



# AFP

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Our Ref: LEX 3498

29 May 2025

Sean (Right to Know)

Email: [foi+request-12740-94e71d75@righttoknow.org.au](mailto:foi+request-12740-94e71d75@righttoknow.org.au)

Dear Sean

### **Freedom of Information request**

I refer to your request dated 16 January 2025 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.

I have decided to publish the documents in part in respect of your request. Publication of the documents will be made on the AFP website at <https://www.afp.gov.au/about-us/information-publication-scheme/routinely-requested-information-and-disclosure-log> in accordance with timeframes stipulated in section 11C of the Act.

Yours sincerely

C. A

Casey Auld  
FOI Team Leader – Corporate  
Freedom of Information  
Chief Counsel Portfolio

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**Freedom of Information**

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**STATEMENT OF REASONS RELATING TO AN FOI REQUEST BY  
SEAN (RIGHT TO KNOW)**

I, Casey Auld, Team Leader, Freedom of Information, am an officer authorised under section 23 of the *Freedom of Information Act 1982 (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.

**A. BACKGROUND**

1. On 16 January 2025, the AFP received your request in the following terms:

*"1. Initial communication from international law enforcement agencies to the AFP relating to a joint operation named "Cookie Monster" that the AFP took part in during 2023 to seized the domain or website associated with the black market site "Genesis".*

*2. Any documentation pertaining to the design of the websites "Seizure image" or the AFP logo placement on the image.*

*3. Internal communications or memorandums pertaining to the immediate aftermath of the websites seizure, limited to a 7 day search period from initial take down.*

*4. Any screenshots or images of the genesis UI, homepage, user marketplace, landing page, or other publicly facing page prior to the application of the takedown banner.*

*5. Any combination of HTML/CSS or other website data that was used to display the website itself (ie: the files used to make the sites design)"*

2. On 21 January 2025, you agreed to an extension of time pursuant to section 15AA of the Act.

3. On 17 March 2025, the statutory time period in which to notify you of a decision expired, and your request was therefore deemed refused by the agency. However, the agency has an obligation to continue to process your request and provide you with a decision.

4. I sincerely apologise for the delay in providing you with a decision.

**B. SEARCHES**

5. Searches for documents were undertaken by the AFP FOI team, and included but were not limited to:

(a) a search of all records held by the relevant line areas within the AFP including Cyber Command;

(b) a search of the AFP's investigation case management system "Police Real-time Online Management Information System" (PROMIS) for records relating to your request; and

(c) a search of all records held by AFP case officers with responsibility for matters relating to the documents to which you sought access to, including through digital searches of holdings in shared folders, PROMIS, and Outlook.

**C. WAIVER OF CHARGES**

6. Given the request has exceeded all statutory timeframes as outlined at section 15 of the Act, the AFP is not able to impose any fees or charges as outlined at Regulation 5(2) & (3) of the *Freedom of Information (Charges) Regulations 1982*.

**D. EVIDENCE/MATERIAL ON WHICH MY FINDINGS WERE BASED**

7. In reaching my decision, I have relied on the following:
- (a) the scope of your request;
  - (b) the contents of the documents identified as relevant to the request;
  - (c) advice from AFP officers with responsibility for matters contained in the documents;
  - (d) the Act; and
  - (e) the guidelines issued by the Office of the Australian Information Commissioner under section 93A of the Act.

**E. DECISION**

8. I have identified twenty-one (21) documents relevant to your request. These documents have been found in relation to points 1, 3 and 4.
9. No documents were found in relation points 2 and 5 of your request, as the AFP did not have any input into the design of the "seizure image."
10. I have decided to:
- (a) release four (4) documents in full;
  - (b) release twelve (12) documents in part with deletions pursuant to sections 22(1)(a)(ii), 33(a)(iii), 33(b), 47B, 47E(d) and 47F; and
  - (c) refuse access to five (5) documents, pursuant to sections 22(1)(a)(ii), 33(a)(iii), 47E(d) and 47F of the Act.
11. A schedule of each of document and details of my decision in relation to each document is at Annexure B.
12. My reasons for this decision are set out below.

