) request - Access Decision

On 13 February 2019, the Department of Home Affairs (the Department) received a request for access to document under the *Freedom of Information Act 1982* (the FOI Act).

The purpose of this letter is to provide you with a decision on your request for access under the FOI Act.

1 Scope of request

You have requested access to the following document:

Documents produced in the last 2 years containing information about:
(a) the incidence of self-harm among asylum seekers in overseas immigration detention facilities including any assessment and/or requirement for medical treatment and
(b) any transfer of asylum seekers to Australia due to self-harm related behaviour.

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 Document in scope of request

You have requested access to documents, across a two year period, which outline the incidents of self-harm among asylum seekers in overseas immigration detention facilities.

A strict interpretation of the scope of your request would result in no documents being relevant, noting that Australian "*immigration detention facilities*" exist within Australia only.

When considering your request, I have had regard to the FOI guidelines which suggest that the Department should not take a narrow or pedantic approach to the construction of the scope of the request. I have therefore understood your request to be for information about the incident of self-harm among asylum seekers in "*regional processing centres*".

In order for the Department to identify any document created in the past 2 years which would be captured by your request, the Department would be required to search every file of every individual who has been resident in a regional processing centre across those 2 years. This has the potential to result in a substantial and unreasonable diversion of resources of the Department.

You have indicated in your request that "*the most recently created documents may well fulfil the scope of this request*".

Having regard to this, I have interpreted your request to be for the most recent data the Department holds relating to:

- the incidence of self-harm actual/threat incidents for the period 1 April 2017 to 31 March 2019 and
- the number of medical transfers to Australia for the period 1 April 2017 to 31 March 2019 due to self-harm related behaviour.

The Department has undertaken reasonable searches in relation to your request and does not hold an existing discrete document that contains the information outlined above.

The Department has considered whether it can extract the data in accordance with section 17(1) of the FOI Act. The obligation for retrieving or collating information stored in a computer system arises if:

- the agency could produce a written document containing the information using a computer or other equipment that is ordinarily available to the agency for retrieving or collating stored information, and
- producing a written document would not substantially and unreasonably divert the resources of the agency from its other operations (s17(2))

In accordance with section 17 of the FOI Act, the Department has used its computer system to produce one document that contains data that falls within the scope of part 1 of your request, as I have understood it to be. The data produced in the document existed in the possession of the Department on 13 February 2019 when your FOI request was received.

In relation to part (b) of your request, the Department is unable to produce a document from its computer systems that would capture the number of medical transfers due to self-harm related behaviour. That level of detail is not available from its computer systems.

Having regard to your request and the types of documents that may fall within the scope of part (b) of your request I am satisfied that all reasonable steps have been taken to locate any document relevant to that part of your request.

5 Decision

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

- Release one document in full.

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.

6 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>.

7 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.

8 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**