

GPO Box 1797, Melbourne VIC 3001



Australian Government
Australian Taxation Office

Mr Patrick Conheady
Via email: foi+request-1907-6c151d58@righttoknow.org.au

Our reference: 1-82ZZDXS
Contact officer: Monica Kim
Phone: (02) 9374 2663

3 June 2016

Dear Mr Conheady,

FREEDOM OF INFORMATION ACT 1982 – Notice of Decision

The purpose of this letter is to give you a decision about access to documents that you requested under the *Freedom of Information Act 1982* (FOI Act).

Summary

I am an officer authorised under section 23(1) of the FOI Act to make decisions in relation to FOI requests.

You requested access to documents on 2 May 2016. Specifically you sought access to:

- *The ATO's IT security guidelines and standards, including those in relation to ensuring that software developed in-house or acquired from outside the agency do not contain security flaws.*

We contacted the relevant business line within the ATO and had an officer from that area provide relevant advice regarding the documents requested.

I understand your request to be for access to the general, high level IT security guidelines and standards that govern the security of the ATO's IT systems (including those that ensure our software does not contain security flaws). These documents are publicly available, they include 'The Protective Security Policy Framework' (PSPF), and the 'Information Security Manual' (ISM) particularly the document titled 'Controls', a link to both of these documents can be found at.

www.asd.gov.au/infosec/ism/

In addition to these documents you can find information regarding the ATO's IT security by using the search term 'IT security' at;

www.ato.gov.au

Documents maintained for reference purposes that are otherwise publicly available are excluded from the definition of "document" found in section 4 of the FOI Act, I consider the documents that answer your request to fall into this category. I therefore find that the documents that you have requested are not subject to the FOI Act.

I have not found any documents, which are subject to the FOI Act, that fall within the scope of your request.

Section 24A of the FOI Act provides that:

- (1) *An agency or Minister may refuse 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.*

I am satisfied that the documents that answer your request are excluded from the definition of 'document' for the purposes of the Act. I am satisfied that the agency does not hold any other documents that fall within the scope of this request.

Therefore I am refusing you access to the documents pursuant to section 24A of the FOI Act.

Your review rights

If you are dissatisfied with my decision, you may apply for internal review or review by the Information Commissioner of the decision. We encourage you to seek internal review as a first step as it may provide a more rapid resolution of your concerns.

Internal review

Under section 54 of the FOI Act, you may apply in writing to the ATO for an internal review of my decision. The internal review application must be made within 30 days of the date of this letter.

Where possible please attach reasons why you believe review of the decision is necessary. The internal review will be carried out by another officer within 30 days.

Information Commissioner review

Under section 54L of the FOI Act, you may apply to the Australian Information Commissioner to review my decision. An application for review by the Information Commissioner must be made in writing within 60 days of the date of this letter, and be sent to:

post: GPO Box 5218, Sydney NSW 2001

email: enquiries@oaic.gov.au

More information about review by the Information Commissioner is available on the Office of the Australian Information Commissioner website, www.oaic.gov.au.

You may also apply to the Information Commissioner if you have not been informed of the outcome of an internal review within 30 days.

Complaints

Any complaint about the processing of your request can be directed to the Commonwealth Ombudsman. The complaint should set out the grounds on which you consider the action should be investigated. Complaints can be made in writing, by phone, in person or by using an online form available from their website.

- 1300 362 072
- ombudsman@ombudsman.gov.au
- GPO Box 442 Canberra ACT 2601
- www.ombudsman.gov.au/pages/making-a-complaint/

More information

If you have any questions regarding this correspondence please phone **13 28 69** between 8.00am and 4.00pm, Monday to Friday, and ask for Monica Kim on extension **42663**.

Yours faithfully,



Monica Kim
Lawyer
General Counsel