



Australian Government
Attorney-General's Department

14/9792

4 September 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 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, Michael Rothery, am an officer authorised under section 23(1) of the FOI Act to make decisions in relation to FOI requests.

On 16 July 2014, you requested access to documents relating to the Department's information technology infrastructure. 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 6 August 2014, you were advised on of the decision to refuse access to the document you requested. You asked for internal review of that decision on 7 August 2014.

In your application for internal review, you contended that the decision maker had incorrectly applied sections 33(a)(i) and 47E(d).

In reviewing our earlier decision, I identified one document which fell within the scope of your request. With regard to that document (set out in the schedule attached), I have decided to affirm the decision of the original decision maker.

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(a)(i) (national security) and 47E(d) (certain operations of agencies) and to delete the remainder of the document under section 22 (irrelevant matter)

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
- your application for internal review
- the FOI Act (specifically sections 22, 33(a)(i) and 47E(d))
- 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)

As previously advised, the document to which you have requested access contains sensitive information about the Department's information technology (IT) infrastructure. The disclosure of the Department's IPv4 and IPv6 addresses that are used to access the internet may assist those seeking to maliciously target government networks to do so (for example, through direct targeting of denial of service attacks). Further, disclosure of such information may also lead to an increased effectiveness of such malicious activity.

I am satisfied that the disclosure of information which may assist, or lead to an increased effectiveness, of attacks on government networks constitutes a potential threat to the security of Commonwealth networks and communication systems. Accordingly, I am satisfied that the document sought is exempt in part under section 33(a)(i).

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

For the same reasons outlined above in relation to section 33(a)(i), I am satisfied that disclosure of the information you have requested could reasonably be expected to have a substantial adverse effect on the proper and efficient conduct of the Department's IT operations, particularly as it may lead to increased effectiveness of malicious activity against the Department's networks.

The Department also uses internet searches to conduct sensitive research that informs government decisions. Disclosure of the information you have requested could reveal the methods used by the Department to conduct this research. I am satisfied that disclosure of this information could reasonably be expected to diminish the effectiveness of those research methods and have a substantial adverse effect on the proper and efficient conduct of the Department's operations.

Accordingly, I am satisfied that the document sought is conditionally exempt in part under section 47E(d).

Public interest test

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 the public interest factors follows.

Section 11B of the FOI Act lists the public interest factors favouring access. I have considered 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. In particular, I have considered whether, as you suggest, disclosure would promote effective oversight of public expenditure or inform debate on a matter of public importance.

I note in your application for internal review that you submitted that disclosure of the information requested would inform debate on a matter of public importance (s 11B(3)(b)) by notifying the public when the Department updates articles on public websites and promote effective oversight of public expenditure (s 11B(3)(c) by revealing when Departmental employees are wasting time on the internet. I do not agree that disclosing the Department's internet activities by revealing its IPv4 and IPv6 addresses would inform any current debate on a matter of public importance. Rather, I am of the view that disclosure of the information would satisfy the curiosity of yourself and the Right to Know Australia organisation concerning the Department's internet activities, but would not inform any public debate on this issue. Further, I am not satisfied that disclosure of the IPv4 and IPv6 addresses of the Department would promote effective oversight of public expenditure, as I do not consider there is any evidence of Departmental employees misusing their internet access privileges.

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

In my view, the potential damage to the Department's IT operations, security and research methodologies caused by the disclosure of the information requested significantly outweighs the factor in favour of access. Accordingly, I am satisfied that the document is exempt in part under section 47E(d) and disclosure would be contrary to the public interest.

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

As advised in the original decision, with the exception of one line that contains the information requested, the remainder of the document does not contain any material within the scope of your request. For example, it contains information about the routing paths of Departmental emails and the configuration of the Department's firewalls. As this information is irrelevant to the scope of your request, I have decided that it should be deleted as provided in section 22(1)(a)(ii) of the FOI Act.

As I have found that the information within the scope of your request is exempt under sections 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 reasonably practicable to prepare an edited copy of the document given the nature and extent of deletions (s 22(1)(c)).

Information Commissioner review

If you are dissatisfied with my decision, you may apply to the Australian Information Commissioner for review. 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

A handwritten signature in black ink, appearing to read 'Michael Rothery', is written over the printed name and title.

Michael Rothery PSM
First Assistant Secretary

Attachments

Schedule of documents