



GPO Box 1700 Canberra ACT 2601
Telephone (02) 6276 6431 • ABN 41 687 119 230
Email: FOI@csiro.au

24 August 2017

Our ref: FOI 2017/20

Mr Fraser Tweedale
Right to Know
Via Email: foi+request-3719-f471eadf@righttoknow.org.au

Dear Mr Tweedale

FREEDOM OF INFORMATION REQUEST – FOI2017/20

I refer to your request of 12 July 2017, under which you sought access under the *Freedom of Information Act 1982* (FOI Act) to:

“(1). Any documents detailing the software programming languages used by particular projects or initiatives of CSIRO.

(2). Any documents listing or mentioning software programs or libraries developed by or in conjunction with CSIRO, the source code of which has been made publicly available (whether or not the code was released under a recognised Free Software or Open Source license).

I recognise that it may be necessary to redact or omit documents in relation to projects that have not been publicly announced. This is acceptable, but in the event that this occurs, I further request:

(3). Any documents detailing the number of projects (and if possible the languages they are using) removed from the scope of part (1) of this request due to the project not having been publicly announced, including documents produced during the execution of this request.

I recognise that it may be necessary to redact or omit documents in relation to publicly announced projects of a highly sensitive nature. This is acceptable, but in the event that this occurs, I further request:

(4). Any documents listing the names of the projects removed from the scope of part (1) of this request due to the project being of a highly sensitive nature, including documents produced during the execution of this request.”

Your request was revised on 21 August 2017 to:

“Documents listing or mentioning software programs or libraries developed by or in conjunction with CSIRO, the source code of which has been made publicly available (whether or not the code was released under a recognised Free Software or Open Source license), where the relevant project or initiative is currently active (2017-08-21).”

On 22 August 2017 the request was revised to:

“Documents that contain lists or tables of computer programs and libraries meeting these criteria.

Computer programs and libraries that were developed by projects or initiatives of CSIRO that are not currently active, are excluded from the scope of the request.

Explanatory remarks:

"Source code" is a collection of computer instructions in a human-readable programming language, used to produce a computer program. In most cases source code is "compiled" into an executable computer program or a "library" of subroutines. Compiled programs are typically not human-readable and may be executed or distributed independently from the source code that was used to produce (compile) the program.

If a "compiled" computer program or library was released to the public or used in the provision of some publicly accessible service, but the source code from which that program or library was produced has not been made publicly available, that program or library is not of interest.

If the source code of a program or library has been made publicly available, that program or library is of interest, regardless of the license under which the source code was conveyed.”

Decision maker

I am an authorised decision maker under section 23 of the FOI Act. This letter sets out my decision and reasons for the decision in relation to your request.

Decision

Despite an extensive search, CSIRO has been unable to identify any document relevant to your request. I must therefore refuse access, pursuant to section 24A of the FOI Act on the basis that the document[s] sought do not exist or cannot be found.

Searches conducted

Extensive searches were undertaken of CSIRO's Information Management & Technology Division, however, no documents were found meeting the scope of your request. CSIRO notes, CSIRO IM&T division does not have a database containing this information, from which any documents could be extracted.

Rights of Review

In accordance with section 26(1)(c) of the FOI Act, a statement setting out your rights of review under the Act is at Attachment A. Since my decision is that no documents exist, an application for

review would be limited to a situation where you consider that I have not identified all the documents in the CSIRO's possession that are relevant to your request.

Yours sincerely

Beth Maloney
Legal Counsel
CSIRO

Review rights

You are entitled to seek review of this decision.

Internal Review

Firstly, under section 54 of the FOI Act, you may apply for an internal review of the decision. Your application must be made by whichever date is the later between:

30 days of you receiving this notice; or 15 days of you receiving the documents to which you have been granted access.

An internal review will be conducted by a different officer from the original decision-maker. No particular form is required to apply for review although it will assist your case to set out in the application the grounds on which you believe that the original decision should be overturned. An application for a review of the decision should be addressed to:

FOI Coordinator,
FOI@csiro.au

If you choose to seek an internal review, you will subsequently have a right to apply to the Australian Information Commissioner for a review of the internal review decision.

External review by the Australian Information Commissioner

Alternatively, under 54L of the FOI Act, you may seek review of this decision by the Australian Information Commissioner without first going to internal review. Your application must be made within 60 days of you receiving this notice.

The Information Commissioner is an independent office holder who may review decisions of agencies and Ministers under the FOI Act. More information is available on the Information Commissioner's website www.oaic.gov.au.

You can contact the Information Commissioner to request a review of a decision online or by writing to the Information Commissioner at:

GPO Box 2999
Canberra ACT 2601

Complaints to Ombudsman or Information Commissioner

You may complain to either the Commonwealth Ombudsman or the Information Commissioner about action taken by CSIRO in relation to the application. The Ombudsman will consult with the Information Commissioner before investigating a complaint about the handling of an FOI request.

Your enquiries to the Ombudsman can be directed to:

Phone 1300 362 072 (local call charge)
Email ombudsman@ombudsman.gov.au

Your enquiries to the Information Commissioner can be directed to:

Phone 1300 363 992 (local call charge)
Email enquiries@oaic.gov.au

There is no particular form required to make a complaint to the Ombudsman or the Information Commissioner. The request should be in writing and should set out the grounds on which it is considered that the action taken in relation to the request should be investigated and identify CSIRO as the relevant agency.