



# AFP

AUSTRALIAN FEDERAL POLICE

FREEDOM OF INFORMATION

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Our Ref: CRM 2016/227

20 November 2015

Mr Rejo Zenger  
Email: [foi+request-1352-eedd1af8@righttoknow.org.au](mailto:foi+request-1352-eedd1af8@righttoknow.org.au)

Dear Mr Zenger

### ***Freedom of Information Request***

I refer to your email dated 6 November 2015, under the *Freedom of Information Act 1982* (the Act) seeking the following:

*"All documents on the project 'European Joint Initiative on Internet Counter Terrorism (EJI-ICT)."*

The Commissioner of the Australian Federal Police, being the principal officer of that Agency, has authorised me to make decisions on behalf of that agency in respect of the Act.

### **SEARCHES**

In relation to your request for documents, the following searches have been undertaken:

- a) a "text" search of the AFP's investigation case management system PROMIS for records relating to "European Joint Initiative" "Internet Counter Terrorism"; and
- b) a search of all records held by the relevant line areas within the AFP.

As a result of undertaking the above searches, no documents relating to your request have been located in the possession of the Australian Federal Police. On this basis, your request for access is refused under section 24A(b)(ii) of the Act.

Section 24A states:

- "An agency or Minister may refuse a request for access to a document if:*
- (a) all reasonable steps have been taken to find the document; and*
  - (b) the agency or Minister is satisfied that the document:*
    - (i) is in the agency's or Minister's possession but cannot be found; or*
    - (ii) does not exist."*

## **REVIEW AND COMPLAINT RIGHTS**

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

You do not need to seek a review by either the AFP or the IC should you wish to complain about the AFP's actions in processing your request.

### ***REVIEW RIGHTS under Part VI of the Act***

#### ***Internal Review by the AFP***

Section 53A of the Act gives you the right to apply for an internal review in writing to the Australian Federal Police (AFP) within 30 days of being notified of a decision. No particular form is required. It would assist the independent AFP decision-maker responsible for the internal review if you set out in the application, the grounds on which you consider that the decision should be reviewed.

Section 54B of the Act provides that the internal review submission must be made within 30 days. Applications for a review of the decision should be 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 (IC)***

Alternatively, Section 54L of the Act gives you the right to apply directly to the IC or following an internal review by the AFP. 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. It would also help if you set out the reasons for review in your application.

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

Applications for a review of the decision should be addressed to:

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

On 13 May 2014, as part of the 2014-15 Federal Budget, the Government announced that the OAIC would be abolished effective from 31 December 2014. The Freedom of Information Amendment (New Arrangements) Bill 2014, which proposes the closure of the Office of the Australian Information Commissioner (OAIC) on 31 December 2014, was not considered by the Senate before the end of the 2014. The OAIC will therefore remain operational until further notice. In the meantime, Information Commissioner reviews will continue to be handled by the OAIC.

For details on how this will affect the processing of IC review applications, visit [www.oaic.gov.au/info-on-oaic-shut-down-and-foi-reviews-and-complaints](http://www.oaic.gov.au/info-on-oaic-shut-down-and-foi-reviews-and-complaints).

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

Further information about the process for IC review can be found in Part 10 of the Guidelines which are available on our website at <http://www.oaic.gov.au/publications/guidelines.html>.

***RIGHT TO COMPLAIN under Part VIIB of the Act***

Section 70 of the Act provides that a person may complain to the IC about action taken by the Australian Federal Police in relation to your application.

A complaint to the IC may be made in writing and identify the agency against which the complaint is made.

The IC may be contacted on 1300 363 992. There is no particular form required to make a complaint, but the complaint should set out the grounds on which you consider the action should be investigated.

Yours sincerely,

A handwritten signature in black ink, appearing to be 'J. Ellery', with a long horizontal flourish extending to the right.

Jacqueline Ellery  
Team Leader  
Freedom of Information  
Australian Federal Police