



**In reply please quote:**

FOI Request: FA 16/11/01320

File Number: ADF2016/70820

13 February 2017

Dear [REDACTED]

I refer to your email dated 16 November 2016 in which you request access to documents held by the Department of Immigration and Border Protection (the Department) under the *Freedom of Information Act 1982* (the FOI Act).

**1 Scope of Request**

You have requested access to the following documents held by the Department:

*'information on the Tourist Refund Scheme for the year 2015-2016:*

- 1. the total value of sales on which GST refunds are claimed by airport and/or other points of exit;*
- 2. a breakdown of the number of claims and the value of refunds by airport and/or other points of exit;*
- 3. a breakdown of the number of claims and the value of refunds by country of passport issue of claimants (by airport and/or other points of exit if possible), and*
- 4. a breakdown of the number of claims and the value of refunds by product category (by airport and/or other points of exit if possible).'*

On 20 January 2017, you agreed to modify the scope of your request to limit the information to commercial air and sea ports, and to exclude any statistical results of less than 5 that has the potential to enable an individual to be identified.

This letter is to notify you of the Department's decision on access to the documents subject to your request.

**2 Authority to make decision**

I am an officer authorised under section 23 of the FOI Act to make decisions to in respect of requests to access documents or to amend or annotate Departmental records.

### **3 Relevant material**

In reaching my decision, I have considered the following:

- the terms of your request;
- the documents relevant to your request;
- the FOI Act;
- Guidelines published by the Office of the Australian Information Commissioner under s 93A of the FOI Act, and
- advice from Departmental officers with responsibility for matters relating to the documents to which you sought access.

### **4 Document in scope**

In accordance with section 17 of the FOI Act, the Department has used its computer system to produce one document that contains the information you have requested. The data produced in this document existed in the possession of the Department on 16 November 2016 when your FOI request was received.

As agreed, statistical data of a value of less than 5 has been removed from pages 2-7 where that data could potentially be used to identify a particular individual. As such, if there were a result of between 1 and 4 for a particular country against a particular port, that data has been removed. However, the total's still reflect the true total. By way of example, on page 3, if the total number of claims for passengers 15, but the only entry is a total of 7 for a particular port, this would indicate that the remaining entries for other ports were less than 5, and have therefore been removed. This principle has been applied throughout the document.

Whilst the data, on its face value, does not necessarily identify an individual, I am conscious of the fact the information released to you must be published by the Department on its FOI disclosure log under the provisions of section 11C of the FOI Act. When published, this information will be available to the general public, and a small amount of knowledge about a particular person, combined with the information concerning country of origin and port of arrival, may enable a particular individual to be identified as having made a Tourist Refund Scheme, and the amount of that claim, should this information be disclosed. You agreed to remove any such data from the scope of your request, and it has therefore been removed from the document.

### **5 Decision on access**

The decision in relation to the document in the possession of the Department which comes within the scope of your request is to release one document in full.

### **6 Your Review Rights**

#### Internal Review

If you disagree with this decision, you have the right to apply for an internal review by the Department of this decision. Any request for internal review must be provided to the Department within 30 days of you being notified of the decision. Where possible please attach reasons why you believe a review of the decision is necessary. The internal review will be carried out by an officer other than the original decision maker and the Department must make a review decision within 30 days. Applications for review should be sent to:

Freedom of Information Section  
Department of Immigration and Border Protection  
PO Box 25  
BELCONNEN ACT 2617

OR

By email to: [foi.reviews@border.gov.au](mailto:foi.reviews@border.gov.au)

*Review by the Office of the Australian Information Commissioner*

You may apply directly to the Office of the Australian Information Commissioner (OAIC) for a review of this decision. You must apply in writing within 60 days of this notice. For further information about review rights and how to submit a request for a review to the OAIC, please see Fact Sheet 12 "Freedom of information – Your review rights", available online at <http://www.oaic.gov.au/freedom-of-information/foi-reviews>.

**7 Making a Complaint**

You may complain to the Australian Information Commissioner about action taken by the Department in relation to your request.

Your enquiries to the Australian Information Commissioner can be directed to:

Phone 1300 363 992 (local call charge)

Email [enquiries@oaic.gov.au](mailto:enquiries@oaic.gov.au)

There is no particular form required to make a complaint to the Australian Information Commissioner. The request should be in writing and should set out the grounds on which it is considered that the action taken in relation to the request should be investigated and identify the Department of Immigration and Border Protection as the relevant agency.

**8 Contact**

Should you wish to discuss this decision, please do not hesitate to contact the FOI Section at [foi@border.gov.au](mailto:foi@border.gov.au).



**FOI Officer | Freedom of Information Section  
Information Management Branch  
Corporate Services Division  
Department of Immigration and Border Protection**