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

13. 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.
14. On 21 January 2025, you agreed to exclude the following information from the scope of your request:
- names of AFP members, other than the Senior Executive; and
  - direct telephone numbers, middle names of AFP members, signatures and mobile telephone numbers of AFP members.
15. 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:***

16. 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..."*

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17. 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, including resolution actions and details of situation reports during the takedown of the Genesis website. The information was provided to the AFP by a foreign government for investigative purposes on the understanding that it would only be used for that purpose, and communicated with the expectation that it would remain strictly confidential. If these documents were to be released, it would be likely to inhibit the exchange of information to the AFP and the Commonwealth from other international agencies in the future. 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.
18. This exemption is also applied to team email inboxes of foreign agencies, as this discloses the direct lines of AFP's communications with those foreign agencies. If this information were to be released, it would provide undue insight into the AFP's international relations with foreign government and law enforcement agencies. Disclosure would compromise the integrity of these relationships and likely make these foreign agencies less willing to cooperate with the AFP in the future. This in turn causes damage to the international relations of the Commonwealth and also reduces the effectiveness of fighting transnational crime in the future.
19. Accordingly, I find the documents or parts of the documents are exempt under section 33(a)(iii) of the Act.

**Material to which section 33(b) applies:**

20. Section 33(b) of the Act provides that:

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

- ...  
(b) *would divulge any information or matter communicated in confidence by or on behalf of a foreign government, an authority of a foreign government or an international organization to the Government of the Commonwealth, to an authority of the Commonwealth or to a person receiving the communication on behalf of the Commonwealth or of an authority of the Commonwealth."*

21. The documents or parts of documents identified as exempt under this section of the Act contain information provided by a foreign government on an understanding of confidentiality, and on the condition that they are not to be released outside of the AFP. This includes material provided by other foreign government and law enforcement into sensitive operational updates, issues and developments, seizure details, and intended actions.
22. The information was provided on a confidential basis for investigative purposes only and disclosure would be a breach of that confidence. Granting access to the documents would divulge information communicated in confidence to the AFP by a foreign government and would be likely to harm the future supply of information to the AFP. I am satisfied that the release of this information would divulge information that was communicated in confidence by, or on behalf of, a foreign government or authority, to the Commonwealth or an authority of the Commonwealth.
23. Accordingly, I find the documents or parts of the documents are exempt under section 33(b) of the Act.

**Material to which section 47B applies:**

24. Section 47B of the Act provides that:

*"A document is conditionally exempt if disclosure of the document under this Act:*

- (a) *would, or could reasonably be expected to, cause damage to relations between the Commonwealth and a State; or*

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(b) *would divulge information or matter communicated in confidence by or on behalf of the Government of a State or an authority of a State, to the Government of the Commonwealth, to an authority of the Commonwealth or to a person receiving the communication on behalf of the Commonwealth or of an authority of the Commonwealth."*

25. The documents or parts of documents identified as exempt under this section of the Act disclose information sharing processes between the AFP and numerous State Government agencies, the disclosure of which could reasonably be expected to damage the AFP's relations with those State agencies. The information pertains to the specific details and way in which the AFP cooperated with State Government agencies as part of this investigation into the takedown of the Genesis website. In addition, the information was communicated in confidence to the AFP and to divulge this information would not only breach the confidence in which the information was communicated but damage the relationship between the AFP and the State agencies. This in turn would likely inhibit the future supply of information to the AFP.

26. I have considered the public interest factors both in favour and against disclosure of the information in these folios to determine whether disclosure would, on balance, be in the public interest.

27. In relation to the factors favouring disclosure, I consider the following are relevant:

- (a) the general public interest in access to documents as expressed in sections 3 and 11B of the Act; and
- (b) the public interest in people being able to scrutinise the operations of a government agency and in promoting governmental accountability and transparency.

28. In relation to the factors against disclosure, I consider that the following are relevant:

- (c) if such information was disclosed, it may inhibit the future supply of information from a State agency to the AFP, which would prejudice the conduct of future investigations of this kind; and
- (d) prejudice the AFP's ability to obtain confidential information; and
- (e) prejudice the AFP's ability to obtain similar information in the future.

29. I have considered the public interest factors both in favour and against disclosure and in my view, in relation to these documents, the factors at (c) to (e) against disclosure outweigh the factors in favour of disclosure. If the documents were released, it would only make a slight contribution to governmental accountability, but the risk of damage to relations between the AFP and State agencies is very high and therefore it would be contrary to the public interest to release this information.

30. Accordingly, I find that the documents or parts of the documents are exempt under section 47B of the Act.

### **Material to which section 47E(d) applies:**

31. Section 47E(d) of the Act provides that:

*"A document is conditionally exempt if its disclosure under this Act would, or could reasonably be expected to, do any of the following:*

...

