



24 April 2023

Mr Zach Zhao
Right to Know
By email: foi+request-10108-d6e35663@righttoknow.org.au

Dear Mr Zhao

Re: Freedom of Information Request

I refer to your request received by the Department of Foreign Affairs and Trade (the department) on 26 March 2023 for access under the *Freedom of Information Act 1982* (the FOI Act) to:

Under the Freedom of Information Act 1982, please provide the codes/prefixes that are allocated to foreign countries and international organisations for their diplomatic cars.

I am writing to provide you with a decision about your request.

I have identified a document relevant to your request. After careful consideration, I have decided to refuse access to the document because the document is exempt in full under the FOI Act.

Reasons

I am an officer authorised under section 23 of the FOI Act to make decisions in relation to FOI requests.

In making my decision I have taken into account:

- the terms of your request;
- the document within the scope of your request;
- the FOI Act; and
- the guidelines issued by the Australian Information Commissioner under section 93A of the FOI Act (FOI Guidelines).

The reasons for my decision and for the application of exemptions under the FOI Act to the document are set out below. Where I refer to sections of the FOI Act, these are available at www.legislation.gov.au. Parts of the FOI Guidelines referenced can be found online at <https://www.oaic.gov.au/freedom-of-information/foi-guidelines/>.

Damage to international relations (section 33(a)(iii) of the FOI Act)

Under section 33(a)(iii) of the FOI Act, a document is exempt if its disclosure would, or could reasonably be expected to, cause damage to the international relations of the Commonwealth.

The phrase 'international relations' has been interpreted to mean the ability of the Australian Government to maintain good working relations with other governments and international organisations and to protect the flow of confidential information between them (FOI Guidelines, paragraph 5.36). As outlined in paragraph 5.38 of the FOI Guidelines, this applies to documents, the disclosure of which could diminish the confidence which another country has in Australia as a reliable recipient of confidential information, making that country or its agencies less willing to cooperate with Australian agencies in future.

Furthermore, according to the FOI Guidelines (paragraph 5.28), the expression 'damage' could include intangible damage, including inhibiting future negotiations between the Australian Government and a foreign government, or the future flow of confidential information from a foreign government.

Considering these provisions, I am satisfied that the disclosure of the document to which you seek access, would be reasonably likely to cause damage to Australia's foreign relationships and that this material is exempt under section 33(a)(iii) of the FOI Act.

Substantial adverse effect on an agency's proper and efficient conduct of operations (section 47E(d) of the FOI Act)

Under section 47E(d) of the FOI Act, a document is conditionally exempt if disclosure would, or could reasonably be expected to have a substantial adverse effect on the proper and efficient conduct of an agency's operations. FOI Guidelines, paragraph 6.92 specifies that the 'substantial adverse effect' need only be an indirect effect.

The document in scope includes content which concerns the information of foreign embassies and consulates.

I am satisfied that the disclosure of this material would prejudice the ability of the department to maintain working relationships with diplomatic missions in future and this would, or could reasonably be expected to, have a substantial adverse effect on the department's ability to undertake its operational activities.

I have therefore decided that this material is conditionally exempt under section 47E(d) of the FOI Act.

Conditional exemptions - public interest considerations (section 11A(5) of the FOI Act)

As section 47E(d) of the FOI Act is a conditional exemption, I must grant you access to this material unless providing access would, on balance, be contrary to the public interest (section 11A(5) of the FOI Act).

In assessing the public interest, I have considered the FOI Guidelines referred to above and the public interest factors listed in section 11B of the FOI Act as favouring access, including whether granting access to the documents would promote the objects of the FOI Act.

I have also considered public interest factors against disclosure, including that disclosure would reasonably be expected to prejudice the management functions of this department.

On balance, I am of the view that the public interest is weighted against the disclosure of this material. In forming this view, I have not taken into account any of the irrelevant factors specified in section 11B(4) of the FOI Act.

Review rights

Information about your review rights is set out in the **Attachment** for your reference.

Contact

Should you have any queries regarding this matter please contact the Freedom of Information Section by email (foi@dfat.gov.au).

Yours sincerely

A handwritten signature in blue ink, appearing to read 'David Lawrence', with a long horizontal flourish extending to the right.

David Lawrence
Assistant Secretary
Department of Foreign Affairs and Trade

Your review rights

Internal review

You may apply for internal review of the decision (section 54 of the FOI Act). The internal review application must be made within 30 calendar days from the day you receive this notice.

Where possible, please attach reasons why you believe review of the decision is necessary. The internal review will be carried out by another officer within 30 days.

Any request for internal review should be directed via email to foi@dfat.gov.au or addressed to:

Freedom of Information Section
Department of Foreign Affairs and Trade
R G Casey Building
John McEwen Crescent
Barton ACT 0221
Australia

Australian Information Commissioner

You may apply to the Australian Information Commissioner to review my decision (section 54L of the FOI Act). To do this, you must contact the Australian Information Commissioner within 60 calendar days from the day you receive this notice.

You may also make a complaint to the Australian Information Commissioner about the Department's actions in relation to this decision (section 70 of the FOI Act). Making such a complaint about the way the Department has handled your FOI request is a separate process to seeking review of my decision.

Further information on applying for an Australian Information Commissioner review is available at: <https://www.oaic.gov.au/freedom-of-information/foi-review-process>

Further information about how to make a complaint is available at:

<http://www.oaic.gov.au/freedom-of-information/foi-complaints>