



14/5285

28 April 2014

Ben Fairless  
foi+request-586-dae93271@righttoknow.org.au

Dear Mr Fairless

**Freedom of Information Request no. FOI 14/052**

The purpose of this letter is to give you a decision about access to documents that you requested under the *Freedom of Information Act 1982* (FOI Act).

**Summary**

I, Frances Brown, Director, am an officer authorised under subsection 23(1) of the FOI Act to make decisions in relation to FOI requests.

You requested access to documents relating to payment card data security standards on 10 April 2014. Specifically you sought access to:

*documents which contain discussions around compliance (or non-compliance) with the Payment Card Industry Data Security Standards (PCI-DSS)*

I have identified that the Attorney-General's Department has no documents that fall within the scope of your request. I did this by conducting a search of all the electronic records within the department and by consulting with staff in the department who would be likely to know about any relevant documents.

Inquiries within the department and with the Reserve Bank, confirmed that, because the PCI- DSS is an industry standard, the Commonwealth government is not involved with the PCI- DSS or with PCI- DSS compliance.

I have accordingly decided to refuse your request for access to the documents. More information, including the reasons for my decision, is set out below.

**Decision and reasons for decision**

With regard to the documents requested in your application, I have found that the documents you requested about *discussions around compliance (or non-compliance) with the Payment Card Industry Data Security Standards (PCI-DSS)* do not exist (section 24A(1)(b)(ii)) – information about why they do not exist is given below.

## **Material taken into account**

I have taken the following material into account in making my decision:

- the content of the documents that would fall within the scope of your request
- the FOI Act (specifically paragraph 24A(1)(b)(ii))
- the guidelines issued by the Australian Information Commissioner under section 93A of the FOI Act

My reasons for refusing access are given below.

## **Documents non-existent (paragraph 24A(1)(b)(ii))**

No documents relating to discussions about compliance with PCI-DSS exist in the department because the department has no function in relation to those Standards. The PCI-DSS was developed by the PCI Security Standards Council, which is an open global forum for the ongoing development, enhancement, storage, dissemination and implementation of security standards for account data protection. The organisation was founded by American Express, Discover Financial Services, JCB International, MasterCard, and Visa Inc. More information about the PCI Standards, including enforcement, can be found on the PCI Security Standards Council website at [https://www.pcisecuritystandards.org/security\\_standards/role\\_of\\_pci\\_council.php](https://www.pcisecuritystandards.org/security_standards/role_of_pci_council.php).

## **Your review rights**

If you are dissatisfied with my decision, you may apply for internal review or Information Commissioner review of the decision. We encourage you to seek internal review as a first step as it may provide a more rapid resolution of your concerns.

## **Internal review**

Under section 54 of the FOI Act, you may apply in writing to the Attorney-General's Department for an internal review of my decision. The internal review application must be made within 30 days of the date of this letter, and be lodged either by:

email:      foi@ag.gov.au  
post:        FOI and Privacy Section  
              Office of Corporate Counsel,  
              Attorney-General's Department,  
              3-5 National Circuit  
              Barton, ACT 2600

Where possible, please attach reasons why you believe review of the decision is necessary. The internal review will be carried out by another officer within 30 days.

## **Information Commissioner review**

Under section 54L of the FOI Act, you may apply to the Australian Information Commissioner to review my decision. An application for review by the Information Commissioner must be made in writing within 60 days of the date of this letter, and be lodged in one of the following ways:

online: <https://forms.business.gov.au/aba/oaic/foi-review/>  
email: [enquiries@oaic.gov.au](mailto:enquiries@oaic.gov.au)  
post: GPO Box 2999, Canberra ACT 2601  
in person: Level 3, 175 Pitt Street, Sydney NSW

More information about Information Commissioner review is available on the Office of the Australian Information Commissioner website. Go to <http://www.oaic.gov.au/freedom-of-information/foi-reviews>.

### **Questions about this decision**

If you wish to discuss this decision, please contact me by email at [foi@ag.gov.au](mailto:foi@ag.gov.au).

Yours sincerely



Frances Brown  
Director  
Freedom of Information and Privacy Section