- (d) *have a substantial adverse effect on the proper and efficient conduct of the operations of an agency;..."*

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32. The documents or parts of documents identified as exempt under this section of the Act contain information, the release of which, would have a substantial adverse effect on the conduct of AFP operations – specifically, the AFP’s expected functions as a law enforcement agency.
33. The AFP performs statutory functions relating to services by way of the prevention and investigation of criminal offences. The information identified as exempt under this section of the Act provides details relevant to the AFP’s processes in detecting, investigating, preventing and prosecuting criminal offending. I am of the view that disclosure of the information could reasonably be expected to have a substantial adverse effect on the proper and efficient performance of those functions.
34. The parts of the documents identified as exempt under this section of the Act contain information, the release of which would have a substantial adverse effect on the conduct of AFP operations, specifically its transnational functions as a law enforcement agency. The information redacted under this section includes situation updates, resolution actions, situation reports and specific details about the AFP’s investigative protocols. A key part of the AFP’s role as a law enforcement agency is to be able to discretely investigate transnational criminal activities. The disclosure of protected procedures could be used by criminals to avoid detection in the future and would undermine the effectiveness of the agency’s ability to investigate criminal activity of a similar nature going forward.
35. In addition, the information redacted under this section of the Act also reveals the contact details of internal AFP SES members such as their phone numbers. These contact details are not widely known to the public and to disclose this information would impact on the AFP’s day to day operations by resulting in the diversion of AFP resources in responding to unsolicited correspondence received through those points of contact.
36. However, I must give access to this information unless, in the circumstances, access at this time would be contrary to the public interest.
37. I have considered the following factors favouring disclosure:
- (a) the general public interest in access to documents as expressed in sections 3 and 11B of the Act; and
  - (b) the public interest in people being able to scrutinise the operations of a government agency and in promoting governmental accountability and transparency.
38. While it may be argued the release of this information would promote the objects of the Act, scrutinise the operations of a government agency and promote government accountability and transparency, I consider release would make only a minimal (if any) contribution to those public interest factors.
39. On the other hand, I consider the prejudice to the agency operations and should be given greater weight:
- (c) the need for the agency to maintain the efficiency of current procedures:
  - (d) that if information concerning the AFP’s operational procedures would become known by criminals, which would then be used by these criminals to avoid detection in the future and undermine the effectiveness of these procedures;
  - (e) that if information concerning internal contact details were revealed, it may have a substantial adverse effect on the conduct of AFP operations in the future; and
  - (f) if such information was disclosed, it would divert AFP resources from the proper conduct of their expected operations.
40. While there is a public interest in providing access to this information, I have given greater weight to factors (c) to (f) above and conclude that on balance, disclosure is not in the public interest given

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the need to ensure continued cooperation during police investigations and the effectiveness and integrity of current procedures.

41. Accordingly, I find that release of the documents or parts of the documents would be an unreasonable disclosure under section 47E(d) of the Act.

**Material to which section 47F applies:**

42. Section 47F of the Act provides that:

*“(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).”*

43. The documents or parts of documents identified as exempt under this section of the Act contain personal information of individuals other than you. Personal information is information or an opinion about an individual whose identity is known or easily ascertainable. In particular, this exemption is applied to the names, contact details, job titles and role descriptions of non-AFP members. It is unreasonable to disclose this information as it was collected by the AFP for the purpose of an investigation. Although it is in the public domain that the AFP cooperated with these agencies, the personal information of all these personnel must be protected. I find that these documents or parts of the documents contain details including the name and contact details of third parties.

44. This exemption has also been applied to the names, addresses and other identifying information of suspects related to the Genesis site takedown. These case notes include personal information, including but not related to, their addresses, names and possessions and confidentiality is expected.

45. In considering whether release of this information is unreasonable, I have taken into account factors at section 47F(2), including:

- (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 documents;
- (c) the availability of the information from publicly accessible sources;
- (d) the current relevance of the information; and
- (e) the circumstances in which the information was obtained and any expectation of confidentiality.

46. I find release of this personal information to be unreasonable. The information is not well known nor available from publicly available sources. The information was obtained by the AFP for the purpose, and in the context of, responding to an investigation with the expectation that the information remain confidential. Furthermore, consent by individuals has not been granted on the release of their personal information. I consider it to be unreasonable to seek consent from each one of these individuals as it would be time consuming and an unnecessary diversion of resources.

47. However, I must give access to the folios unless, in the circumstances, access at this time would on balance be contrary to the public interest.

