



14/9792

6 August 2014

Mr Ben Fairless

Sent via email to: foi+request-685-a00cbd4f@righttoknow.org.au

Dear Mr Fairless

Freedom of Information Request no. FOI14-139

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, Joann Corcoran, 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 Department's information technology (IT) infrastructure on 16 July 2014. Specifically you sought access to:

records detailing the IPv4 (and if relevant, IPv6) addresses used to access the public internet from within your network.

To clarify, these are the public facing addresses of your private network. I am only requesting addresses that are used to access the general public internet.

In addition, if it is such that a particular IP address serves a particular area within your department (for example, one IP address is used for Media Relations, while another is used for Ministerial Communications), I also request access to this information.

On 29 July 2014, the Department wrote to you and advised that 'the ag.gov.au domain has the IPv4 address of 115.178.104.79 and IPv6 address of 2403:d500::4f.'

On the same day, you responded to the Department and advised that this was not the information you were seeking. You clarified that the information you are seeking are 'the IP addresses that Departmental employees (such as yourself) use, split down into various areas of the Department (for example, you may use a different public IP to Ministerial relations). I'm not interested in your

internal IP addresses, just the public IP address that you present when you attempt to access, for example, <http://www.righttoknow.org.au>.’

I have identified one document which falls within the scope of your request. I did this by searching the Department’s Electronic Document Management System and hard copy files.

The attached schedule of documents provides a description of the document that falls within the scope of your request and the access decision for that document.

Decision and reasons for decision

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

- to refuse access in part to the document under sections 33 (national security) and 47E (certain operations of agencies) and delete the remainder of the document under section 22 on the basis of irrelevancy.

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 sections 22, 33 and 47E)
- the guidelines issued by the Australian Information Commissioner under section 93A of the FOI Act

The schedule indicates each document to which access is refused. My reasons for refusing access are given below.

Exemption – documents affecting national security (s 33)

Under section 33 of the FOI Act, a document is an exempt document if its disclosure would, or could reasonably be expected to, cause damage to the security of the Commonwealth (s 33(a)(i)).

The document you have sought access to contains information about the Department’s IT infrastructure design. This information may assist those seeking to maliciously target government networks to do so and therefore, disclosure of this information may lead to increased effectiveness of such activity. For example, disclosure of the information you have sought could enable more direct targeting of denial of service attacks.

For this reason, disclosure of the information you have requested constitutes a potential threat to the security of Commonwealth networks and communication systems and could appreciably raise the risk profile of the Department.

Accordingly I am satisfied that the document is exempt in part under subsection 33(a)(i).

Public interest conditional exemption – certain operations of agencies (s 47E)

Under subsection 47E(d) of the FOI Act, a document is conditionally exempt if its disclosure would, or could reasonably be expected to...have a substantial adverse effect on the proper and efficient conduct of the operations of an agency'.

As discussed above in relation to subsection 33(a)(i), disclosure of the information you have requested could reasonably be expected to lead to the increased effectiveness of malicious targeting of government networks and denial of service attacks. This would clearly have a substantial adverse effect on the proper and efficient conduct of the Department's IT operations.

Disclosure of the information you have requested would also enable the methods used by the Department to conduct sensitive research to inform government decisions to be revealed. Disclosure of this information could reasonably be expected to decrease the effectiveness of those research methods and therefore have a substantial adverse effect on the proper and efficient conduct of the Department's operations.

Accordingly, I am satisfied that part of the document is conditionally exempt under the operations of agencies exemption (section 47E). Under the FOI Act, access to a document covered by a conditional exemption must be given unless it would be contrary to the public interest. My weighing of public interest factors follows.

Section 11B of the FOI Act lists the public interest factors favouring access. Of these factors, I consider that one is relevant to your request: promoting the objects of the FOI Act.

The FOI Act does not list any specific factors weighing against disclosure, however, I have identified the following factor as relevant: Disclosure could reasonably be expected to prejudice the Department's IT security and research methodologies.

In my view, given the seriousness of the potential consequences of the disclosure of the information you have requested, the factors against disclosure of the document outweigh the factors in favour of disclosure. Accordingly, I am satisfied that the document is exempt under subsection 47E(d) and that disclosure would be contrary to the public interest.

I have not taken into account the irrelevant factors listed in subsection 11B(4) of the FOI Act.

Access to edited copy with irrelevant matter deleted (s 22)

Section 22 of the FOI Act provides that:

- (1) This section applies if:
 - (a) an agency or Minister decides:
 - (i) to refuse to give access to an exempt document; or
 - (ii) that to give access to a document would disclose information that would reasonably be regarded as irrelevant to the request for access; and
 - (b) it is possible for the agency or Minister to prepare a copy (an *edited copy*) of the document modified by deletions, ensuring that:
 - (i) access to the edited copy would be required to be given under section 11A (access to documents on request); and
 - (ii) the edited copy would not disclose any information that would reasonably be regarded as irrelevant to the request; and

- (c) it is reasonably practicable for the agency or Minister to prepare the edited copy, having regard to:
- (i) the nature and extent of the modification; and
 - (ii) the resources available to modify the document; and ...

Irrelevant matter

With the exception of one line that contains the information you have sought, the remainder of the document does not contain any material within the scope of your request. The document contains other information about the Department's internal corporate network, such as the routing paths of Departmental emails and the configuration of the Department's firewalls.

Accordingly, as your request only sought access to the IPv4 and IPv6 addresses used by Departmental employees to access the external internet, I find that this information is irrelevant to the scope of your request under subsection 22(1)(a)(ii) of the FOI Act.

Access to edited copy

One of the considerations under section 22 is whether the editing process will be so extensive or time intensive that it is not a practicable step to undertake.

As I have found that the information within the scope of your request is exempt under subsections 33(a)(i) and 47E(d) and the remainder of the document is irrelevant to the scope of your request, I do not consider it is reasonably practicable to prepare an edited copy of the document given the nature and extent of the deletions.

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
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
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 Joannah Burley, FOI Case Manager on 02 6141 6666 or by email foi@ag.gov.au.

Yours sincerely



Joann Corcoran

Chief Information Officer

Attachments

A. Schedule of documents

