



14/5285

20 May 2014

Ben Fairless  
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Dear Mr Fairless

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

The purpose of this letter is to advise you of my decision following your request for internal review of the Attorney- General's Department's decision to refuse access to documents you requested under the *Freedom of Information Act 1982* (FOI Act).

**Summary**

I, Justin Keefe, Assistant Secretary, 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)'*

You were advised on 28 April 2014 of the department's decision to refuse access to the documents under section 24A(1)(b)(ii), as no documents fall within the scope of your request exist. On 28 April 2014 you asked for an internal review of that decision.

In your request for internal review you made mention to the fact that you thought the department had erred in our interpretation of your request. You stated that you are specifically seeking documents that:

*'relate to the departments compliance with PCI-DSS standards, not the departmental enforcement of those standards'*

In reviewing the department's earlier decision, I have taken into account your clarification of the intended scope of your request. I have arranged fresh searches of the department's electronic records and have made inquiries with staff likely to have information about compliance by the department with the PCI-DSS. As a result of this fresh search, I identified no document which fell within the scope of your request.

In accordance with subsection 54(3) of the FOI Act, I have reviewed the earlier decision in the matter. I have decided to affirm the decision made on 28 April 2014, to refuse access under s24A (1)(b)(ii) as the documents you requested do not exist.

### **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))**

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 PCI-DSS compliance.

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. These five founding global payment brands have incorporated the PCI-DSS as the technical requirement for their data security compliance programs.

No documents relating to compliance with PCI-DSS exist in the department as payment card transactions are managed and processed by the department's banking provider. Payment card data is not stored within department financial systems.

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).

### **Information Commissioner review**

If you are dissatisfied with my decision, 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



Justin Keefe  
Assistant Secretary

