



AFP
AUSTRALIAN FEDERAL POLICE

OFFICIAL

Our ref: LEX 1474

6 August 2023

Iain Peterson (Right to Know)

foi+request-10071-bf2b1ce1@righttoknow.org.au

Dear Mr Peterson

Freedom of Information request

I refer to your request dated 16 March 2023, made under the *Freedom of Information Act 1982* (the Act).

Attached at Annexure A to this letter is my decision and statement of reasons for that decision. A schedule of documents identified as falling into the scope of your request is at Annexure B.

Yours sincerely

C.A

Casey Auld
A/g Team Leader
Freedom of Information and Information Law
Chief Counsel Portfolio

POLICING FOR A SAFER AUSTRALIA

OFFICIAL

OFFICIAL**STATEMENT OF REASONS RELATING TO AN FOI REQUEST BY
IAIN PETERSON (RIGHT TO KNOW)**

I, Casey Auld, A/g Team Leader, Freedom of Information and Information Law, am an officer authorised under section 23 of the Act to make decisions in relation to the Australian Federal Police (AFP).

What follows is my decision and reasons for the decision in relation to your request.

BACKGROUND

On 16 March 2023, the AFP received your request in the following terms:

“Under the freedom of information Act, I am requesting access to the following:

And documents which include the phrase

“operation angel watch”

And

Any documents which include the phrase

“Angel watch””

On 3 April 2023, you were notified of the requirement to consult a third party pursuant to section 15(8) of the Act.

On 9 May 2023 you agreed to a 30 day extension of time pursuant to section 15AA of the Act.

On 27 June 2023, a further extension of time was granted by the Office of the Australian Information Commissioner (OAIC) pursuant to section 15AB of the Act, to notify you of a decision by 13 July 2023.

My apologies for the delay in providing you with a decision in regards to your request.

SEARCHES

Searches for documents were undertaken by ACCCE and Human Exploitation Command and Asia Pacific Command, relevant to the scope of your request.

EVIDENCE/MATERIAL ON WHICH MY FINDINGS WERE BASED

In reaching my decision, I have relied on the following:

- the scope of your request;
- the contents of the documents identified as relevant to the request;
- consultation with third parties;
- advice from operational areas with responsibility for matters contained in the documents;
- the Act; and
- the guidelines issued by the Office of the Australian Information Commissioner under section 93A of the Act.

OFFICIAL

DECISION

I have identified 12 documents relevant to your request.

I have decided to:

- release 1 document to you in full; and
- release 11 documents in part with deletions pursuant to sections 22(1)(a)(ii) and 33(a)(iii) of the Act.

A schedule of each of document and details of my decision in relation to each document is at Annexure B.

My reasons for this decision are set out below.

REASONS FOR DECISION

Material to which section 22(1)(a)(ii) applies:

Section 22 of the Act allows the AFP to grant access to an edited copy of a document that has been modified by deletions to remove material that is either exempt or irrelevant to the request.

Parts of the document also contain information that does not relate to the subject matter of your request, being information that does not relate to “operation angel watch” or “angel watch”.

Accordingly, I find parts of the document would be reasonably regarded as irrelevant to the request under section 22(1)(a)(ii) of the Act.

Material to which section 33(a)(iii) applies:

Section 33(a)(iii) of the Act provides that:

“A document is an exempt document if disclosure of the document under this Act:

(a) would, or could reasonably be expected to, cause damage to:

...

(iii) the international relations of the Commonwealth...”

The documents or parts of documents identified as exempt under this section of the Act relate to information provided by an agency of a foreign government. The information was provided by a foreign government at an international conference regarding the Angel Watch Centre, on the understanding that it would only be used for that purpose and not be disseminated further. I am satisfied that to grant access to the documents would, or could reasonably be, expected to cause damage to the international relations of the Commonwealth. This information was communicated in the expectation that it would remain confidential. Therefore to disclose this material would damage the Commonwealth’s relations with a foreign country. If these documents were to be released, it would be likely to inhibit the exchange of information to the AFP in these forums in the future.

Accordingly, I find the documents or parts of the documents are exempt under section 33(a)(iii) of the Act.

