



By email: foi+request-693-2bde3cb8@righttoknow.org.au

Dear Mr Fairless

1. I refer to your correspondence received by the Department of Education (**the department**) on 16 July 2014, in which you requested access under the *Freedom of Information Act 1982* (**the FOI Act**) to the following:

"...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.

To assist you in locating this information, I suggest it would be found in network documentation, or at the very least in configuration files of your router and firewall equipment".

2. I am authorised to make decisions under subsection 23(1) of the FOI Act and my decision regarding your request and the reasons for my decision are set out below.
3. I note that the request has been processed by the department in accordance with the FOI Act given that it could not be processed administratively, as requested in your email dated 29 July 2014.

Decision on access to documents

4. I am advised that the department has in its possession one document, consisting of one page, falling within the scope of your request.
5. Having considered the material, I have decided to refuse access to the document for the reasons set out below at paragraphs 8 to 15 of this decision.
6. I have decided that the document contains material that is exempt under subparagraph 33(a)(i) of the FOI Act, because disclosure of the material would, or could reasonably be expected to, cause damage to the security of the Commonwealth.
7. In reaching my decision, I took the following material into account:
 - your correspondence received on 16 July 2014 outlining the particulars of your request;
 - the document falling within the scope of your request;
 - the FOI Act;

- consultations with departmental officers about the nature of the document and the department's operating environment and functions; and
- the guidelines issued by the Australian Information Commissioner under section 93A of the FOI Act (**the Guidelines**).

Reasons for decision

8. I have consulted with departmental officers in the Technology Branch regarding your request and am advised that your request is for information that is not available in discrete form, but rather, forms part of the department's Information Technology (IT) network configuration documentation.
9. Accordingly, the department has produced a one page written document in discrete form which contains the information sought in your request, pursuant to subparagraph 17(1)(c)(i) of the FOI Act.
10. Section 17 of the FOI Act deals with requests involving the use of computers and relevantly provides as follows:

(1) Where:

- (a) a request (including a request in relation to which a practical refusal reason exists) is made in accordance with the requirements of subsection 15(2) to an agency;*
- (b) it appears from the request that the applicant desires the information that is not available in discrete form in the written documents of an agency; and*
- (ba) it does not appear from the request that the applicant wishes to be provided with a computer tape or computer disk on which the information is recorded; and*
- (c) the agency could produce a written document containing the information in discrete form by:*
 - (i) the use of a computer or other equipment that is ordinarily available to the agency for retrieving or collating stored information; or*
 - (ii) the making of a transcript from a sound recording held in the agency;*

the agency shall deal with the request as if it were a request for access to a written document so produced and containing that information and, for that purpose, this Act applies as if the agency had such a document in its possession.

- (2) An agency is not required to comply with subsection (1) if compliance would substantially and unreasonably divert the resources of the agency from its other operations.*

Section 33 of the FOI Act: documents affecting national security, defence or international relations

11. Section 33 of the FOI Act provides that:

A document is an exempt document if disclosure of the document under this Act:

- (a) would, or could reasonably be expected to, cause damage to:*

- (i) the security of the Commonwealth;*
- (ii) the defence of the Commonwealth; or*

(iii) the international relations of the Commonwealth; or

...

12. I have determined that the document contains material that is exempt from release under subparagraph 33(a)(i) of the FOI Act. The document to which I have refused access contains the Internet Protocol (IP) addresses of the department's proxy servers.
13. I am advised by departmental officers that release of the material in question would constitute a significant breach of the department's IT security, given that this kind of information can be used by individuals or groups to more effectively target malicious activity toward the department or its networks.
14. I consider that disclosure of the IP addresses of the department's proxy servers would, or could reasonably be expected to, provide feedback to individuals or criminal syndicates on whether their malicious activities have been successful, and therefore assist them to improve and refine their attacks. While the disclosure of this information in and of itself is likely to cause damage to the security of the department and its own IT systems, the likely harm resulting from disclosure is further exacerbated if information relating to the department's IT infrastructure design is used in conjunction with other known IT information across the whole-of-government (as per the discussion of the mosaic theory in paragraph 5.22 of the Guidelines).
15. I also consider that the release of the information in question could reasonably be expected to significantly raise the risk profile of the department, which is likely to inhibit, impede or adversely affect the future flow of critical and sensitive information both within the department and, more broadly, between the department, its Ministers and stakeholders, and other Commonwealth agencies.
16. For the reasons set out above, I am satisfied that the material falling within the scope of your request is exempt under section 33 of the FOI Act and will not be released, as disclosure of the material would, or could reasonably be expected to, cause damage to the security of the Commonwealth.

Rights of review

17. I have set out your rights to seek a review of my decision at **Attachment A**.
18. Should you have any enquiries concerning this matter, please do not hesitate to contact me on (02) 6240 2570 or via email at foi@education.gov.au.

Yours sincerely



Alexandra Brown
Acting Principal Government Lawyer
Schools, Youth, Child Care, and Corporate Legal Branch
Legal and Compliance Group

15 August 2014

Attachment A**Your rights of review****Internal review**

Section 54 of the *Freedom of Information Act 1982* (FOI Act) gives you the right to apply for an internal review of this decision. The review will be conducted by a different person to the person who made the original decision.

If you wish to seek an internal review of the decision you must apply for the review, in writing, within 30 days of receipt of this letter.

No particular format is required but it will help the new decision-maker if you state clearly why you consider the decision should be reviewed. Please send your application by post or email as follows:

Post: The FOI Coordinator
Schools, Youth, Child Care, and Corporate Legal Branch
Location Code: C12MT1- LEGAL
GPO BOX 9880
CANBERRA ACT 2601

Email: foi@education.gov.au

External Review by the Australian Information Commissioner

Section 54L of the FOI Act gives you the right to apply directly to the Australian Information Commissioner (AIC) to seek a review of this decision.

If you wish to have the decision reviewed by the AIC you must apply for the review, in writing or by using the online merits review form available on the AIC's website at www.oaic.gov.au, within 60 days of receipt of this letter. To assist the AIC your application should include a copy of this decision and your contact details. You should also clearly set out why you are objecting to the decision.

You can also complain to the AIC about how an agency handled an FOI request, or other actions the agency took under the FOI Act.

Applications for review or complaint can be lodged in one of the following ways:

Online: www.oaic.gov.au
Post: GPO Box 2999, Canberra ACT 2601
Fax: +61 2 9284 9666
Email: enquiries@oaic.gov.au
In person: Level 3, 175 Pitt Street
Sydney, NSW 2000

For general enquiries, please call 1300 363 992 or +61 2 9284 9749 for international.

The Commonwealth Ombudsman

You can complain to the Commonwealth Ombudsman concerning action taken by an agency in the exercise of powers or the performance of functions under the FOI Act.

A complaint to the Commonwealth Ombudsman may be made orally or in writing. The Ombudsman may be contacted for the cost of a local call from anywhere in Australia on telephone 1300 362 072.