



16 October 2018

In reply please quote:

FOI Request: FA 18/06/00421

File Number: ADF2018/86968

Dear [REDACTED]

Freedom of Information (FOI) request - Access Decision

On 8 June 2018, the Department of Home Affairs (the Department) received a request for access to documents 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 documents:

Any emails (including the distribution list) or other documents where it mentions the Case Management Dossier along with all attachments whether sent or received by any person in the People Services Branch, excluding a copy of the Case Management Dossier itself.

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 documents or to amend or annotate records.

3 Relevant material

In reaching my decision I referred to the following:

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

4 Documents in scope of request

The Department has identified 37 documents as falling within the scope of your request. These documents were in the possession of the Department on 8 June 2018 when your request was received.

Attachment A is a schedule which describes the relevant documents and sets out my decision in relation to each of them.

5 Decision

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

- Release relevant information in 28 documents in full
- Release nine documents in part with deletions.

6 Reasons for Decision

Detailed reasons for my decision are set out below.

Where the schedule of documents indicates an exemption claim has been applied to a document or part of document, my findings of fact and reasons for deciding that the exemption provision applies to that information are set out below.

6.1 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.

On 12 June 2018, the Department advised you that its policy is to exclude the direct contact details of officers within the Department contained in documents that fall within scope of an FOI request.

I have therefore decided that parts of documents 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 documents, with the irrelevant material deleted pursuant to section 22(1)(a)(ii) of the FOI Act.

The remainder of the documents have been considered for release to you as they are relevant to your request.

6.2 Section 47C of the FOI Act – Deliberative Processes

Section 47C of the FOI Act provides that a document is conditionally exempt if its disclosure would disclose 'deliberative matter'. Deliberative matter includes opinion, advice or recommendation obtained, prepared or recorded, or consultation or deliberation that has taken place, in the deliberative processes of an agency. 'Deliberative processes' have previously been described as 'the process of reflection, for example, upon the wisdom and expediency of a proposal, a particular decision or a course of action.'

Document 2 contains advice, opinions and recommendations prepared or recorded in the course of, or for the purposes of, the deliberative processes involved in the functions of Department. The information does not fall within any of the exclusions in subsections 47C(2) and (3) of the FOI Act.

I have decided that the information is conditionally exempt under section 47C of the FOI Act. Access to a conditionally exempt document must generally be given unless it would be contrary to the public interest to do so. I have turned my mind to whether disclosure of the information would be contrary to the public interest, and have included my reasoning in that regard below

6.3 Section 47E of the FOI Act – Operations of Agencies

Section 47E(c) of the FOI Act provides that documents are conditionally exempt if disclosure would, or could reasonably be expected to, have a substantial adverse effect on the management or assessment of personnel by an agency.

Documents 1, 2, 34, 36 and 37 contain names of officers who are non-SES officers whose employment with the Department is not well known and not in the public domain.

At times, the policy space that this Department operates in can be highly controversial and divisive and in some circles, an unpopular aspect of government policy. The Department also operates in a highly sensitive operational environment. As such, affording protection to its staff is a high priority for the Department.

The Department's Professional Standards Framework promotes the highest of standards of professional conduct expected of the Department's workforce. Contained within the professional standards framework, is the integrity framework which includes measures designed to protect our workforce from criminal influence and to mitigate the potential for corruption risk. Any adverse effect to the effectiveness of the Department's ability to manage its personnel within its integrity framework exposes the Department to potential integrity risk which would result in a substantial adverse effect on the operations of the Department.

Staff names and direct contact details are not published outside the Department in order to protect staff against the risk of inappropriate unsolicited approaches, personal attack and harassment.

The disclosure of staff names and direct contact details outside the Department could expose those members of staff to unsolicited approaches by individuals with criminal affiliations and may result in serious risks to the security and integrity of the Department's lawful activities. There have also been documented cases of members of staff of the Department being harassed and receiving personal threats to their safety.

I am therefore satisfied that the likelihood of a threat from unknown individuals to members of staff is based not based on intangible or hypothetical threats.

The Department has a primary duty of care to ensure, so far as is reasonably practical, the health and safety of its officers under the *Work Health and Safety Act 2011* (WHS Act). The Department must ensure, as far as is reasonably practicable, that the health and safety of other persons is also not put at risk from work carried out as part of the conduct of the Department.