48. I have considered the general public interest in access to documents as expressed in sections 3 and 11B of the Act as the factor favouring disclosure.

49. I have considered the following factors against disclosure:

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- (a) prejudice to the protection of an individual's right to privacy, including in consideration of the fact that their consent was not provided to release this information;
- (b) the risk that if people are aware their personal information could be disclosed, that this would impede the flow of information to the police;
- (c) the need for the agency to maintain the confidentiality with regard to the subject matter and the circumstances in which the information was obtained;
- (d) if such information was disclosed, it may discourage public cooperation in AFP investigations;
- (e) the fact that the information is not on the public record or available from publicly accessible sources; and
- (f) the need for the agency to maintain the confidentiality with regard to the subject matter and the effect that disclosure of the information may have on third parties.

50. While there is a public interest in providing access to documents held by the AFP, I have given greater weight to the factors against disclosure above and conclude that on balance, disclosure is not in the public interest.

51. Accordingly, I find the documents or parts of documents are exempt under section 47F of the Act.

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**\*\*\*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 for a review by the Information Commissioner (IC). **As this request has exceeded all statutory timeframes, internal review by the AFP is not available.**

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 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](mailto:foidr@oaic.gov.au)), using the OAIC's online application form (available at [www.oaic.gov.au](http://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 investigated 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/>.

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SCHEDULE OF DECISION – LEX 3498  
RELEASE OF DOCUMENTS – SEAN (RIGHT TO KNOW)

Document Number	Folio number	Author	Description	Decision	Exemption
1.	1	Australian Federal Police (AFP)	Email correspondence	Release in Part	Sections 22(1)(a)(ii), 33(a)(iii), 33(b) and 47E(d)
2.	2-3	AFP	Email correspondence	Release in Part	Sections 22(1)(a)(ii) and 33(a)(iii)
3.	4-5	AFP	Email correspondence	Release in Part	Sections 22(1)(a)(ii) and 33(a)(iii)
4.	6-18	AFP	Email correspondence	Release in Part	Sections 22(1)(a)(ii), 33(a)(iii), 33(b), 47B, 47E(d) and 47F
5.	19-22	AFP	Email correspondence	Release in Part	Sections 22(1)(a)(ii), 33(a)(iii), 33(b), 47E(d) and 47F
6.	23-24	AFP	Case Note 153359025	Refuse Access	Sections 22(1)(a)(ii) and 47E(d)
7.	25-27	EUROPOL	EUROPOL Final Press Release	Release in Full	Nil
8.	28-32	AFP	Email correspondence	Release in Part	Sections 22(1)(a)(ii), 33(a)(iii), 33(b), 47B, 47E(d) and 47F
9.	33-43	AFP	Email correspondence	Release in Part	Sections 22(1)(a)(ii), 33(a)(iii), 47B, 47E(d) and 47F
10.	44-45	AFP	Email correspondence	Release in Part	Sections 22(1)(a)(ii), 33(a)(iii), 33(b), 47E(d) and 47F
11.	46-48	AFP	Email correspondence	Release in Part	Sections 22(1)(a)(ii), 33(a)(iii), 33(b) and 47E(d)
12.	49-54	AFP	Email correspondence	Release in Part	Sections 22(1)(a)(ii), 33(a)(iii), 33(b), 47E(d) and 47F
13.	55-59	AFP	Email correspondence	Release in Part	Sections 22(1)(a)(ii), 33(a)(iii), 33(b), 47E(d) and 47F
14.	60-70	AFP	Email correspondence	Release in Part	Sections 22(1)(a)(ii), 33(a)(iii), 33(b), 47B, 47E(d) and 47F

**ANNEXURE B**

15.	71-72	AFP	Case Note 153357828	Refuse Access	Sections 22(1)(a)(ii), 47E(d) and 47F
16.	73-75	AFP	National Case Management Report	Refuse Access	Sections 22(1)(a)(ii), 33(a)(iii) and 47E(d)
17.	76-78	AFP	Case Note 153358194	Refuse Access	Sections 22(1)(a)(ii), 47E(d) and 47F
18.	79-80	AFP	Case Note 153357970	Refuse Access	Sections 22(1)(a)(ii), 47E(d) and 47F
19.	81	AFP	Website seizure image	Release in Full	Nil
20.	82	AFP	Genesis website login page	Release in Full	Nil
21.	83	AFP	Genesis website sign up page	Release in Full	Nil