

6 March 2013

Mr Matthew Landauer

Email Address: [foi+request-29-4a4bd80@righttoknow.org.au](mailto:foi+request-29-4a4bd80@righttoknow.org.au)

Dear Mr Landauer

### **Internal Review**

I refer to your request dated 27 January 2013, seeking a review under the *Freedom of Information Act 1982* (the Act) of the AFP's decision in relation to your FOI request made on 30 November 2012. I regret the delay in responding to you.

The Commissioner of the Australian Federal Police, being the principal officer of this organisation, has authorised me to review this decision. My role as the internal review officer is to bring a fresh, independent and impartial mind to the review. I was not involved in the original decision on your request.

The Office of the Australian Information Commissioner (OAIC) guidelines on internal reviews note that I can either rely on work undertaken by the original decision maker, or can cause the same work to be undertaken again. After looking at the file related to your request I have relied on the work of the original decision maker.

I have considered your FOI request of 30 November 2012, examined the documents identified by the decision and assessed the exemptions applied to those documents. In doing so I have considered the information in your request for an internal review, in particular the arguments you put against the application of sections 33(b), 37(1)(a), 37(2)(a), 47E(d) and your articulation of the public interest.

On that basis, I have come to the same decision as Federal Agent Spencer did in processing your request. In addition to the material you referred to from the AFP media release of 29 November 2012, the decision maker consulted with the investigating officers when assessing your request. The Romanian investigations referred to in the press release are ongoing, as are investigations in other affected countries. In my view this is a strong ground to uphold the exemptions you are taking issue with. In terms of the public interest, I considered your arguments and the balance between arguments for and against disclosure outlined by the decision maker. I uphold the view of the decision maker.

As I may not have satisfied your request to grant access to documents, I advise that Section 54L of the Act gives you the right to apply directly to the IC. In making your application you need to provide:

- An address for notices to be sent (this can be an email address).
- A copy of this decision.

It would also help if you set out the reasons for review in your application.

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

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

Further, section 70 of the Act provides that a person may complain to the IC about action taken by this Department in relation to your application. The IC may be contacted on 1300 363 992. The FOI complaint form can be found on the OAIC website, [www.oaic.gov.au](http://www.oaic.gov.au), under the Freedom of Information link. In filling out the form, the form should set out the grounds on which you consider the action should be investigated.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Peter Whowell', with a stylized, cursive script.

Peter Whowell  
Manager  
Government Relations