



Australian Government

Department of Immigration and Border Protection

DECISION RECORD

Client Details

FOI Request: FA14/01/0007
File Number: ADF2014/80

Scope:

'A register or log of all individuals who have been subject to DIAC's enhanced screening process since 3 August 2013 and the outcomes of the screening process in each case to the present day.

The register I am seeking access to will include the client number of each individual, the nationality of each person, their arrival in Australia, whether they were screened in or out, their date of removal if applicable and their date of birth.'

Documents in scope

1. Spreadsheet – ESP data (3pg)

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; and
- Consultation with relevant business areas.

Reasons for decision

I have considered the files 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 exemptions below.

FREEDOM OF INFORMATION ACT 1982

SECT 47F(1) - Public interest conditional exemptions—personal privacy

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).

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 under section 47F(1) contain the personal information of a third party. In my view, release of this information would be an unreasonable release of third party personal information and would be contrary to the public interest.

I have considered a number of factors in order to determine whether or not the release of the third parties' personal information would be reasonable or not in the specific circumstances of the case.

Factors considered when applying the unreasonableness test include:

- the extent to which the information is well known;

people our business

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- the availability of the information from publicly available sources;
- that the documents contain third party personal information;
- the nature of the information and whether disclosure would result in serious consequences;
- how the information was obtained; and
- the current relevance and age of the information.

In my view, when all circumstances are considered, the release of personal information would be unreasonable in the circumstances as it would constitute an unreasonable invasion of a third parties' privacy.

The FOI Act now provides that 'conditionally exempt' information must be released unless the decision maker reaches the view that release of the information would be 'contrary' to the public interest.

I am satisfied that the documents I have exempted under section 47F(1) contain personal information and the disclosure would be contrary to the public interest. When assessing the public interest test, I have considered:

Factors in favour of disclosure:

- promote the objects of the Act;
- inform debate on a matter of public importance;
- reveal the reason for a government decision;
- enhance the scrutiny of government decision making;
- the extent to which the information is well known;

Factors against disclosure:

- could reasonably be expected to prejudice the protection of an individual's right to privacy;

On balance, I am satisfied that release of the personal information exempt within the documents would be contrary to the public interest and is therefore exempt under section 47F(1) of the FOI Act. The factor against disclosure relating to the protection of an individual's right to privacy was given the most weight. The benefit to the public resulting from disclosure is outweighed by the benefit of withholding the information.

Deletion of exempt or irrelevant material under s.22 of the FOI Act

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. The attached Schedule of Documents 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.

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SCHEDULE OF DOCUMENTS TO DECISION RECORD

FOI Request: FA14/01/0007

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1. Other documents;

Number of pages	Description	Decision	Legislation
3	ESP data spreadsheet	Release with exemption	s47F(1) s22(1)(a)(ii)

IMA Boat ID	Date of Birth	Nationality	Arrival Date	Screening Outcome	IMA date of Removal
s. 47F(1)		Sri Lankan	^{s. 47F} 08/2013	Out	N/A
		Sri Lankan	^{s. 47F} 08/2013	Out	N/A
		Sri Lankan	^{s. 47F} 08/2013	Out	N/A
		Sri Lankan	^{s. 47F} 08/2013	Out	N/A
		Sri Lankan	^{s. 47F} 08/2013	Out	N/A
		Sri Lankan	^{s. 47F} 08/2013	Out	N/A
		Sri Lankan	^{s. 47F} 08/2013	In	N/A
		Sri Lankan	^{s. 47F} 08/2013	Out	N/A
		Sri Lankan	^{s. 47F} 08/2013	Out	N/A
		Sri Lankan	^{s. 47F} 08/2013	In	N/A
		Sri Lankan	^{s. 47F} 08/2013	In	N/A
		Sri Lankan	^{s. 47F} 08/2013	In	N/A
		Sri Lankan	^{s. 47F} 08/2013	Out	N/A
		Sri Lankan	^{s. 47F} 08/2013	Out	N/A
		Sri Lankan	^{s. 47} /08/2013	Out	N/A
		Sri Lankan	^{s. 47F} 08/2013	In	N/A
		Sri Lankan	^{s. 47F} 09/2013	Out	9/12/2013
		Sri Lankan	^{s. 47F} 09/2013	Out	9/12/2013
		Sri Lankan	^{s. 47F(1)} 10/2013	Out	17/11/2013
		Sri Lankan	^{s. 47F(1)} /10/2013	Out	17/11/2013
		Sri Lankan	^{s. 47F(1)} 10/2013	Out	17/11/2013
		Sri Lankan	^{s. 47F(1)} 10/2013	Out	17/11/2013
		Sri Lankan	^{s. 47F(1)} /10/2013	Out	17/11/2013
		Sri Lankan	^{s. 47F(1)} /10/2013	Out	17/11/2013
		Sri Lankan	^{s. 47F(1)} /10/2013	Out	17/11/2013
		Sri Lankan	^{s. 47F(1)} /10/2013	Out	17/11/2013
		Sri Lankan	^{s. 47F(1)} /10/2013	Out	17/11/2013
		Sri Lankan	^{s. 47F(1)} /10/2013	Out	17/11/2013
		Sri Lankan	^{s. 47F(1)} /10/2013	Out	17/11/2013
		Sri Lankan	^{s. 47F(1)} /10/2013	Out	17/11/2013
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		Sri Lankan	^{s. 47F(1)} /10/2013	Out	17/11/2013
		Sri Lankan	^{s. 47F(1)} /10/2013	Out	17/11/2013
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		Sri Lankan	^{s. 47F(1)} /10/2013	Out	17/11/2013
		Sri Lankan	^{s. 47F(1)} /10/2013	Out	17/11/2013
		Sri Lankan	^{s. 47F(1)} /10/2013	Out	17/11/2013
	Sri Lankan	^{s. 47F(1)} /10/2013	Out	17/11/2013	
	Sri Lankan	^{s. 47F(1)} /10/2013	Out	17/11/2013	
	Sri Lankan	^{s. 47F(1)} /10/2013	Out	17/11/2013	

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s. 47F(1)

Sri Lankan	s. 47F(1)	/11/2013	Out	31/12/2013
Sri Lankan	s. 47F(1)	/11/2013	Out	31/12/2013
Sri Lankan	s. 47F(1)	/11/2013	Out	31/12/2013
Sri Lankan	s. 47F(1)	/11/2013	Out	31/12/2013
Sri Lankan	s. 47F(1)	/11/2013	Out	31/12/2013
Sri Lankan	s. 47F(1)	/11/2013	Out	31/12/2013
Sri Lankan	s. 47F(1)	/11/2013	Out	31/12/2013
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