

AFP - Australian Federal Police | CD - RQ16/04503

Actions - 6 (All Completed)

Action	Owner	Due	Completed
Record Request details and attach docs (Agency)	Elphick, Amie	25-Oct-2016	24-Oct-2016
Move to Triage basket	Elphick, Amie	25-Oct-2016	24-Oct-2016
Allocate to Triage Officer (REQ)	Triage	25-Oct-2016	25-Oct-2016, Ago, Rocelle
Assess EOT Request	Ranjan, Rachel	26-Oct-2016	25-Oct-2016: Don't escalate
Notify Parties of Decision (REQ EOT)	Ranjan, Rachel	26-Oct-2016	25-Oct-2016
Close Request	Ranjan, Rachel	26-Oct-2016	25-Oct-2016

AFP - Australian Federal Police | CD - RQ16/04503

Documents - 3

Title	Date Added	By
RQ16/04503 - EOT - 15AB - AFP - CRM 2017/103 [SEC=UNCLASSIFIED]	24-Oct-2016 2:22 PM	Elphick, Amie
RQ16/04503 CD and Australian Federal Police [SEC=UNCLASSIFIED]	25-Oct-2016 5:47 PM	Ranjan, Rachel
RQ16/04503 CD and Australian Federal Police [SEC=UNCLASSIFIED]	25-Oct-2016 6:00 PM	Ranjan, Rachel

RQ16/04503

Nowland, Amanda
14-Nov-2016 10:58 AM

Title

AFP - Australian Federal Police | CD

Receipt Details

File Type:	Extension of time	Received Date:	24-Oct-2016 3:04 PM
Case Type:	Extension of time	Received By:	Elphick, Amie
How Received:		Registered Date:	24-Oct-2016 3:04 PM
Owned By:	Ranjan, Rachel	Registered By:	Ranjan, Rachel
		Closed Date:	25-Oct-2016 6:03 PM
		Closed By:	Ranjan, Rachel

Case Details

How Received:	Email
File Security:	In-Confidence
Agency Reference Number:	CRM 2017/103
Request Decision:	Granted
Extension Date:	13-Dec-2016
Primary Client Group:	Agency
Represented By Client Group:	Individual
Parent Case Entity Code:	IC Request
Case PrimaryPerson:	AFP - Australian Federal Police
Case Respondent:	CD
Extension days:	45
Original Decision Date:	29-Oct-2016
Request from:	Agency
Request Sub Type:	s15AB - complex or voluminous
Agency Request Received Date:	24-Oct-2016

Case Parties - 3

Requestor Client:	AFP - Australian Federal Police
Requestor Contact:	Ellery, Jacqueline
Request Relating To Client:	CD

Summary

I have decided to grant the AFP's extension of time under s 15AB(2) of the FOI Act to close of business 13 December 2016. In coming to this decision I have considered your advice that:

- Department of Defence recommendations must be considered following consultation,
- Department of Prime Minister and Cabinet must be consulted to ascertain whether the information relates to Cabinet material, and
- The terms of the FOI request require careful consideration of the documents within scope as the applicant has not sought 'investigation specifics'.

Actions - 6 (All Completed)

Action	Owner	Due	Completed
Record Request details and attach docs (Agency)	Elphick, Amie	25-Oct-2016	24-Oct-2016
Move to Triage basket	Elphick, Amie	25-Oct-2016	24-Oct-2016
Allocate to Triage Officer (REQ)	Triage	25-Oct-2016	25-Oct-2016, Ago, Rocelle
Assess EOT Request	Ranjan, Rachel	26-Oct-2016	25-Oct-2016: Don't escalate
Notify Parties of Decision (REQ EOT)	Ranjan, Rachel	26-Oct-2016	25-Oct-2016
Close Request	Ranjan, Rachel	26-Oct-2016	25-Oct-2016

Documents - 3

Title	Date Added	By
RQ16/04503 - EOT - 15AB - AFP - CRM 2017/103 [SEC=UNCLASSIFIED]	24-Oct-2016 2:22 PM	Elphick, Amie
RQ16/04503 CD and Australian Federal Police [SEC=UNCLASSIFIED]	25-Oct-2016 5:47 PM	Ranjan, Rachel
RQ16/04503 CD and Australian Federal Police [SEC=UNCLASSIFIED]	25-Oct-2016 6:00 PM	Ranjan, Rachel