I am of the view that the disclosure of the names of officers contained within the documents could impact on the ability of the Department to comply with its health and safety obligations under the WHS Act. This this would, or could reasonably be expected to, have a substantial adverse effect on the management of personnel by the Department.

Accordingly, I have decided that the documents are conditionally exempt under section 47E(c) of the FOI Act. Access to a conditionally exempt document must generally be given unless it would be contrary to the public interest to do so. I have turned my mind to whether disclosure of the information would be contrary to the public interest, and have included my reasoning in that regard below.

6.4 The public interest – section 11A of the FOI Act

As I have decided that parts of the documents are conditionally exempt, I am now required to consider whether access to the conditionally exempt information would be contrary to the public interest (section 11A of the FOI Act).

A part of a document which is conditionally exempt must also meet the public interest test in section 11A(5) before an exemption may be claimed in respect of that part.

In summary, the test is whether access to the conditionally exempt part of the document would be, on balance, contrary to the public interest.

In applying this test, I have noted the objects of the FOI Act and the importance of the other factors listed in section 11B(3) of the FOI Act, being whether access to the document would do any of the following:

- (a) promote the objects of this Act (including all the matters set out in sections 3 and 3A);
- (b) inform debate on a matter of public importance;
- (c) promote effective oversight of public expenditure;
- (d) allow a person to access his or her own personal information.

Having regard to the above:

- I am satisfied that access to the documents would promote the objects of the FOI Act.
- I consider that the subject matter of the documents does not seem to have the character of public importance. The matter has a very limited scope and, in my view, would be of interest to a very narrow section of the public.
- I consider that no insights into public expenditure will be provided through examination of the documents.
- I am satisfied that you do not require access to the documents in order to access your own personal information.

I have also considered the following factors that weigh against the release of the conditionally exempt information in the documents:

- disclosure of the conditionally exempt information under **section 47C** could reasonably be expected to prejudice the ability of the Department to manage future deliberations in relation to the management of its personnel. This is a factor which I consider strongly weighs against disclosure.

- disclosure of the conditionally exempt information under **section 47E(c)** could reasonably be expected to prejudice the ability of the Department to manage integrity risks posed by members of the public who would wish to harass and threaten the personal safety of members of staff. This is a factor which I consider strongly weighs against disclosure.

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I have also had regard to section 11B(4) which sets out the factors which are irrelevant to my decision, which are:

- a) access to the document could result in embarrassment to the Commonwealth Government, or cause a loss of confidence in the Commonwealth Government;
- b) access to the document could result in any person misinterpreting or misunderstanding the document;
- c) the author of the document was (or is) of high seniority in the agency to which the request for access to the document was made;
- d) access to the document could result in confusion or unnecessary debate.

I have not taken into account any of those factors in this decision.

Upon balancing all of the above relevant public interest considerations, I have concluded that the disclosure of the conditionally exempt information in the documents is not in the public interest and therefore exempt from disclosure under the FOI Act.

7 Legislation

A copy of the FOI Act is available at <https://www.legislation.gov.au/Details/C2017C00251>. If you are unable to access the legislation through this website, please contact our office for a copy.

8 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 <http://www.oaic.gov.au/freedom-of-information/foi-reviews>.

9 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.

