

From: s. 22(1)(a)(ii)
To:
Subject: FW: s. 47C(1) [SEC=OFFICIAL:Sensitive]
Date: Tuesday, 25 May 2021 9:21:54 AM

OFFICIAL: Sensitive

Document in scope

Kind regards

s. 22(1)(a)(ii)

Assistant Director
FOI Section
FOI and Records Management Branch
Data Division
Strategy & Law Enforcement Group
s. 22(1)(a)(ii)
Department of Home Affairs | www.homeaffairs.gov.au

Please note that I work Monday – Thursday.

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From: s. 22(1)(a)(ii)
Sent: Wednesday, 14 April 2021 8:17 AM
To: s. 22(1)(a)(ii)
Cc: s. 22(1)(a)(ii)
Subject: Re: s. 47C(1) [SEC=OFFICIAL:Sensitive]

OFFICIAL: Sensitive

Thanks s. 22(1)(a)(ii)

Approved - let's include first name on our decisions and correspondence.

s. 47C(1)

Thanks,
s. 22(1)(a)(ii)

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From: s. 22(1)(a)(ii)
Date: Wednesday, April 14, 2021 at 7:32:57 AM
To: s. 22(1)(a)(ii)
Subject: Fwd: s. 47C(1)
[SEC=OFFICIAL:Sensitive]

OFFICIAL: Sensitive

Morning s. 22(1)(a)(ii)

s. 22(1)(a)(ii) has identified an issue s. 47C(1) his is common practice across the teams for staff security.

I agree with s. 22(1)(a)(ii) that we should immediately issue s. 47C(1)

For your approval.

s. 22(1)(a)(ii)

Sent by Email+

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From: s. 22(1)(a)(ii)
Date: Tuesday, April 13, 2021 at 9:36:16 PM
To: s. 22(1)(a)(ii)
Subject: s. 47C(1) [SEC=OFFICIAL:Sensitive]

OFFICIAL: Sensitive

Hi s. 22(1)(a)(ii)

As discuss, I'm writing up a quick summary of the issues I've had a quick look at today.

There are certain parts of the Act which require the disclosure of the FOI officer or designated decision maker under the Act. These include the requirement to state the name and designation of the decision maker in FOI decisions (section 26(1)(b) of the FOI Act); and the name of a contact person (and details of how the applicant may contact the contact person) in notices initiating a request consultation process under section 24AB of the FOI Act.

The statutory requirement specifically calls for a 'name' and does not leave much room for wider interpretation.

The Department's previous position had been that the requirement was satisfied by the inclusion of

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the position number (allowing for the identification of the officer). The use of a first name was optional.

On 20 August 2020, the OAIC released their Position Paper on the disclosure of public servants' name and contact details in response to FOI requests. Included in this paper was an attachment discussing circumstances in which public servants' names are required to be disclosed

Relevant excerpt regarding consultation notices under s 24AB:

*What is required to satisfy section 24AB(2)(c), and to ensure the validity of the notice, is sufficient detail of the contact person's name to allow the applicant to contact the contact person so the applicant can be given the assistance required to be provided under section 24AB ... **The minimum identifying information that must be included to comply with section 24AB is the first name of the contact person.** (emphasis added)*

Relevant excerpt regarding decisions under s 26:

*The same principles apply to the requirement to state the name of the decision maker in notices issued under sections 26 and 29 of the FOI Act. **Notices that do not contain this information will not be valid.** (emphasis added)*

Under these circumstances I'd recommend we issue a priority policy direction to FOI decision makers that we need to include a minimum first name alongside the position number on final decisions and PRNs. **s. 47C(1)**

As a lower priority, we may consider incorporating a brief entry into the forthcoming operations manual to ensure our policy is documented as compliant.

s. 22(1)(a)(ii)

Assistant Director | Freedom of Information
Freedom of Information & Records Management Branch | Data Division
Strategy & Law Enforcement Group
Department of Home Affairs

s. 22(1)(a)(ii)

E: foi@homeaffairs.gov.au

The Department of Home Affairs and the Australian Border Force acknowledges the Traditional Custodians throughout Australia and their continuing connection to land, sea and community. We pay respect to all Aboriginal and Torres Strait Islander peoples, their cultures and to their elders past and present.

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From:
To:

s. 22(1)(a)(ii)

Subject: Direction: All decision letters and PRN correspondence must be signed by first name AND position number [SEC=OFFICIAL]
Date: Wednesday, 14 April 2021 10:54:46 AM
Importance: High

OFFICIAL

Dear FOI Staff

Please see direction below that from now onwards all FOI staff include first names and position numbers on **all decisions and PRN correspondence**. Background for the decision is below.

Please contact myself or s. 22(1)(a)(ii) directly if you have any concerns about this direction.

s. 22(1)(a)(ii) appreciate if you can please circulate to our new grads.

Kind regards

s. 22(1)(a)(ii)

Acting Director
FOI Section
FOI and Records Management Branch
Data Division
Strategy & Law Enforcement Group
s. 22(1)(a)(ii)
Department of Home Affairs | www.homeaffairs.gov.au

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OFFICIAL

From: s. 22(1)(a)(ii)
Sent: Wednesday, 14 April 2021 8:36 AM

s. 22(1)(a)(ii)

s. 22(1)(a)(ii)

Subject: Direction: All decision letters and PRN correspondence must be signed by first name AND position number [SEC=OFFICIAL]

Importance: High

OFFICIAL

Dear FOI Team,

s. 22(1)(a)(ii) has identified that the FOI Act specifically requires the name *and* designation of the decision maker in FOI decisions (section 26(1)(b) of the FOI Act); and the name of a contact person (and details of how the applicant may contact the contact person) in notices initiating a request consultation process under section 24AB of the FOI Act.

The Department's previous position had been that the requirement was satisfied by the inclusion of the position number (allowing for the identification of the officer). The use of a first name was optional.

On 20 August 2020, the OAIC released their Position Paper on the disclosure of public servants' name and contact details in response to FOI requests. Included in this paper was an attachment discussing circumstances in which public servants' names are required to be disclosed

Relevant exert regarding consultation notices under s 24AB:

*What is required to satisfy section 24AB(2)(c), and to ensure the validity of the notice, is sufficient detail of the contact person's name to allow the applicant to contact the contact person so the applicant can be given the assistance required to be provided under section 24AB ... **The minimum identifying information that must be included to comply with section 24AB is the first name of the contact person.** (emphasis added)*

Relevant exert regarding decisions under s 26:

*The same principles apply to the requirement to state the name of the decision maker in notices issued under sections 26 and 29 of the FOI Act. **Notices that do not contain this information will not be valid.** (emphasis added)*

On the basis of s. 22(1)(a)(ii) advice: s. 22(1)(a)(ii) has directed that **all FOI staff include first names and position numbers on all decisions and PRN correspondence.** Please convey to your teams immediately, and follow up at stand-ups. Please refer any staff questions/concerns to s. 22(1)(a)(ii) or myself.

Sensitive NP Team: please ensure that this direction also applies to any business area decision

makers.

Many thanks to s. 22(1)(a)(ii) for identifying this issue and preparing the advice.

Kind regards

s. 22(1)(a)(ii)

Acting Director

FOI Section

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