Cross References - 1

Case	Comments
FOIREQ16/00047	

Comments - 1

Created	By	Comment
25-Oct-2016 6:03 PM	Ranjan, Rachel	Case Closed by PARADISE\rachel.ranjan on 25-Oct-2016 18:03

From: Rachel Ranjan
To: ["XXXXXXXXXXXXXXXXXXXX@XXXXXXXXXX.XXX.XX"](mailto:XXXXXXXXXXXXXXXXXXXX@XXXXXXXXXX.XXX.XX)
Subject: RQ16/04503 CD and Australian Federal Police [SEC=UNCLASSIFIED]
Date: Tuesday, 25 October 2016 6:00:00 PM
Attachments: [image001.jpg](#)

Our reference: RQ16/04503
Agency reference: CRM 2017/108

CD
c/- Right to Know

By email: xxxxxxxxxxxxxxxxxxxxxxxxxxxx@xxxxxxxxxxx.xxx.xx

Dear Mr/Ms CD

Extension of time request under s15AB

On 24 October 2016, the Australian Federal Police (AFP) requested further time to make a decision on your FOI request of 29 August 2016.

This request was made on the basis that the processing period is insufficient to deal adequately with your request because it is complex or voluminous.

The Information Commissioner has decided to grant the AFP an extension of time to process your request to 13 December 2016. This decision has been made under s15AB(2) of the *Freedom of Information Act 1982* (Cth) (the FOI Act).

By granting further time it is anticipated that the AFP will provide a well-reasoned and better managed decision.

Contact

If you have any questions regarding this email please contact me on 02 8231 4214 or via email at xxxxxx.xxxxxx@xxxx.xxx.xx. Please quote OAI reference number RQ16/04503 in all correspondence.

Yours sincerely

Rachel Ranjan | Merit Review and Investigation Officer | FOI, Dispute Resolution

Office of the Australian Information Commissioner

Level 3, 175 Pitt Street, SYDNEY NSW 2000

GPO Box 5218 SYDNEY NSW 2001 | www.oaic.gov.au

Phone: +61 2 8231 4214 | E-mail: xxxxxx.xxxxxx@xxxx.xxx.xx

Protecting information rights – advancing information policy



Released under FOI - OAIIC

From: [Ellery, Jacqueline](#)
 To: [Enquiries](#)
 Subject: R016/04503 - EOT - 15AB - AFP - CRM 2017/103 [SEC=UNCLASSIFIED]
 Date: Monday, 24 October 2016 2:25:05 PM
 Attachments: [document2016-10-24-131915.pdf](#)

UNCLASSIFIED

Dear OIAC,

Please find attached a request for an EOT under 15AB of the FOI Act for consideration.

regards

JACQUELINE ELLERY
 TEAM LEADER, FREEDOM OF INFORMATION
 CHIEF COUNSEL PORTFOLIO
 AUSTRALIAN FEDERAL POLICE

Tel +61(0) 2 61312808 Ext 142808
<https://apac01.safelinks.protection.outlook.com/?url=https://www.afp.gov.au&data=01%7C01%7Cenquiries%40oiaic.gov.au%7Cd34a058cec334d48375f08d3fbbd0445%7Ce4cdebd454f4218919b7adc32bf1549%7C1&sdata=32vlyyINyRyr3scVBXUlh2wF71zHSwLhSRZWwXg7ox8A%3D&reserved=0>
 -----Original Message-----
 From: xxxxxxxx@xxx.xxx.xxgmailto:xxxxxxxx@xxx.xxx.3x
 Sent: Monday, 24 October 2016 2:19 PM
 To: Ellery, Jacqueline
 Subject: Scan document

Please don't reply to this email

UNCLASSIFIED

 WARNING

This email message and any attached files may contain information that is confidential and subject of legal privilege intended only for use by the individual or entity to whom they are addressed. If you are not the intended recipient or the person responsible for delivering the message to the intended recipient be advised that you have received this message in error and that any use, copying, circulation, forwarding, printing or publication of this message or attached files is strictly forbidden, as is the disclosure of the information contained therein. If you have received this message in error, please notify the sender immediately and delete it from your inbox.

