



## Attachment A

### DECISION RECORD

#### Request Details

FOI Request FA 16/09/01170  
File Number ADF2016/51396

#### Scope of request

*'As you would know, your Department's policy concerning feedback from the public is to respond once only. Subsequent or consequent concerns are to be directed to the Ombudsman. In my experience, it is most unusual for government departments committed to a policy of openness and sodality (POS) with the community to limit correspondence from the public using a Once Only Policy (OOP).*

*Could please let me have copies of or links to:*

- a record that shows the date that the current OOP or similar was first introduced; [Item 1]*
- the policy it replaced; [Item 2]*
- the first feedback or correspondence from a member of the public that complains about the OOP or recommends modifications to move from an OOP to a POS; [Item 3]*
- the first advice from a government agency urging or suggesting to your department that a POS may be more appropriate than an OOP [Item 4].*
- Feedback Policy Document' [Item 5].'*

#### Documents in scope

1. Departmental document - Client Feedback Policy manual– containing 4 folios.

#### 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 Departmental records.

#### Information considered

In reaching my decision, I have considered the following:

- ✓ The *Freedom of Information Act 1982*;
- ✓ Departmental files and/or documents (identified above); and
- ✓ The Australian Information Commissioner's Guidelines relating to access to documents held by government.

#### Reasons for decision

I am satisfied that I have been provided with all the relevant documents to consider in my decision. I have considered the documents and am satisfied that no exemptions apply. Therefore, I am releasing the relevant documents in full.

## **24A Requests may be refused if documents cannot be found, do not exist or have not been received**

### **Decision**

I have considered the advice from the relevant business areas against the current scope of your request and the correspondence you submitted to the Department. Based on your advice and the advice of the business areas, I am satisfied that the Department does not hold any discrete documents (electronic or hard copy) that fall within Items 1-4 of the scope of your request.

Further, I am satisfied that the Department cannot create discrete documents to meet your request *by the use of a computer or other equipment that is ordinarily available to the agency for retrieving or collating the stored information* (s.17(1)(c)(i) of the Act). Therefore, I am satisfied that s.17(1) of the Act does not apply to your request.

Section 24A(1) of the Act provides that an agency may refuse access to a request if the decision maker is satisfied that all reasonable steps have been taken to find the requested document but that the document does not exist. On the basis of the information from the business areas, I am satisfied that the Department has taken all reasonable steps to find documents containing the information that you requested. However, the business areas have advised that the Department does not, as part of its ordinary processes, create such documents. Consequently, I am satisfied that the documents you have requested access to under the Act do not exist (s.24A(1)(b)(ii) of the Act).

Therefore, I am refusing components of your request in relation to Items 1-4 only in accordance with s.24A(1) of the Act on the grounds that the agency has taken all reasonable steps to find the requested documents and I am satisfied the documents you have requested do not exist.

### **Searches carried out**

The Department has undertaken consultation and searches to identify if any documents exist relating to Items 1-4 of your request.

I consulted within the Department of Immigration and Border Protection (the Department) regarding the scope of your request and requested that the relevant business areas carry out specific searches to identify any potential documents.

Advice received from the Global Feedback Unit (GFU), the Detention Services Division Coordination and Scrutiny team, and the Regional Processing Centre Coordination section following their extensive searches is that no documents exist that relate to your items 1-4 of your request.

I have outlined their responses below as reiterated in my charges notice of 27 September 2016.

- The Detention Services Division Coordination and Scrutiny section advised that *'...Offshore Contracts does not deal direct with applicants requests for information. It is always through a third party. We don't have a policy on this document'*.
- The GFU advised that they do *'...not have a formal policy stipulating clients receive one response only in relation to feedback they submit to the GFU. However, if the Department is satisfied the feedback has been addressed, no further response will be provided'*.  
[REDACTED] lodged feedback through the Global Feedback Unit (GFU) on 31 March 2015 (GFU case number [REDACTED]). He expressed concerns about mail he had sent to a detainee named [REDACTED] at the Nauru regional processing centre (RPC). The GFU did not respond a second time, which was an oversight, not a direction guided by policy.

*In such a situation, the GFU would normally respond a second time and state that, unless a client was an authorised contact, information about a specific detainee could not be provided due to privacy considerations.*

*Generally, if clients are not satisfied with Departmental responses to their GFU-lodged feedback, the GFU may invite responding business areas to provide further information in some circumstances. However, if the Department is satisfied the feedback has been addressed, the GFU will inform clients that no further consideration within the Department has been deemed necessary. The GFU may also advise clients of their right to approach the Commonwealth Ombudsman, the Australian Human Rights Commission, or the Office of the Australian Information Commissioner.*

- *'RPC Coordination does not hold any documents relating to this request'.*

As outlined above, and giving consideration to the advice provided by the relevant business areas, I am satisfied that the Department has taken all reasonable steps to find the documents within the scope of your request and as a result, I have determined that documents relating to Items 1-4 of your request, do not exist.

My decision is to refuse access to Items 1-4 under section 24A(1) of the FOI Act, on the grounds that all reasonable steps have been taken to find the documents and I am satisfied that the documents do not exist.

Therefore I consider due to this information, that this confirms why the Department holds no relevant documents relating to your request.

██████████  
Authorised decision maker  
Freedom of Information Section  
Department of Immigration and Border Protection  
Telephone ██████████  
Email [foi@border.gov.au](mailto:foi@border.gov.au)

4 November 2016



**Attachment B**

**SCHEDULE OF DOCUMENTS TO DECISION RECORD**

FOI Request FA 16/09/01170  
File Number ADF2016/51396

No.	Date of document	No. of pages	Description	Decision on release	
1.	2015	4	Client Feedback Policy	Full	
2.	Document does not exist	n/a	Items 1 – 4 as outlined in the scope of the request	S24A [documents do not exist]	