*****YOU SHOULD READ THIS GENERAL ADVICE IN CONJUNCTION WITH THE LEGISLATIVE REQUIREMENTS IN THE FREEDOM OF INFORMATION ACT 1982*****

REVIEW AND COMPLAINT RIGHTS

If you are dissatisfied with a Freedom of Information decision made by the AFP, you can apply either for internal review of the decision, or for a review by the Information Commissioner (IC). You do not have to apply for internal review before seeking review by the IC.

For complaints about the AFP's actions in processing your request, you do not need to seek review by either the AFP or the IC in making your complaint.

REVIEW RIGHTS under Part VI of the Act

Internal review by the AFP

Section 54 of the FOI Act gives you the right to apply for internal review of this decision. No particular form is required to make an application for internal review, however, an application needs to be made in writing within 30 days of this decision. It would assist the independent AFP decision-maker responsible for reviewing the file if you set out in the application, the grounds on which you consider the decision should be reviewed.

Section 54B of the FOI Act provides that the internal review submission must be made within 30 days. Applications may be sent by email (foi@afp.gov.au) or addressed to:

Freedom of Information
Australian Federal Police
GPO Box 401
Canberra ACT 2601

REVIEW RIGHTS under Part VII of the Act

Review by the Information Commissioner

Alternatively, section 54L of the FOI Act gives you the right to apply directly to the IC for review of this decision. In making your application you will need to provide an address for notices to be sent (this can be an email address) and a copy of the AFP decision.

Section 54S of the FOI Act provides the timeframes for an IC review submission. For an *access refusal decision* covered by section 54L(2), the application must be made within 60 days. For an *access grant decision* covered by section 54M(2), the application must be made within 30 days.

Applications for IC review may be lodged by email (foidr@oaic.gov.au), using the OAIC's online application form (available at www.oaic.gov.au) or addressed to:

Office of the Australian Information Commissioner
GPO Box 5128
Sydney NSW 2001

The IC encourages parties to an IC review to resolve their dispute informally, and to consider possible compromises or alternative solutions to the dispute in this matter. The AFP would be pleased to assist you in this regard.

Complaint

If you are unhappy with the way we have handled your FOI request, please let us know what we could have done better. We may be able to rectify the problem. If you are not satisfied with our response, you can make a complaint to the IC. A complaint may be lodged using the same methods identified above. It would assist if you set out the action you consider should be investigation and your reasons or grounds.

More information about IC reviews and complaints is available on the OAIC's website at <https://www.oaic.gov.au/freedom-of-information/reviews-and-complaints/>.

SCHEDULE OF DECISION – LEX 1474

Document No	Folio No	Author	Description	Exemption	Reason
1	1	Australian Federal Police (AFP)	Dialogue program	Released in part	s22(1)(a)(ii) s33(a)(iii)
2	2-14	US Homeland Security Investigations	Presentation on the Angel Watch Program	Released in part	s33(a)(iii)
3	15-16	AFP	Dialogue minute	Released in part	s22(1)(a)(ii) s33(a)(iii)
4	17-18	AFP	World Congress minute	Released in part	s22(1)(a)(ii) s33(a)(iii)
5	19-20	AFP	World Congress program	Released in part	s22(1)(a)(ii) s33(a)(iii)
6	21	AFP	Email relating to World Congress program	Released in part	s22(1)(a)(ii) s33(a)(iii)
7	22-26	US Homeland Security Investigations	Country update – United States	Released in full	
8	27	AFP	Conference feedback document	Released in part	s22(1)(a)(ii)

Document No	Folio No	Author	Description	Exemption	Reason
9	28-43	US Homeland Security Investigations	Presentation on the Angel Watch Program and associated document	Released in part	s22(1)(a)(ii) s33(a)(iii)
10	44-46	AFP	Conference minute	Released in part	s22(1)(a)(ii) s33(a)(iii)
11	47-48	AFP	Teleconference program	Released in part	s22(1)(a)(ii) s33(a)(iii)
12	49-51	AFP	Law Enforcement Abstracts from World Conference	Released in part	s22(1)(a)(ii)