



Australian Government

AUSTRAC

Reference: PIAT-1926

6 April 2023

Mr Chris Drake

Sent by email to: foi+request-10055-3618d37a@righttoknow.org.au

Dear Mr Drake

Internal Review Freedom of Information Request Decision

The Australian Transaction Reports and Analysis Centre (AUSTRAC) refers to the Internal Review Freedom of Information request (IR FOI request) received from you on 12 March 2023. Your IR FOI request seeks review of the initial FOI request (PIAT-1926) seeking access to:

- “1. A list of all applicants for registration as Digital Currency Exchange Service Providers.*
- 2. (Optional) - if convenient and easy to do, some indication of whether or not each of the above was granted registration would be nice, but not essential.”*

I examined the document in scope and have decided to exempt the document in full pursuant to s 47G and s 47F of the FOI Act.

In making my decision I have also had regard to the following:

- *Freedom of Information Act 1982;*
- Guidelines issued by the Australian Information Commissioner;
- The initial FOI request and original FOI decision;
- The submissions included within your internal review request.



Australian Government

AUSTRAC

Applicable Conditional Exemptions

Section 47G - Public interest conditional exemptions – business

The document includes business information relating to identified businesses. I have assessed the content of the information within the document and potential impact(s) release of the information could reasonably be expected to have on the business. I have weighted these factors against the public interest factors outlined in the FOI Act and the guidelines issued by the Information Commissioner.

I have also carefully considered the submissions put forth within your internal review request, as well as the initial FOI decision's justification of exemption which outlined the ongoing issue of de-banking.

On balance, I am satisfied the unreasonable effect on the business, commercial and/or financial affairs of the organisations is reasonably expected to arise from releasing the information. I'm of the view that the impacts expected to be suffered by the organisations outweighs the public interest factors favouring release. Therefore, I find the information is conditionally exempt under s 47G and have exempted the document in full accordingly.

Section 47F - Public interest conditional exemptions – Personal Privacy

The document includes personal information relating to identified individuals. That is due to the fact DCE service providers are not limited to organisations and include individuals registered with AUSTRAC to provide DCE services. I have assessed the content of the personal information and potential impact(s) release of the information could reasonably be expected to have on the privacy of the identified individuals, and weighed it against the public interest factors outlines in the FOI Act and the guidelines issued by the Information Commissioner.

On balance, I am satisfied release of the personal information could reasonably be expected to unreasonably affect the individuals concerned for precisely the same reasons provided above relating to organisations. Having considered the public interest factors, I am of the view release of the personal information would be contrary to the public interest in the circumstances, therefore the personal information is conditionally exempt and redacted under s 47F.

You have review rights of this FOI decision which can be directed to the Office of the Australian Information Commissioner (OAIC). Information on how to apply for Information Commissioner review is available on the [OAIC website](#).

Separately, in relation to the concerns you raised in your IR FOI request, I can confirm that AUSTRAC has never released a list of *all applicants for registration* on the DCE register, nor has AUSTRAC released the DCE register to industry bodies. In our role regulating the DCE sector, we adopt a risk-based approach to regulation and in determining who to engage with. FOI requests or complaints from a party are not a consideration in our approach to regulation. If you have any further supervisory concerns or issues, please contact regulatoryoperations@austrac.gov.au.

Yours sincerely



Peter Soros
Authorised Decision Maker
AUSTRAC