



**AFP**  
AUSTRALIAN FEDERAL POLICE

**UNCLASSIFIED**

Our ref: CRM2020/156

3 October 2019

Mr Tim Singleton Norton

By email: [foi+request-5609-8a19acaf@righttoknow.org.au](mailto:foi+request-5609-8a19acaf@righttoknow.org.au)

Dear Mr Norton,

#### **Your Freedom of Information Request**

I refer to your request dated 30 August 2019, for documents held by the Australian Federal Police (AFP) pursuant to the *Freedom of Information Act 1982* (the Act) in the following terms:

*I am writing under the provisions of the Freedom of Information Act to request any documents relating to current partnerships or other arrangements between the AFP and any private manufacturers or distributors of home surveillance devices.*

*There are recent news reports that 400 law enforcement authorities in the United States have entered into partnership with Ring (a subsidiary of Amazon), allowing them access to view video recordings during active investigations. I wish to understand if any similar arrangements exist within Australia's law enforcement system.*

*In particular I request the following:*

- *Purchase orders, invoices, contracts, loan agreements, solicitation letters, correspondence with companies and other similar records regarding the methods by which law enforcement authorities can access video or still imagery from home surveillance devices;*
- *Marketing or promotional materials received by the AFP relating to home surveillance devices;*
- *All requests made by to the AFP by companies or government agencies to keep confidential any aspect of the use of or access to home surveillance devices, including any non-disclosure agreements;*
- *Legislation, codes of practice, policy statements, guides, manuals, memoranda, presentations, training materials or other records governing law enforcement authority's access to footage from home surveillance devices, including restrictions on when, where, how and against whom they may be used; limitations on retention and use of collected data; guidance*

*on when a warrant or other legal process must be obtained; and rules governing when the existence and use of such access methods may be revealed to the public, criminal defendants, or judges.*

The Commissioner of the AFP, being the principal officer of the agency, has authorised me to make decisions on behalf of the agency in respect of the Act.

## **SEARCHES**

In relation to this request, searches were undertaken by the following AFP business areas for documents within scope:

- a. National Procurements and Contracts Team;
- b. ACT Policing;
- c. Support Capability Portfolio;
- d. Protection Operations Portfolio;
- e. Technology and Innovation Portfolio.

As a result of the above searches undertaken, apart from the file made up for your FOI request, no documents relating to your request have been located in the possession of the AFP.

Therefore, on this basis, your request for access is refused under section 24A(b)(ii) of the Act.

Section 24A states:

“An agency or Minister may refuse a request for access to a document if:

- (a) all reasonable steps have been taken to find the document; and
- (b) the agency or Minister is satisfied that the document:
  - (i) is in the agency’s or Minister’s possession but cannot be found; or
  - (ii) does not exist.”

## **REVIEW AND COMPLAINT RIGHTS**

If you are dissatisfied with a Freedom of Information decision made by the Australian Federal Police, you can apply either for internal review of the decision, or for a review by the Information Commissioner (IC). You do not have to apply for internal review before seeking review by the IC.

For complaints about the AFP’s actions in processing your request, you do not need to seek review by either the AFP or the IC in making your complaint.

### ***REVIEW RIGHTS under Part VI of the Act***

#### ***Internal Review by the AFP***

Section 53A of the Act gives you the right to apply for internal review in writing to the AFP within 30 days of being notified of a decision. No particular form is required. It would assist the independent AFP decision-maker responsible for reviewing the file if you set out in the application, the grounds on which you consider that the decision should be reviewed.

Section 54B of the Act provides that the Internal Review submission must be made within 30 days. Applications should be addressed to:

Freedom of Information  
Australian Federal Police  
GPO Box 401  
Canberra ACT 2601

***REVIEW RIGHTS under Part VII of the Act***

***Review by the Information Commissioner***

Alternatively, section 54L of the Act gives you the right to apply directly to the IC, or following an Internal Review by the AFP. In making your application you will need to provide an address for notices to be sent (this can be an email address) and a copy of the AFP decision. It would also assist if you set out the reasons for review in your application.

Section 54S of the Act provides the timeframes for an IC Review submission. For an *access refusal decision* covered by subsection 54L(2), the application must be made within 60 days. For an *access grant decision* covered by subsection 54M(2), the application must be made within 30 days.

Applications for IC Review should be addressed to:

Office of the Australian Information Commissioner  
GPO Box 5128  
Sydney NSW 2001

Further, the OAIC encourages parties to an IC Review to resolve their dispute informally, and encourages agencies to consider possible compromises or alternative solutions to the dispute in this matter. The AFP would be pleased to assist you in this regard.

Information about this process can be found in Part 10 of the Guidelines which are available on the OAIC's website at <http://www.oaic.gov.au/publications/guidelines.html>.

***RIGHT TO COMPLAIN under Part VIIB of the Act***

Section 70 of the Act provides that a person may complain to the IC about action taken by the Australian Federal Police in relation to your application.

A complaint to the IC may be made in writing and identify the agency against which the complaint is made. There is no particular form required to make a complaint, but the complaint should set out the grounds on which you consider the action should be investigated.

The IC may be contacted on 1300 363 992.

Yours sincerely



Adam Raszewski  
Acting Coordinator  
Freedom of Information Team  
Chief Counsel Portfolio