



Australian Government
Department of Foreign Affairs and Trade

FOI Ref: 1401-F736
File No: 14/1377

7 February 2014

foi+request-507-ace8d8a2@righttoknow.org.au

Dear Mr Molloy

Re: Freedom of Information Request

I refer to your current request for access under the *Freedom of Information Act 1982* (the FOI Act) to:

- “a) Documents relating to security auditing policy used for determining the security of DFAT websites. This may for example include (but certainly are not limited to):*
- i) Documents pertaining to minimum standards for SSL/TLS certificates, and*
 - ii) Documents pertaining to penetration testing that has been undertaken by the department to determine security standards have been met;*
- b) Reports from any security audits conducted on the www.passports.gov.au website in the last 5 years; and*
- c) Documents regarding changes made to the www.passports.gov.au website since January 2009.”*

Preliminary searches for documents relevant to your request have been completed. The next step is to consider the application of section 29 of the FOI Act, which concerns the charge, if any, for processing your request. I am authorised under section 23 of the FOI ACT to make decisions on the charge for processing your request.

The Department has estimated that approximately 140 pages of material may be captured by the scope of your request. This assessment is based on interpreting part c) of your request to refer to documents regarding changes made to the www.passports.gov.au website since January 2009 that are related to ‘*website security*’. A broader interpretation of this part of your request to include all and any changes to the website would capture a very large number of documents which would, in turn, result in a practical refusal of your request on resource grounds.

Assessment of charges based on 140 pages, processing time and time taken by the decision maker to assess your request (noting that the first five hours are free of charge) is **\$655.00**.

I note that your FOI application included an application for the full fee to be waived on the grounds “*that the release of this information is in the public interest, as the public has a right*

to know whether their information is being treated in a responsible manner when applying for a passport online.”

In considering your application to waive charges on public interest grounds in accordance with Section 29 of the FOI Act, I have taken into account whether release of the documents is in the public interest.

I have considered the general question as to whether the benefit from the release of the information will flow to the public at large, or a substantial section of the public. I have also considered whether release of the material would contribute to public debate and analysis of an issue. In my view, while there may be interest in the general subject matter of your request – the security of people’s personal information – releasing the specific documents you have requested is not, given the nature of those documents, in the public interest.

In considering the public interest, I am of the view that charges in the FOI Act are a vital component of the FOI regime which makes it sustainable and appropriately balanced from a public policy perspective. Significant time and cost to the Australian community is attributable to processing FOI requests. The processing charges are designed to ensure that the Australian community recoups a fair proportion of the costs of processing non-personal FOI requests, given that processing such requests diverts significant community resources away from other key community priorities.

Please note that at this stage in the FOI process, while I have determined that you are liable to pay the \$655.00 processing fee, no decision has been made as to whether the information you seek will be released or exempt under the provisions of the FOI Act.

Now that we have given you written notice of our preliminary assessment of the amount of the charge for processing your request, section 29 provides that you have 30 days within which to:

- agree to pay the charge;
- contend that the charge has been wrongly assessed, or should be reduced or not imposed; or
- withdraw your request.

You may also elect to narrow the scope of your request as a means to reduce the charge which would apply. The narrowed request would be handled as a new FOI request for the purposes of the statutory timelines for access to documents.

Should you agree to pay the charge, the *Freedom of Information (Fees & Charges) Regulations* requires that a deposit of 25% of the total charge be paid where the preliminary assessment of the charge exceeds \$100. I have calculated the required deposit for your request to be **\$163.85**. Please make your cheque or money order payable to ‘The National Cashier – DFAT’. An authorisation form to arrange payment of the application fee by credit card is enclosed if you prefer to pay the fee by Visa, MasterCard or direct debit.

Section 31 of the FOI Act provides that the 30 day period within which we should process your request is suspended until we receive your payment of the deposit for the charge for

processing your request, or we decide not to impose a charge. Should you withdraw your request at this stage, no charge will be imposed.

If we do not receive your response to this letter within 30 days of its receipt, I will consider that you no longer wish to continue with your request, and I will deem it withdrawn. Should you have any queries, or would like to discuss revising the terms of your request, please contact me on (02) 6261 3056, or your case officer, Lindy Judge on (02) 6261 1701 or via email to foi@dfat.gov.au.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Indra', written over a horizontal line.

Indra McCormick

Director

Freedom of Information and Privacy Law Section

Corporate Legal Branch



Department of Foreign Affairs and Trade

☐ **Payment of Charges: (Deposit / In Full)**

For the sum of \$_____ as detailed in the FOI Estimate of Charges letter dated _____ (FOI ref: 1401-F736)

Credit Card Payment for Freedom of Information (FOI) Charges

Name _____
Address _____

I authorise the National Cashier of the Department of Foreign Affairs and Trade to debit my

☐ VISA ☐ MASTER CARD

☐☐☐☐ - ☐☐☐☐ - ☐☐☐☐ - ☐☐☐☐ Expiry: ____/____

Name appearing on card _____

Signature: _____

Payment by Direct Debit

Account Name: Department of Foreign Affairs and Trade
BSB No.: 092-009
Account No.: 110329

Please include your surname and 'FOI' in the reference field.