



Australian Government
Department of Immigration and Border Protection

Decision Record

Request Details

FOI Request: FA 14/01/00115

File Number: ADF2014/614

Scope of Request

“Incident Detail Report 1-6TZKRC from the Department's Compliance, Case Management, Detention and Settlement Portal. I also request any documents attached to the detailed report. Staff names are not requested.”

Documents in scope

1. Incident Detail Report – 1-6TZKRC – containing 4 folios.

Decision

I am an officer authorised under section 23(1) of the FOI Act to make decisions in relation to FOI requests.

My decision is to exempt in part the documents which fall within the scope of your request. A statement of reasons for my decision is below.

Information considered

In reaching my decision I have considered the following:

- the *Freedom of Information Act 1982*;
- the *FOI guidelines* issued by the Australian Information Commissioner;
- departmental documents (identified above); and
- consultation with relevant business area.

Reasons for decision

I have considered the document within the scope of your request and applied exemptions in part 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 (FOI Act)

SECT 22 Deletion of exempt matter or irrelevant material

- (1) *This section applies if:*
- (a) *an agency or Minister decides:*
 - (i) *to refuse to give access to an exempt document; or*
 - (ii) *that to give access to a document would disclose information that would reasonably be regarded as irrelevant to the request for access; and*
 - (b) *it is possible for the agency or Minister to prepare a copy (an **edited copy**) of the document, modified by deletions, ensuring that:*
 - (i) *access to the edited copy would be required to be given under section 11A (access to documents on request); and*
 - (ii) *the edited copy would not disclose any information that would reasonably be regarded as irrelevant to the request; and*
 - (c) *it is reasonably practicable for the agency or Minister to prepare the edited copy, having regard to:*
 - (i) *the nature and extent of the modification; and*
 - (ii) *the resources available to modify the document; and*
 - (d) *it is not apparent (from the request or from consultation with the applicant) that the applicant would decline access to the edited copy.*

The information deleted under section 22(1) of the FOI Act is considered exempt or irrelevant to your request. While the FOI Act extends a legally enforceable right of any person to seek access to documents held by an agency, section 22(1) allows an authorised FOI officer to remove information that is exempt material or material that is reasonably regarded as irrelevant to the request.

The information identified as being ‘reasonably regarded as irrelevant’ to your request includes staff details and metadata. As per your email dated 15 January 2014 you identified this type of information as irrelevant. Metadata becomes attached to these reports at the time they are printed from the electronic system. The department considers that the metadata is outside the scope of your request and is therefore reasonably regarded as irrelevant for the following reasons:

- The data is attached to the document after the date your request is received.
- This metadata does not appear on the reports when viewed in the electronic system and as such it is not considered to be a part of the report.

In accordance with section 22 I have prepared an edited copy of the documents for release.

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 information exempt under section 47F(1) contains 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 determining if the release would be unreasonable include:

- the need for transparency of process;
- that the documents contain third party personal information;
- the degree to which release would contribute to a public purpose being achieved and/or shed light on the working of government;
- the sensitive nature of the information would reveal personal information of an individual that was not already in the public domain and would contribute to that person being identified.

In my view, when all circumstances are considered, the release of personal information would be unreasonable as it would constitute an unreasonable invasion of a third parties' privacy. I am satisfied the third party personal information meets a conditional exemption under section 47F(1) of the FOI Act.

The FOI Act provides that 'conditionally exempt' information must be released unless the decision maker reaches the view that the release of the information 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;
- the need for transparency of process.

Factors against disclosure:

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

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. 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.