AFP Web site: <https://apac01.safelinks.protection.outlook.com/?url=http%3A%2F%2Fwww.afp.gov.au&data=01%7C01%7Cenquiries%40oiaic.gov.au%7Cd34a058cec334d48375f08d3fbbd0445%7Ce4cdebd454f4218919b7adc32bf1549%7C1&sdata=PWLZSrM%2BNdmSuUWoj4dFlnAuExbDnIYbE7tar2V2P8%3D&reserved=0>



FREEDOM OF INFORMATION

GPO Box 401 Canberra City ACT 2601
 Telephone (02) 6131 6131
 Email foi@afp.gov.au
www.afp.gov.au
 ABN 17 864 931 143

Our ref: 2017/103

24 October 2016

Office of the Australian Information Commissioner

By email: FOIExtensions@oaic.gov.au

Dear OAIC

The Australian Federal Police is seeking an extension under section 15AB of the Freedom of Information Act 1982 (the FOI Act) to complete the request. The AFP will be requesting a further period of 30 days to 27 November 2016 to complete the remaining steps left in the process.

Applicant Name: CD

Applicant contact details: C/- Right to Know

Foi+request-2180-29a8da36@righttoknow.org.au

Outline amendments of timeframe to date

29 August – applicant received

22 September – 15AA agreed to by applicant - attached

The FOI request

I am writing to you today under the Freedom of Information Act requesting access to documents containing correspondence between the Australian Federal Police and the Defence Department.

Specifically, I am seeking correspondence, held by the Australian Federal Police, regarding a "referral from the Department of Defence regarding the possible unauthorised release of government information" as outlined in this article; <http://www.smh.com.au/federal-politics/political-news/japanese-pm-considers-call-to-malcolm-turnbull-in-attempt-to-rescue-bid-to-build-australian-subs-20160422-gocmb1.html>

To be clear, I am not seeking exempt documents that pertain to "national security", "Cabinet Documents" nor to the actual "investigation" specifics either but rather the correspondence held by the Australian Federal Police that pertains to the progress of this referral by the Department of Defence. I nominate documents created between 20/4/16 to 29/8/16 as the scope relevant to this request.

What has been done to date

1 September – Request acknowledged
31 August – 9 September – awaiting documents from line area
27 September – further advice sought from line area
28 September – consultation undertaken with Defence
5 October – response from Defence
19 October – consultation with PM&C

Details why complex or voluminous

An extension under section 15AB is being sought as this request is considered complex to assess to ensure an appropriate and accurate decision is made by the AFP.

This request involves one file consisting of 23 folios and relates to an investigation of unauthorised disclosure of information.

Additional time is now required to further assess the information taking into account the following factors:

- Consideration of the Dept of Defence recommendations following consultation.
- Whilst the applicant has not sought documents that “pertain” to Cabinet documents, consultation is required with PM&C to ascertain whether or not the information relates to Cabinet material which will enable the AFP to consider release or otherwise of the information. The AFP is awaiting a response from PM&C.
- The applicant has also not sought “investigation specifics”, therefore careful consideration needs to be taken regarding this type of information intertwined with the “progress” of the referral.

The additional time will ensure a proper decision is made under the FOI Act taking into account information that was previously released, consultation responses and the public interest test.

Extension required

The AFP therefore requests an extension of 30 days on the grounds available under s15AB of the FOI Act.

How the extension will be utilised

20 days – continuing assessment of the documents
4 days – liaison with line areas
5 days – drafting decision letter
1 day – final clearance decision and posting

Conclusion

If an extension under s15AB of the FOI Act is granted, the AFP will monitor the progress of this request carefully and endeavour to ensure that a full decision is made within the extended timeframe as noted above. We will continue to keep the applicant informed of developments as this request moves forward.

Should you require any further information in relation to your FOI request, please contact our office.

Yours sincerely

A handwritten signature in black ink, appearing to be 'J. Ellery', with a stylized, cursive script.

Jacqueline Ellery
Team Leader
Freedom of Information
Australian Federal Police

From: Rachel Ranjan
 To: [Ellery, Jacqueline](#) - Enquiries
 Subject: RQ16/04503 CD and Australian Federal Police [SEC=UNCLASSIFIED]
 Date: Tuesday, 25 October 2016 5:47:00 PM

Our reference: RQ16/04503

Your reference: CRM 2017/108

Ms Jacqueline Ellery

Australian Federal Police

By email: xxx@xxx.xxx.xx

Dear Ms Ellery

Extension of time request under s 15AB

Thank you for your correspondence of 24 October 2016, in which you requested an extension of time for the Australian Federal Police (the AFP) to process CD's request, received 29 August 2016, under the *Freedom of Information Act 1982* (Cth) (the FOI Act).

