



Attachment A – DECISION RECORD

Request Details

FOI Request FA 16/10/01647
File Number ADF2016/61533

Scope of request

1. On 14 October 2016 you requested:

The minutes of, or ministerial brief arising from, a roundtable meeting hosted by the department in August 2012 to discuss streamlined student visa processing for private education providers and the student visa assessment framework, including a list of attendees.

Documents in scope

2. There is one document that falls within the scope of your request, consisting of the minutes from the roundtable meeting that you requested (Attachment B refers).

Authority to make decision

3. I am an officer authorised under section 23 of the *Freedom Of Information Act 1982* to make decisions in respect of requests to access documents or to amend or annotate Departmental records.

Information considered

4. In reaching my decision, I have considered the following:
 - the terms of your request;
 - the FOI Act;
 - the Australian Information Commissioner's guidelines relating to access to documents held by government;
 - Departmental documents, identified in the Schedule of Documents; and
 - consultation with the relevant Departmental business areas.

Reasons for decision

5. 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.
6. 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 reasons(s) for each of the deletions in the document (s.22(3) of the FOI Act).

7. Exempt material is deleted pursuant to s.22(1)(a)(i) of the FOI Act.

Deletion of exempt material under s.22(1)(a)(i) of the FOI Act

8. I have decided the document you requested is partially exempt from release on the following basis.

Section 47E(d) – have a substantial adverse effect on the proper and efficient conduct of the operations of an agency

9. Section 47E(d) provides that a document is conditionally exempt if its disclosure under the Act would, or could reasonably be expected to, have a substantial adverse effect on the proper and efficient conduct of the operations of an agency.
10. The document contains names of individuals representing education providers who attended the stakeholder roundtable meeting to provide feedback to the then Department of Immigration and Citizenship about the Streamlined Visa Processing (SVP). This roundtable was not broadly public.
11. The discussions were held in confidence and represented collaboration for the purpose of expanding and strengthening the SVP program.
12. By releasing the names of participants in this meeting, it would reduce the future willingness of key stakeholders to engage in collaborative ventures with the Department of Immigration and Border Protection (Department). This would undermine the effectiveness of the Department's collaborative engagement with stakeholders.
13. On this basis, I am satisfied that information contained in the documents could reasonably be expected to adversely affect the Department's operations in respect of undertaking collaborative activities with key stakeholders. Therefore, I am satisfied that the material in issue is conditionally exempt under s.47E(d) of the Act.

Application of the 'public interest' test

14. Although I have found that the information contained in the document you requested is conditionally exempt from release under s.47E(d), the FOI Act requires me to disclose the information unless access at this time would, on balance, be contrary to the public interest. I will now consider whether disclosure would be contrary to the public interest.

15. The factors favouring access to information are provided at s.11B of the FOI Act:

Factors favouring access

- (3) *Factors favouring access to the document in the public interest include 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.*

16. I acknowledge that release of the document without the exemptions made under s.47E(d) would promote the objects of the FOI Act, through facilitating and promoting public access to information.

17. However, I consider that the release of the information would make a negligible further contribution to public debate, would not promote effective oversight of public expenditure or allow a person to gain access to his or her own personal information.
18. In contrast, I consider that the ability of the Department to effectively collaborate with key stakeholders to be strongly in the public interest.
19. Taking into account the above matters, on balance, I consider that disclosure of the information in the documents exempted under s.47E(d) to be contrary to the public interest. Accordingly, I have decided that the documents are exempt in part under s.47E(d) of the FOI Act. The exemptions have therefore been applied to the documents released.

Section 47F(1) – Personal privacy

20. Section 47F(1) of the Act provides:

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).

The relevant document contains 'personal information'

21. I am satisfied that the document to which you have sought access contains 'personal information', being the names of 21 employees of education providers and the titles of education stakeholders.
22. While it would technically be possible to consult with each of the 21 named persons in order to gain their consent to release their names, the number of consultations this would require means would be impractical. Consulting with each participant would constitute a substantial and unreasonable diversion of the Department's resources.

Disclosure would involve the 'unreasonable disclosure of personal information'

23. In assessing whether a particular disclosure would be 'unreasonable', section 47F(2) sets out a number of factors which the Department *must* consider.
24. These factors are:
 - a) the extent to which the information is well known;
 - b) whether the person to whom the information relates is known to be (or to have been) associated with the matters dealt with in the document;
 - c) the availability of the information from publicly accessible sources; and
 - d) any other matters that the agency or Minister considers relevant.
25. The personal information in the document is not well known, and the comments attributed to each of these persons are also not well known. As such, I consider that disclosure of the personal information in the document would be unreasonable.

Application of the 'public interest' test

26. I am satisfied that the release of the information would promote the objects of the FOI Act as it would provide access to information held by Government.
27. I do not consider release of the exempted information would be of interest to the broader public, promote effective oversight of public expenditure, or allow a person to access his or her own personal information.

28. I consider that it is in the broader public interest for the Department to be able to engage with key stakeholders in order to elicit their feedback on key program changes in confidential fora without exposing individual representatives to unnecessary scrutiny.
29. I further consider that it is in the public interest for public servants to be able to engage with the Department, in their official capacities, without being personally exposed to unnecessary scrutiny.
30. On balance, I consider that the public interest factors against release of the exempted information outweigh the public interest factors for release of the information. I therefore partially exempt the document from release under s.47F(1) of the FOI Act.



Authorised decision maker
Department of Immigration and Border Protection
Email: foi@border.gov.au

22 December 2016



Attachment B – SCHEDULE OF DOCUMENTS TO DECISION RECORD

FOI Request FA 16/10/01647
File Number ADF2016/61533

No.	Date of document	Pages	Description	Relevant legislation (FOI Act)
1.	9 August 2012	1-3	Minutes	Released in part s.47E(d) s.47F(1)