



Decision to decline an extension of time under s 15AB of the *Freedom of Information Act 1982*

Agency	Australian Federal Police
Applicant	Sean
Decision date	11 March 2025
OAIC reference number	RQ25/01083
Agency reference number	LEX 3498

Decision

1. On 3 March 2025, the Australian Federal Police (the Agency) applied under s 15AB(1) of the *Freedom of Information Act 1982* (Cth) (FOI Act) to the Information Commissioner for an extension of 30 days to 16 April 2025 to process Sean's (the Applicant) request of 16 January 2025 (the FOI request). This application was made on the basis that the processing period is insufficient to deal adequately with the FOI request because it is complex and/or voluminous.
2. As a delegate of the Information Commissioner, I am authorised to make decisions on extension of time applications made under s 15AB(2) of the FOI Act.
3. On the information before the Information Commissioner, I have decided to decline the Agency's request to extend the processing period. A decision on the Applicant's request therefore is due by 17 March 2025. My reasons are outlined below.

Background

4. The background to this application is summarised in **Attachment A**.
5. A copy of the Agency's reasons for seeking an extension are included at **Attachment B**.

Reasons for decision

6. Subsection 15AB(2) of the FOI Act requires that I consider whether the application is justified on the basis that the processing period referred to in s 15(5)(b) is insufficient for dealing with the request, on the basis that the request is complex or voluminous.

7. In making my decision under s 15AB(2), I have considered the information provided by the Agency and the FOI Guidelines issued by the Information Commissioner under s 93A of the FOI Act, in particular paragraphs [3.150] – [3.157].
8. On the information before the OAIC, I am not satisfied that the application to extend the processing period is justified, for the following reasons:
 - The application provides limited evidence of appropriate work being undertaken by the Agency to process the FOI request to date. A detailed timeline setting out the work already completed was not provided. As such, it appears the Agency has not utilised the initial processing period, including the additional time as provided by the Applicant, effectively and I cannot find that the processing period was insufficient on the basis of complexity or volume.
9. If the Agency does not provide the Applicant a decision by **17 March 2025**, the Applicant may seek review by the Information Commissioner of the Agency's deemed access refusal decision of **17 March 2025**. Further information on [applying for IC review](#) is available on the OAIC [website](#). Any application for IC review should be made within 60 days of the Agency's decision or deemed decision. It also remains open to the Agency to apply for a further extension of time from the Information Commissioner if considered appropriate.
10. For further information, the OAIC website provides a resource containing information on [applying for an extensions of time to process freedom of information requests](#).
11. This extension of time matter is now closed. Your review rights are set out below.
12. If you wish to discuss this matter, please contact us by email at FOIDR@oaic.gov.au quoting reference number RQ25/01083.

Yours sincerely

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Andriana De Ieso
Review Adviser
Office of the Australian Information Commissioner
11 March 2025

Background to processing period

Background	Processing period	Due date
FOI request made on 16 January 2025	30 days	15 February 2025
Applicant's agreement to extend the processing period under s 15AA	Extended by 30 days	17 March 2025



The Agency’s reasons for requesting an extension of time, as included in the extension of time request form.

Please provide a timeline setting out the work already completed in order to process this request. Where an extension of time has previously been granted, describe the work that was undertaken during that extended period. *

The applicant agreed to a 30 day extension of time pursuant to section 15AA of the Act five days after the AFP received the request. Since then, the AFP has alerted the relevant AFP areas as to the nature and content of the request, as the information the applicant is seeking could have repercussions of a media response. After sending the request off to the relevant AFP areas, some of the wording of the request needed to be clarified with the applicant. The applicant clarified the wording and it was relayed to the relevant AFP area. AFP has received some documentation back from relevant members, however, some documents within the scope of the applicant's request are held by foreign agencies. The member has reached out to the relevant AFP contact for this foreign agency to ensure that all documentation within the scope of the request is collated. AFP is currently waiting on these additional documents to be provided.

Why is the request considered complex or voluminous? *

I consider this request to be both complex and voluminous. Firstly, the material provided thus far totals 19 documents and 65 pages. This is anticipated to increase when the additional documentation from the foreign agency is received. Therefore, the request is considered reasonably voluminous. This request is complex as it relates to the takedown of a black market website by a number of law enforcement agencies in a joint international operation. The nature of the request is incredibly sensitive and requires extraordinary attention to detail due to the high stakes of the information. If incorrect information is publicly disclosed, this could have severe consequences for not only AFP, but international law enforcement agencies like the FBI. This request is considered complex because it details communications between AFP and international partners. Unreasonable disclosure of information could have a profound and devastating effect on the relationships between AFP and these partners, and damage confidential channels of communication for future joint operations. Assessment of the documents in relation to this request will take time and extensive contemplation of the consequences of disclosure due to the content of the material. Therefore, the request is considered reasonably complex.



Review rights

If you disagree with the Office of the Australian Information Commissioner's (OAIC) decision you can apply to the Federal Court of Australia or the Federal Circuit Court for a review of a decision of the Information Commissioner, if you think that a decision by the Information Commissioner to grant an extension of time is not legally correct. You can make this application under the *Administrative Decisions (Judicial Review) Act 1977*.

The Court will not review the merits of your case, but it may refer the matter back to the Information Commissioner for further consideration if it finds the decision was wrong in law or the Information Commissioner's powers were not exercised properly.

An application for review must be made to the Court within 28 days of the OAIC sending the decision to you. You may wish to seek legal advice as the process can involve fees and costs. Please contact the Federal Court registry in your state or territory for more information or visit the Federal Court website at <http://www.fedcourt.gov.au/>.

Further information

Further information about how applications to extend the timeframe to process an FOI request are handled by the OAIC can be found published on our website:

For Applicants: [How to make an FOI request: Extensions of time](#)

For agencies and Ministers: [Guidance and advice: Extension of time for processing requests](#)

The OAIC has the power to investigate complaints about an agency's actions under the *Freedom of Information Act 1982* (FOI Act). This is a separate process from asking for an Information Commissioner review following a decision made under the FOI Act. Complaints usually focus on how an agency has handled your FOI request or complied with other obligations under the FOI Act, rather than the decision itself.

In some cases, the Information Commissioner's investigation of a complaint may lead to the agency addressing the issues that you have complained about. In other cases, the Information Commissioner may make suggestions or recommendations that the agency should implement. The Information Commissioner can only make non-binding recommendations as a result of a complaint. You and the agency will be notified of the outcome of the investigation.

FOI complaints to the OAIC must be made in writing. Our preference is for you to use the **[online FOI complaint form](#)** if at all possible.

Further information about how to make a complaint can be found published on our website: <https://www.oaic.gov.au/freedom-of-information/your-freedom-of-information-rights/freedom-of-information-complaints/make-an-foi-complaint> .

Making a complaint to the Commonwealth Ombudsman

If you believe you have been treated unfairly by the OAIC, you can make a complaint to the Commonwealth Ombudsman (the Ombudsman). The Ombudsman's services are free. The Ombudsman can investigate complaints about the administrative actions of Australian Government agencies to see if you have been treated unfairly.

If the Ombudsman finds your complaint is justified, the Ombudsman can recommend that the OAIC reconsider or change its action or decision or take any other action that the Ombudsman considers is appropriate. You can contact the Ombudsman's office for more information on 1300 362 072 or visit the Commonwealth Ombudsman's website at <http://www.ombudsman.gov.au> .