



Our reference: 16/68580

18 May 2016

Mr James Smith

By email: foi+request-1834-3338a6c7@righttoknow.org.au

Dear Mr Smith,

Freedom of Information Request ACC 16-7

I refer to your request of Monday 18 April 2016 for access under the *Freedom of Information Act 1982* ('the FOI Act') to:

- 1. Current social media policy of the department, which covers departmental use and/or private use by employees in an individual capacity.*
- 2. Any current guidance material which is available for employees to make informed decisions about their private social media use.*

Under the terms of the FOI Act the ACC has 30 days to reach a decision on your request. This makes the date by which a decision should be made Wednesday 18 May 2016.

This is a decision made under the FOI Act in relation to documents within the scope of that request.

Documents identified

I have identified four documents as matching the description of your request. Details of those documents are set out at **Annexure A**.

Authority and materials considered

I am authorised under section 23 of the FOI Act to make a decision concerning the information to which you have sought access.

In reaching my decision I have taken into consideration:

- the relevant provisions of the FOI Act;
- the contents of the relevant documents;
- relevant guidelines issued by the Office of the Australian Information Commissioner; and
- relevant Tribunal and Federal Court decisions concerning the operation of the FOI Act.

Decision

I have decided three of the documents relevant to your request should be released to you in full.

I have decided that the fourth document is exempt from release pursuant to section 7(2A) of the FOI Act. The relevant exemption provision is at **Annexure B**.

Section 7(2A)

Section 7(2A) of the FOI Act provides that agencies are exempt from the operation of the FOI Act in relation to a document (an ***intelligence agency document***) that has originated with, or has been received from, specified agencies, and in relation to a document that contains a summary of, or an extract or information from, an intelligence agency document, to the extent that it contains such a summary, extract or information.

Disclosure Log

Section 11C of the FOI Act provides that information about any documents released under that Act must be published on the ACC's website within 10 days of release, subject to the exemptions set out in section 11C(1)(a)-(d).

Your review rights

If you are dissatisfied with this decision you can apply for internal review or review by the Information Commissioner. You do not have to apply for internal review before seeking the Information Commissioner's review.

Internal review

You may seek internal review by making an application in writing to the ACC within 30 days of being notified of this decision. A written application for a review should be sent to the FOI Coordinator at foi@crimecommission.gov.au, or by post to:

FOI Coordinator
Australian Crime Commission
GPO Box 1936
Canberra ACT 2601

Information Commissioner review

Alternatively, you may apply in writing for review by the Information Commissioner. In making your application you need to provide:

- an address for notices to be sent (this can be an email address); and
- a copy of this decision.

It would also help if you set out the reasons for review in your application. Requests for review must be in writing and can be made via the website (www.oaic.gov.au), by email at enquiries@oaic.gov.au, or by post to:

Office of the Australian Information Commissioner
GPO Box 2999
Canberra ACT 2601

If you are objecting to a decision to refuse access to documents you must apply to the Information Commissioner within 60 days of being given notice of the decision. You can contact the Information Commissioner by phone on 1300 363 992.

Right to complain

You may make a complaint to the Information Commissioner about action taken by the ACC in relation to your application. The complaint needs to be in writing and identify the agency against which the complaint is made.

The Information Commissioner 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,



Suzannah Ward
FOI Delegate

Annexure A - Schedule of documents – Freedom of Information Request 16-7

Document number	Size	Description	Decision on access	Exemption
1	6 pages	Australian Crime Commission Social Media Policy	Release in full	N/A
2	4 pages	Australian Crime Commission Social Media Procedure	Release in full	N/A
3	2 pages	Australian Crime Commission Social Media – Appendix 1	Release in full	N/A
4	7 pages	Intelligence agency document	Exempt in full	Exempt under s 7(2A)

Annexure B – Extract from the *Freedom of Information Act 1982*

7 Exemption of certain persons and bodies

(2A) An agency is exempt from the operation of this Act in relation to the following documents:

(a) a document (an intelligence agency document) that has originated with, or has been received from, any of the following:

- (i) the Australian Secret Intelligence Service;
- (ii) the Australian Security Intelligence Organisation;
- (iii) the Inspector-General of Intelligence and Security;
- (iv) the Office of National Assessments;
- (v) the Australian Geospatial-Intelligence Organisation;
- (vi) the Defence Intelligence Organisation;
- (vii) the Australian Signals Directorate

(b) a document that contains a summary of, or an extract or information from, an intelligence agency document, to the extent that it contains such a summary, extract or information.