28 June 2013

Brendan Molloy
Pirate Party Australia
Email: foi+request-114-1b26ac24@righttoknow.org.au

Dear Mr Molloy

Request Under the Freedom of Information Act 1982
For Access to Documents

I refer to your email dated 15 May 2013 and your subsequent email dated 21 May 2013 seeking access to documents under the *Freedom of Information Act 1982* (Cth) (**FOI Act**). I confirm that your request, as amended, seeks the following:

1. *Documents relating to the blocking of, filtering of or interference with the IP address 198.136.54.104, or any websites or services on said IP address; and*

2. *Documents specifying any IP addresses or websites targeted by ASIC for interference, blocking or filtering by the use of s 313 of the Telecommunications Act, from September 2012 to 21 May, 2013.*

I am the authorised decision-maker for the purposes of section 23 of the FOI Act.

I have identified the documents which come within the terms of your request. These are listed in the Schedule to this letter.

Decision on Access

I have identified 22 documents as being relevant to your request and advise that I have decided to release all 22 documents, although some have material deleted (this is discussed further below).

The documents that I have decided to release in full are marked "Release" on the attached Schedule.

The documents that I have decided to release edited copies of are marked "Release - edited" in the attached Schedule.

I have provided detailed reasons for my decision below.

Reasons for Decision

As stated above, I have decided to release edited copies of the documents marked "Release - edited" in the attached Schedule. My reasons for editing these documents are as follows:

Personal information

I find the documents numbered 12 to 22 in the attached Schedule to be conditionally exempt from release as, under section 47F(1) of the FOI Act, their disclosure would involve the unreasonable disclosure of personal information about a third party.

Sections 47F(1) and 47F(2) of the FOI Act state:

(1) A document is conditionally exempt if its disclosure under this Act would involve the unreasonable disclosure of personal information about any person (including a deceased person).

(2) In determining whether the disclosure of the document would involve the unreasonable disclosure of personal information, an agency or Minister must have regard to the following matters:

a. the extent to which the information is well known;

b. whether the person to whom the information relates is known to be (or to have been) associated with the matters dealt with in the document;

c. the availability of the information from publicly accessible sources;

d. any other matters that the agency or Minister considers relevant.

Personal information is defined in section 4 of the FOI Act as:

> *"...information or an opinion (including information forming part of a database), whether true or not, and whether recorded in a material form or not, about an individual whose identity is apparent, or can reasonably be ascertained, from the information or opinion."*

It is my view that the documents numbered 12 to 22 in the attached Schedule contain personal information about third parties and employees of ASIC. This information includes their names and contact details.

I have determined that the release of these documents would involve the unreasonable disclosure of personal information as:

- the personal information contained in these documents is not well known;
- the individuals to whom the personal information relates are not known to be associated with the matters dealt with in the document; and
- the personal information is not available from publically accessible sources.

In addition to the above, I have determined that, pursuant to section 22(1)(a)(ii) of the FOI Act, this personal information is irrelevant to your request.

In making the above decisions I considered the public interest test in section 11B(3) of the FOI Act and have determined that:

- access to the documents would promote the objects of the FOI Act;
- the disclosure of the personal information does not appear to be material to understanding the subject matter contained in the documents;
- the deletion of the personal information does not appear to diminish the ability to understand the relevant documents;
- withholding the personal information does not detract from the ability of the documents to assist in informing debate – in this respect I note that I have not deleted details of the ASIC employees' roles and titles within the organisation; and
- the release of the personal information would be an unreasonable invasion of privacy of those individuals named within the documents particularly in circumstances where there is a high likelihood that these documents will be made publically available.

However, pursuant to section 22 of the FOI Act, I am able to prepare an edited copy of the document, modified by deletions, which would not disclose this information. Consequently I have decided to release copies of these documents to you with such deletions.

Released Documents

I have arranged for copies of the released documents to be made for you.

Please let me know how you would like these documents delivered to you. I can post them to your preferred address or, alternatively, make them available for collection during business hours from ASIC's Brisbane office at Level 20, Commonwealth Bank Building, 240 Queen Street, Brisbane, Queensland.

Review Rights

I provide you with the following information as required by section 26 of the FOI Act.

In the event that you are dissatisfied with the decision:

1. You may, within 30 days after the day on which you have been notified of this decision, apply in writing to ASIC for a review of my decision by another ASIC officer under section 54B of the FOI Act. This request should be addressed to me or to the Senior Manager, Administrative Law, GPO Box 9827, Sydney NSW or by email to foirequest@asic.gov.au.

2. You may apply in writing to the Australian Information Commissioner for a review of my decision under section 54N of the FOI Act. Correspondence

should be addressed to the Office of the Australian Information Commissioner at GPO Box 2999, Canberra ACT 2601 or GPO Box 5218, Sydney NSW 2001.

3. You may lodge a complaint to the Australian Information Commissioner in respect to the conduct of ASIC in the handling of this request. Correspondence should be addressed to the Office of the Australian Information Commissioner at GPO Box 2999, Canberra ACT 2601 or GPO Box 5218, Sydney NSW 2001.

Yours faithfully

Anne Gubbins
(Authorised decision-maker under subsection 23(1) of the FOI Act)
for the Australian Securities and Investments Commission

SCHEDULE OF DOCUMENTS

No	Description of document	Date	Decision on access	Relevant section
1.	IP Blocking Request	12/10/2012	Release	-
2.	IP Blocking Request	23/11/2012	Release	-
3.	IP Blocking Request	28/11/2012	Release	-
4.	IP Blocking Request	19/12/2012	Release	-
5.	IP Blocking Request	09/01/2013	Release	-
6.	IP Blocking Request	15/02/2013	Release	-
7.	IP Blocking Request	14/03/2013	Release	-
8.	IP Blocking Request	18/03/2013	Release	-
9.	IP Blocking Request	26/03/2013	Release	-
10.	IP Blocking Request	26/03/2013	Release	-
11.	IP Blocking Request	03/04/2013	Release	-
12.	Email from ASIC to PIPE Networks and Optus	03/04/2013	Release - edited	Sections 47F(1) and 22
13.	Email from Optus to ASIC	03/04/2013	Release – edited	Sections 47F(1) and 22
14.	Email from ASIC to Optus	03/04/2013	Release – edited	Sections 47F(1) and 22
15.	Email from Optus to ASIC	03/04/2013	Release – edited	Sections 47F(1) and 22
16.	Email from Optus to ASIC	03/04/2013	Release – edited	Sections 47F(1) and 22
17.	Email from PIPE Networks to ASIC	04/04/2013	Release – edited	Sections 47F(1) and 22
18.	Email from ASIC to PIPE Networks, Optus, AAPT, Telstra and Pacnet	12/04/2013	Release – edited	Sections 47F(1) and 22
19.	Email from ASIC to Optus	12/04/2013	Release – edited	Sections 47F(1) and 22
20.	Email from PIPE Networks to ASIC	12/04/2013	Release – edited	Sections 47F(1) and 22
21.	Email from Optus to ASIC	12/04/2013	Release – edited	Sections 47F(1) and 22
22.	Email from Telstra to ASIC	12/04/2013	Release - edited	Sections 47F(1) and 22