You advised that the AFP had previously extended the decision period, with agreement with the applicant under s 15AA of the FOI Act, by a further period of 30 days.

You have sought an extension on the basis that the current processing period is insufficient to deal adequately with CD's request, because it is voluminous or complex.

Decision

As a delegate of the Information Commissioner, I am authorised to make decisions on requests for extensions of time under s 15AB of the FOI Act.

I have decided to grant the AFP's extension of time under s 15AB(2) of the FOI Act **to close of business 13 December 2016**. In coming to this decision I have considered your advice that:

- Department of Defence recommendations must be considered following consultation,
- Department of Prime Minister and Cabinet must be consulted to ascertain whether the information relates to Cabinet material, and
- The terms of the FOI request require careful consideration of the documents within scope as the applicant has not sought 'investigation specifics'.

By granting an extension of time it is anticipated that the AFP will provide a well-reasoned and better managed decision.

CD will be notified of this decision.

Contact

If you have any questions about this email, please contact me on 02 8231 4214 or via email xxxxx.xxxxxx@xxx.xxx.xx. In all correspondence please include OAIC reference number RQ16/04503.

Yours sincerely

Rachel Ranjan | Merit Review and Investigation Officer | FOI, Dispute Resolution

Office of the Australian Information Commissioner

Level 3, 175 Pitt Street, SYDNEY NSW 2000

GPO Box 5218 SYDNEY NSW 2001 | www.oaic.gov.au

Phone: +61 2 8231 4214 | E-mail: xxxxx.xxxxxx@xxx.xxx.xx

Protecting information rights – advancing information policy

-----Original Message-----

From: Ellery, Jacqueline [<mailto:xxxxx.xxxxxx@xxx.xxx.xx>]

Sent: Monday, 24 October 2016 2:23 PM

To: Enquiries <xxxxx.xxxxxx@xxx.xxx.xx>

Subject: RQ16/04503 - EOT - 15AB - AFP - CRM 2017/103 [SEC=UNCLASSIFIED]

UNCLASSIFIED

Dear OIAC,

Please find attached a request for an EOT under 15AB of the FOI Act for consideration.

regards

JACQUELINE ELLERY

TEAM LEADER, FREEDOM OF INFORMATION

CHIEF COUNSEL PORTFOLIO

AUSTRALIAN FEDERAL POLICE

Tel +61(0) 2 61312808 Ext 142808

<https://apac01.safelinks.protection.outlook.com/?url=http%3A%2F%2Fwww.afp.gov.au&data=01%7C01%7Cenquiries%40oaic.gov.au%7Cdf34a058cec334d48375f08d3fbdb0445%7Cea4cdebd454f4218919b7adc32bf1549%7C1&sdta=32ylyyfnvRyr3geVBXUUh2wf71zH5wdUbsR2WVWg7ox8A%3D&reserved=0>

-----Original Message-----

From: xxxxx.xxxxxx@xxx.xxx.xx [<mailto:xxxxx.xxxxxx@xxx.xxx.xx>]

Sent: Monday, 24 October 2016 2:19 PM

To: Ellery, Jacqueline

Subject: Scan document

Please don't reply to this email

UNCLASSIFIED

WARNING

This email message and any attached files may contain information

that is confidential and subject of legal privilege intended only for

use by the individual or entity to whom they are addressed. If you

are not the intended recipient or the person responsible for

delivering the message to the intended recipient be advised that you

have received this message in error and that any use, copying,

circulation, forwarding, printing or publication of this message or

attached files is strictly forbidden, as is the disclosure of the

information contained therein. If you have received this message in

error, please notify the sender immediately and delete it from your

inbox.

AFP Web site: <https://apac01.safelinks.protection.outlook.com/?url=http%3A%2F%2Fwww.afp.gov.au&data=01%7C01%7Cenquiries%40oaic.gov.au%7Cdf34a058cec334d48375f08d3fbdb0445%7Cea4cdebd454f4218919b7adc32bf1549%7C1&sdta=PWJZ5rM%2BNdmSulUWoj4d4FinAuExbDnlYh3E7ar2V2P8%3D&reserved=0>