Shannon Bevan
00003160
FOI Case Officer
FOI and Privacy Policy Section
Department of Immigration and Border Protection

Email foi@immi.gov.au

7 February 2014



Australian Government
Department of Immigration and Border Protection

SCHEDULE OF DOCUMENTS TO DECISION RECORD

Request Details

FOI Request: FA 14/01/00115

File Number: ADF2014/614

1. Incident Detail Report – 1-6TZKRC

Folio	Description	Decision	Legislation
1-3	<p>The information removed under s.47F(1) contains personal third party information and the disclosure would be contrary to the public interest.</p> <p>The information deleted under s.22(1)(a)(ii) is irrelevant to the scope of your request. Irrelevant material includes staff details and metadata.</p>	Exempt in Part	s.47F(1) s.22(1)(a)(ii)
4	<p>The information deleted under s.22(1)(a)(ii) is irrelevant to the scope of your request. Irrelevant material includes staff details and metadata.</p>	Exempt in Part	s.22(1)(a)(ii)



Australian Government
Department of Immigration
and Border Protection

Sensitive
Incident Detail Report

As at 15/01/2014

Incident Summary

Incident Number:	1-3ZI4Q6	DIAC Notified:	12/06/2010 07:35:00 PM
Type:	Use of Restraints	DIAC Notified By:	s. 22(1)(a)(ii)
Level:	Minor	DIAC Contact:	
Version:	2	Initial Release On:	13/06/2010 01:54:34 AM
Status:	Closed	Version Released On:	13/06/2010 05:31:31 AM
Location:	Villawood IDC	Transport ID:	
Occurred On:	12/06/2010 09:10:00 PM	Sensitive:	N
Informed By:	Service Provider Staff	Summary:	Use of mechanical restraints
Informed On:	12/06/2010 07:30:00 PM	Organisation:	Serco
Location Details:	s. 47F(1)	CCTV Recording Number:	

Participants

Client

Participation Type:	s. 47F(1)	Client was armed:	N
Service Number:		Interpreter:	
Family Name:		Interpreter Id:	
Given Name(s):		TIS Job No:	
Date of Birth:		Comments:	
Minor:			

Staff

Family Name:	s. 22(1)(a)(ii)	Participation Type:	Involved
Given Name(s):		Job Title:	
Login:			
Organisation:			

Staff

Family Name:	s. 22(1)(a)(ii)	Participation Type:	Involved
Given Name(s):		Job Title:	
Login:			
Organisation:			

Incident Details

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

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Page 1 of 2

Sensitive

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Australian Government
Department of Immigration
and Border Protection

Sensitive
Incident Detail Report

As at 15/01/2014

Version: 2 Created On: 13/06/2010 05:25:46 AM Created By: s. 22(1)(a)(ii)

Description: This incident report is updated by ACSM s. 22(1)(a)(ii) On sunday 13th June 2010 at 0455 hours, Client s. 47F(1) returned from s. 47F(1) Hospital. Mechanical restraints were removed were removed at 0459 hours by CSO s. 22(1)(a)(ii). ACSM s. 22(1)(a)(ii) inspected the clients wrists and noticed that there were sight red marks across both wrists. Client s. 47F(1) will have his wrists checked by IHMS on sunday the 13 th June 2010. This incident report is now considered closed.

Version: 1 Created On: 13/06/2010 01:16:18 AM Created By: LESLEY BERG

Description: This incident report is created by ACSM s. 22(1)(a)(ii) On saturday the 12th June 2010 at approximately 2120 hours, Client s. 47F(1) was mechanically restrained by CSO s. 22(1)(a)(ii) in the s. 47F(1) prior to client being escorted to s. 47F(1) Hospital. Client was accompanied by escorting officers s. 22(1)(a)(ii) and s. 22(1)(a)(ii). At 1930 hours, Romeo 5, s. 22(1)(a)(ii) contacted Acting Centre Manager, s. 22(1)(a)(ii) requesting approval for the use of mechanical restraints. At 1940 hours, Acting Centre Manager, s. 22(1)(a)(ii) contacted Diac On Call Manager, s. 22(1)(a)(ii) requesting approval for the use of mechanical restraints. Approval for the use of mechanical restraints was given by Diac On Call Manager, s. 22(1)(a)(ii) at 1945 hours. Once the mechanical restraints were applied to client s. 47F(1), CSO s. 22(1)(a)(ii) checked to ensure that the restriants were not too tight and causing marks to the clients wrists. Upon departure to the hospital, the mechanical restraints were covered with a cloth to ensure the dignity of client s. 47F(1) This incident report will be updated as more information is received.

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

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Page 2 of 2

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