



Australian Government
Department of Defence

Freedom of Information
CP1-6-001
PO Box 7910
CANBERRA BC ACT 2610
Tel: 02 626 62200
Fax: 02 626 62112
FOI@defence.gov.au

Our reference: FOI 161/15/16

By email: foi+request-1404-5b114459@righttoknow.org.au

Dear Mr Cuthbert

NOTICE OF DECISION ON FREEDOM OF INFORMATION REQUEST

1. I refer to your correspondence, dated 27 November 2015, in which you requested access, under the *Freedom of Information Act 1982* (FOI Act), to:

"...documents which show the budget allocated to the Australian Signals Directorate in the 2015-16 financial year

Exclude the personal details of its officers, such as names, signatures, mobile telephone numbers and private email addresses, contained in documents that fall within the scope of an FOI request

Exclude duplicates of documents, and documents sent to, or received from you."

Background

2. On 1 December 2015, our office informed you that the statutory deadline for you to receive a response to this FOI request was 27 December 2015.

3. The purpose of this letter is to provide you with the decision relating to the documents that are the subject of your request.

FOI decision maker

4. Mrs Anush Avakian, Director Contract Management, Intelligence and Security Group is the authorised officer pursuant to section 23 of the FOI Act to make a decision on this FOI request.

Decision and reasons for the decision

5. The document identified as matching the scope of your request is exempt from the operation of the FOI Act.

6. Subsection 7(2A) of the FOI Act provides that agencies that are otherwise subject to the FOI Act are exempt from the operation of the FOI Act in relation to documents that originated with, or that have been received from, specifically intelligence agencies, including the Australian Signals Directorate (ASD).

7. In light of the above, Mrs Avakian decided to refuse access to the requested document on the grounds that the document originated in an intelligence agency which is exempt under section 7 of the FOI Act.

Your Review Rights

Internal Review

13. Under the provisions of section 54 of the FOI Act, you are entitled to request a review of this decision. You must request a review, in writing, within 30 days of the date of this letter, or the date you receive the documents. Requests can be sent to:

Email: FOIReview@defence.gov.au

Fax: 02 626 62112

Post: Freedom of Information Directorate - Reviews
Department of Defence
CP1-6-029
PO Box 7910
CANBERRA BC ACT 2610

Australian Information Commissioner

14. Under the provisions of section 54 of the FOI Act, you are also entitled to request an external review of this decision by the Australian Information Commissioner. You have 60 days to lodge such a request, using one of the contact methods below:

Email: enquiries@oaic.gov.au

Phone: 1300 363 992

Fax: 02 9284 9666

Post: GPO Box 2999
Canberra ACT 2601

Complaints

15. You may complain to Defence, the Information Commissioner or the Commonwealth Ombudsman about an action taken by Defence in the exercise of its power or the performance of its functions under the FOI Act. There is no fee for making a complaint. Should you wish to complain to the Department of Defence, your complaint can be addressed to Mr Tony Corcoran using the contact details below:

Email: tony.corcoran@defence.gov.au

Post: Tony Corcoran
Assistant Secretary Information Management and Access Branch
CP1-6-14
PO Box 7911
CANBERRA BC ACT 2610

16. Contact details for the Commonwealth Ombudsman are below:

Phone: 1300 362 072)

Fax: 02 6276 0123

Post: Commonwealth Ombudsman
GPO Box 442
CANBERRA ACT 2601

17. Contact details for the Information Commissioner are above.

18. Should you have any questions in regard to this matter please contact this office.

Yours sincerely

A handwritten signature in black ink, appearing to read "Michelle Rueckert". The signature is fluid and cursive, with a large initial "M" and "R".

Michelle Rueckert
Assistant Director – Freedom of Information
8 December 2015