10 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**

ATTACHMENT A

SCHEDULE OF DOCUMENTS REQUEST UNDER *FREEDOM OF INFORMATION ACT 1982*

FOI request: FA 18/06/00421

	Date of document	No. of pages	Description	Decision on release	
1.	21/4/2018 1032	2	Email from AS People Services to ABF Business Services ABF Case Management Dossier and Executive HR Metrics Scorecards	Release in part	22(1)(a)(ii) 47E(c)
2.	08/05/2018 1134	4	Email from AS People Services to HR Business Partners	Release in part	22(1)(a)(ii) 47E(c) 47C
3.	10/5/2018 1450	1	Email from Workforce Reporting to Enforcement Command	Release relevant information in full	22(1)(a)(ii)
4.	10/5/2018 1450	1	Email from Workforce Reporting to Detention Services	Release relevant information in full	22(1)(a)(ii)
5.	10/5/2018 1450	1	Email from Workforce Reporting to Legal	Release relevant information in full	22(1)(a)(ii)
6.	10/5/2018 1450	1	Email from Workforce Reporting to Integrity Security and Assurance	Release relevant information in full	22(1)(a)(ii)
7.	10/5/2018 1450	1	Email from Workforce Reporting to Executive Division	Release relevant information in full	22(1)(a)(ii)
8.	10/5/2018 1451	1	Email from Workforce Reporting to People Division	Release relevant information in full	22(1)(a)(ii)
9.	10/5/2018 1451	1	Email from Workforce Reporting to Enterprise Strategy, Risk and Performance Division	Release relevant information in full	22(1)(a)(ii)
10.	10/5/2018 1451	1	Email from Workforce Reporting to Major Capability	Release relevant information in full	22(1)(a)(ii)
11.	10/5/2018 1451	1	Email from Workforce Reporting to Finance	Release relevant information in full	22(1)(a)(ii)
12.	10/5/2018 1451	1	Email from Workforce Reporting to Corporate Services	Release relevant information in full	22(1)(a)(ii)
13.	10/5/2018 1451	1	Email from Workforce Reporting to Strategic Border Command	Release relevant information in full	22(1)(a)(ii)
14.	10/5/2018 1452	1	Email from Workforce Reporting to Detention & Offshore Operations Command	Release relevant information in full	22(1)(a)(ii)
15.	10/5/2018 1452	1	Email from Workforce Reporting to Office of Transport Security	Release relevant information in full	22(1)(a)(ii)
16.	10/5/2018 1452	1	Email from Workforce Reporting to Emergency Management Australia	Release relevant information in full	22(1)(a)(ii)
17.	10/5/2018 1452	1	Email from Workforce Reporting to Visa Delivery Transformation	Release relevant information in full	22(1)(a)(ii)
18.	10/5/2018 1452	1	Email from Workforce Reporting to Visa & Citizenship Management	Release relevant information in full	22(1)(a)(ii)
19.	10/5/2018 1452	1	Email from Workforce Reporting to Community Protection	Release relevant information in full	22(1)(a)(ii)

	Date of document	No. of pages	Description	Decision on release	
20.	10/5/2018 1452	1	Email from Workforce Reporting to Immigration & Citizenship Policy	Release relevant information in full	22(1)(a)(ii)
21.	10/5/2018 1452	1	Email from Workforce Reporting to Refugee & Humanitarian Visa Management	Release relevant information in full	22(1)(a)(ii)
22.	10/5/2018 1452	1	Email from Workforce Reporting to Information and Communications Technology	Release relevant information in full	22(1)(a)(ii)
23.	10/5/2018 1452	1	Email from Workforce Reporting to International	Release relevant information in full	22(1)(a)(ii)
24.	10/5/2018 1453	1	Email from Workforce Reporting to Identity and Biometrics	Release relevant information in full	22(1)(a)(ii)
25.	10/5/2018 1456	1	Email from Workforce Reporting to Strategic Policy & Planning	Release relevant information in full	22(1)(a)(ii)
26.	10/5/2018 1457	1	Email from Workforce Reporting to Intelligence	Release relevant information in full	22(1)(a)(ii)
27.	10/05/2018 1508	2	Email from Workforce Reporting to Maritime Border Command	Release relevant information in full	22(1)(a)(ii)
28.	10/05/2018 1511	2	Email from Workforce Reporting to Maritime Workforce Capability	Release relevant information in full	22(1)(a)(ii)
29.	10/5/2018 1538	1	Email from Workforce Reporting to Regional Command ACT	Release relevant information in full	22(1)(a)(ii)
30.	10/5/2018 1538	1	Email from Workforce Reporting to Regional Command WA	Release in part	22(1)(a)(ii) 47E(c)
31.	10/5/2018 1539	1	Email from Workforce Reporting to Regional Command QLD	Release in part	22(1)(a)(ii) 47E(c)
32.	10/5/2018 1539	1	Email from Workforce Reporting to Regional Command NSW	Release in part	22(1)(a)(ii) 47E(c)
33.	10/5/2018 1539	1	Email from Workforce Reporting to Regional Command VIC/TAS	Release in part	22(1)(a)(ii) 47E(c)
34.	10/5/2018 1542	1	Email from Workforce Reporting to Regional Command SA and NT	Release in part	22(1)(a)(ii) 47E(c)
35.	Undated	5	Case Management Dossier Guidelines	Release in full	
36.	25/5/2018 0921	3	Email The Case Management Dossier	Release in part	22(1)(a)(ii) 47E(c)
37.	5/6/2018 1353	3	Email to People Services Branch Subject: The Dossier	Release in part	22(1)(a)(ii) 47E(c)