



Objective Reference: R34892684

FOI 512/17/18 STATEMENT OF REASONS UNDER THE FREEDOM OF INFORMATION ACT

1. I refer to the application of 28 May 2018, in which Mr Snehan Kekre sought access to documents under the *Freedom of Information Act 1982* (FOI Act), for access to:

“... Copies of all briefings, communications, forms, reports, documents or notes mentioning or regarding the not-for-profit media organization WikiLeaks or its Australian staff, including but not limited to Julian Assange.”

FOI decision maker

2. I am the authorised officer pursuant to section 23 of the FOI Act to make a decision on this FOI request.

Decision

3. I have decided to deny access to documents of the request under section 7 [exemption of certain persons or bodies] of the FOI Act.

Material taken into account

4. In making my decision, I had regard to:
- the terms of the request;
 - relevant provisions in the FOI Act; and
 - the Guidelines published by the Office of the Australian Information Commissioner under section 93A of the FOI Act (the Guidelines).

Reasons for decision

Section 7 – exemption of certain persons or bodies

5. Section 7(2A) [Exemption of certain persons and bodies] of the FOI Act (supplemented by Schedule 2, Part II) lists agencies that are exempt from the operation of the Act in relation to particular types of documents. Section 7(2A) states:

“(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:

- the Australian Secret Intelligence Service;*
- the Australian Security Intelligence Organisation;*
- the Inspector-General of Intelligence and Security;*
- the Office of National Assessments;*
- the Australian Geospatial-Intelligence Organisation;*
- the Defence Intelligence Organisation;*

(vii) the Australian Signals Directorate”

6. Documents held by the Defence Intelligence Organisation, the addressee of your request, are exempt from the operations of the FOI Act. The Guidelines issued by the Australian Information Commissioner under s 93A of the FOI Act give additional detail.

7. Specifically, paragraph 2.21 of *the Guidelines* state:

a) Where an agency is exempt in whole from the FOI Act under section 7, it is not obliged to respond to requests for access to documents or amendment or annotation of personal records. It is nevertheless good administrative practice for an exempt agency to reply to an applicant stating that the agency is not subject to the FOI Act.

8. In light of the above, I am satisfied that the requested material pertains to intelligence documents originating from or to an agency exempt from the operations of the Act, as identified in section 7(2A)(a) of the FOI Act.

Further Information

9. On 5 June the Defence FOI Directorate advised you that the Defence Intelligence Organisation is deemed to be an exempt agency for the purposes of the *Freedom of Information Act 1982*. This email also sought your agreement to withdraw your request, as no response was received, this decision meets our statutory obligations under the FOI Act.

Melissa Davidson
Accredited Decision Maker
Assistant Director Freedom of Information