



**Australian Government**  
**Attorney-General's Department**

14/6020

23 June 2014

Mr Mark R. Diamond

Send via email only: [foi+request-602-7ee33618@righttoknow.org.au](mailto:foi+request-602-7ee33618@righttoknow.org.au)

Dear Mr Diamond

**Freedom of Information Request no. FOI14/065**

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

**Summary**

I, Nigel Curry, 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 the *Privacy Impact Statement relating to the Attorney-General's Department website* on 26 April 2014. Specifically you sought access to:

*'The Australian Government Tender System (<http://www.austender.gov.au>) reports contract CN1226592 between the Attorney General's Department and Ernst & Young for the provision of privacy impact assessment of the AGD website. I request access to a copy of the report of that assessment. I note that the contract report on AusTender states that no confidentiality issues attached either to the contract itself or to the contract outputs.'*

On 26 April 2014, you submitted a freedom of information request to the department, and on 30 April 2014, the department acknowledged your request via email. On 19 May 2014, the department contacted you via email to advise that the period for processing your request would be extended by 30 days under section 27 of the FOI Act (Consultation – business documents). As your request covers documents containing information concerning the business, commercial or financial affairs of an organisation, the Department was required to consult with the person or organisation concerned (under section 27 of the FOI Act) before making a decision on your request.

The department conducted a search of electronic and hardcopy documents held by the department, and made enquiries of staff who could assist in locating relevant documents. The department identified one document within the scope of your request. The attached schedule provides a description of the document that falls within the scope of your request and the access decision for the document.

With regard to the document you requested (set out in the schedule attached), I have decided to grant access to an edited version of the document. More information, including my reasons for my decision, are set out below.

### **Decision and reasons for decision**

With regard to the document identified in the attached schedule, I have decided:

- to grant access, in part, to the document, with irrelevant matter deleted under section 22 of the FOI Act.

### **Material taken into account**

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

- the content of the document that falls within the scope of your request;
- the FOI Act (specifically section 22 and section 47E(d));
- the guidelines issued by the Australian Information Commissioner under section 93A of the FOI Act; and
- the views of a third party, consulted by the Attorney-General's Department, under section 27 of the FOI Act.

### *Section 22*

I have decided that material within the document can be reasonably regarded as irrelevant to the request in accordance with subsection 22(1)(a)(ii) of the FOI Act, which provides:

*(1) This section applies if:*

*(a) an agency or Minister decides:*

...

*(ii) that to give access to a document would disclose information that would reasonably be regarded as irrelevant to the request for access.*

It is practicable to delete the irrelevant (out of scope) material and provide you with an edited copy of the document in accordance with subsection 22(b) of the FOI Act.

My decision is in accordance with the guidelines issued by the Australian Information Commissioner paragraph 5.3, which provides:

*'A 'document' includes any part of a document that is relevant to the terms of the FOI request. Consequently, a decision maker should consider whether it is practicable to delete exempt material and provide the balance to the applicant. If it is practicable to delete the exempt material and retain a copy of a meaningful non-exempt edited copy to provide to the applicant, an agency or minister must do so.'*

### *Section 47E(d)*

Section 47E(d) of the FOI Act provides:

*A document is conditionally exempt if its disclosure under this Act would, or could reasonably be expected to, do any of the following:*

*(d) have a substantial adverse effect on the proper and efficient conduct of the operations of an agency.*

The guidelines provide at paragraph 6.92 that the predicted effect needs to be reasonably expected to occur, more so than merely an assumption or allegation that damage may occur if the information was released.

The department holds information that has both national and non-national security implications and is under constant threat of cyber-security attacks. The information redacted under section 47E (d) would remove a substantial adverse threat of a cyber-security related attack to the department's Information and Communication Technology (ICT) infrastructure. The ICT system of the department is a related set of hardware and software used for the communication, processing or storage of electronic information, and the administrative framework in which the department operates. The security objective of redacting this information is to protect the confidentiality, integrity and availability of the department's information and the systems used to process this information.

I attach the edited copy of the document.

### **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 in one of the following ways:

email: [foi@ag.gov.au](mailto:foi@ag.gov.au)  
post: Freedom of Information 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:

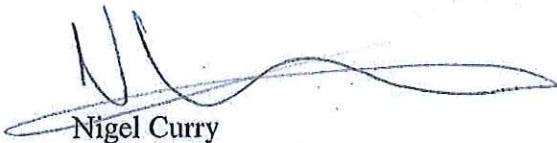
online: <https://forms.business.gov.au/aba/oaic/foi-review/>  
email: [enquiries@oaic.gov.au](mailto:enquiries@oaic.gov.au)  
post: GPO Box 2999, Canberra ACT 2601  
in person: Level 3, 175 Pitt Street, Sydney NSW

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 the department by email at [foi@ag.gov.au](mailto:foi@ag.gov.au) or by telephone on (02) 6141 6666.

Yours sincerely

A handwritten signature in blue ink, appearing to read 'Nigel Curry', with a long, sweeping horizontal flourish extending to the right.

Nigel Curry  
Assistant Secretary

**Attachments**

- A. Schedule of documents
- B. Document 1 - *Privacy Impact Assessment for the Attorney-General's Department*



**Attachment A - Schedule of documents – Freedom of information request no. FOI14/065**

Document	Date	Size	Description	Decision on access	Exemption
1	29 January 2013	37 pages	Privacy Impact Assessment for the Attorney-General's Department.	Access in part	section 22 (irrelevant material) - pages: <ul style="list-style-type: none"><li>• i;</li><li>• 4;</li><li>• 11;</li><li>• 12;</li><li>• 25; and</li><li>• 31</li></ul>