



Attachment A

DECISION RECORD

Request Details

FOI Request FA 16/10/02557
File Number ADF2016/64269

Scope of request

1. On 28 October 2016 you requested:

the two versions of the complete standard operating procedures for Nauru and Manus, as issued in 2013 and 2015.

2. On 31 October 2016 you agreed to revision of the scope as follows:

the two versions of the complete standard operating procedures for Nauru and Manus relating to property/mail, as issued in 2013 and 2015 and as previously released in part under FOI requests FA 15/11/00282 and FA 16/07/00097.

Documents in scope

3. The Department has located four documents within the scope of your request. These documents are detailed at the Schedule of Documents (**Attachment B**).

Authority to make decision

4. 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

5. In reaching my decision, I have considered the following:
 - The *Freedom of Information Act 1982*;
 - The documents as listed in the Schedule of Documents;
 - Consultations with relevant business areas and third parties; and
 - The Australian Information Commissioner's guidelines relating to access to documents held by government; and consultations with relevant Departmental business areas.

Reasons for decision

6. 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.
7. 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).
8. 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.

Exempted material

9. The Schedule of Documents (**Attachment B**) and the documents released (**Attachment C**) detail the exemptions that have been applied. Exemptions were applied on the following grounds:

Section 37(2)(b) - *disclose lawful methods or procedures for preventing, detecting, investigating, or dealing with matters arising out of, breaches or evasions of the law the disclosure of which would, or would be reasonably likely to, prejudice the effectiveness of those methods or procedures*

and

Section 37(2)(c) - *prejudice the maintenance or enforcement of lawful methods for the protection of public safety*

10. The material exempted under these provisions provides detail of service provider methods, procedures and equipment employed to help prevent, detect or investigate breaches of the law and to minimise risks to public safety.
 - I have interpreted public safety to include the safety of all persons located within the Manus and Nauru Regional Processing Centres as well as civilian populations located nearby the Regional Processing Centres.
11. Following consultation with the relevant Service Provider (Broadspectrum, formerly Transfield Services), I am satisfied that disclosure of the exempted information would:
 - disclose lawful methods and procedures for preventing, detecting and investigating breaches or evasions of the law, which would be likely to prejudice the effectiveness of those methods or procedures; and
 - prejudice the maintenance or enforcement of lawful methods for the protection of public safety.
12. I have therefore exempted the relevant material under sections 37(2)(b) and 37(2)(c) of the FOI Act.

Section 47G(1)(a) – *disclosure of business/commercial information which would, or could reasonably be expected to, unreasonably affect an organisation's commercial affairs*

13. The exempted information comprises detailed descriptions of service provider position and team roles (Document 1) as well as detailed service provider organisational structures and decision making functions and the qualifications required for a wide range of staff roles (Document 2).
14. I am satisfied that this material provides a level of detail regarding Broadspectrum's business model that goes beyond what is available in the public domain.
15. The release of this information into the public domain could reasonably be expected to disadvantage Broadspectrum's commercial affairs, as it would make details regarding its facilities management and client service business model available to potential competitors for other business.
16. I therefore find the material to be conditionally exempt under s.47G(1)(a) of the FOI Act.

Public interest test

17. While I have found that the conditional exemption in s.47G(1)(a) of the FOI Act applies to the information outlined in paragraph 13, s.11A(5) of 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.
18. In determining whether disclosure would be contrary to the public interest, s.11B(3) sets out a number of relevant factors which point in favour of release. These factors are:
 - a) whether release would promote the objects of the FOI Act;
 - b) whether release would inform debate on a matter of public importance;
 - c) whether release would promote effective oversight of public expenditure; and
 - d) whether release would allow a person to access his or her own personal information.
19. I acknowledge that release of the material subject to conditional exemption under s.47G(1)(a) would promote the objects of facilitating and promoting public access to information.
20. I do not consider that the material would inform debate on a matter of public importance.
21. I do not consider release of the information would promote effective oversight of public expenditure or allow a person access to his or her own information.
22. In contrast to the factor favouring release, I note that the material contains sensitive commercial information and its release could disadvantage a contracted party's commercial competitiveness for a potentially wide range of work.
23. On balance, I have decided that the public interest lies in not disclosing the material assessed as conditionally exempt in this instance. The documents are therefore exempted in part under s.47G(1)(a) of the FOI Act.

Deletion of irrelevant material

24. The material deleted under section 22(1)(a)(ii) comprises:

- the names of Departmental and service provider staff; and
- telephone numbers and complete email addresses.

(signed electronically)



Authorised decision maker
Department of Immigration and Border Protection

29 December 2016



Attachment B

SCHEDULE OF DOCUMENTS TO DECISION RECORD

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No.	Date of document	Folios	Description	Decision on release	Applicable part/s of the FOI Act
1.	08/2013	1-112	Manus Island Regional Processing Centre - Standard Operating Procedures	Irrelevant material deleted Released in part	s.22(1)(a)(ii) s.37(2)(b) s.37(2)(c) s.47G(1)(a)
2.	08/2013	113-218	Nauru Regional Processing Centre - Standard Operating Procedures	Irrelevant material deleted Released in part	s.22(1)(a)(ii) s.37(2)(b) s.37(2)(c) s.47G(1)(a)
3.	09/2015	219-267	Transferee Property Management Standard Operating Procedures – Manus Regional Processing Centres	Irrelevant material deleted Released in part	s. 22(1)(a)(ii) s.37(2)(b) s.37(2)(c)
4.	09/2015	268-319	Asylum Seeker Property Management Standard Operating Procedures – Nauru Regional Processing Centres	Irrelevant material deleted Released in part	s.22(1)(a)(ii) s.37(2)(b) s.37(2)(c)