



**Australian Government**  
**Department of Employment**

Mr Ben Fairless

By email: [foi+request-694-3535288d@righttoknow.org.au](mailto:foi+request-694-3535288d@righttoknow.org.au)

Dear Mr Fairless

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

*"...information pertaining to your Information Technology infrastructure.*

*Namely, I am after 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."*

2. I also refer to your correspondence of 29 July 2014 where you advised that your preference was for your request to be treated as a request for administrative access and that if the request could not be treated this way, to process your request under the FOI Act.
3. In our correspondence to you on 30 July 2014, the department confirmed that it would process your request in accordance with the FOI Act.

**Decision on access**

4. I am authorised to make decisions under section 23 of the FOI Act and my decision and the reasons for my decision are set out below.
5. I have consulted with relevant officers within the department and I am advised that your request is for information that is not available in discrete form in written documents of the department.
6. In this regard, subparagraph 17(1)(c)(i) of the FOI Act provides that where an agency could produce a written document containing the information by the use of a computer that is ordinarily available to the agency for retrieving or collating stored information, the agency shall deal with the request as if it were a request for access to a written document so produced.
7. Accordingly, the department has produced a one page document which contains the information sought in your request, pursuant to subparagraph 17(1)(c)(i) of the FOI Act.

8. Having considered this document, I have decided to grant access in part to the document on the basis that it contains material that is:

- conditionally exempt under paragraph 47E(d) of the FOI Act because release would, or could reasonably be expected to, have a substantial adverse effect on the proper and efficient conduct of the operations of an agency and, pursuant to subsection 11A(5) of the FOI Act, is not required to be disclosed because disclosure at this time would be, on balance, contrary to the public interest.

9. In reaching my decision, I have taken the following material into account:

- your correspondence of 16 July 2014 outlining your request;
- the document falling within the scope of your request;
- the FOI Act;
- factors relevant to my assessment of whether or not disclosure of certain material would be in the public interest;
- consultations with departmental officers and other agencies about the nature of the documents and the relevant 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**

#### **Section 22 of the FOI Act**

10. I have decided that the document contains some material that is exempt from release. In this regard, subsections 22(1) and (2) of the FOI Act provides that:

#### *Scope*

(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*
- (d) *it is not apparent (from the request or from consultation with the applicant) that the applicant would decline access to the edited copy.*

*Access to edited copy*

(2) *The agency or Minister must:*

- (a) *prepare the edited copy as mentioned in paragraph (1)(b); and*
- (b) *give the applicant access to the edited copy.*

11. In accordance with section 22, I have deleted the exempt material from the document and released to you the remainder of the document.

**Subsection 47E(d) of the FOI Act (public interest conditional exemption – certain operations of agencies)**

12. Paragraph 47E(d) of the FOI Act provides that 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”.*

13. Certain material in the document contains information about the design of the department’s Information Technology (IT) infrastructure, in particular, the Internet Protocol (IP) addresses of the department’s proxy server(s). I am advised that disclosure of this information could reasonably be expected to increase the department’s exposure to cyber-attacks directed at its networks.

14. The department’s ability to carry out its daily activities and portfolio responsibilities is dependent upon having access to secure, operational IT systems and networks. Cyber-attacks on such infrastructure would interfere with the department’s ability to perform its functions, or in some instances, prevent the department from carrying out these functions altogether. I am therefore satisfied that disclosure of the material in question would, or could reasonably be expected to have a substantial adverse effect on the proper and efficient conduct of the operations of the department.

15. In accordance with subsection 11A(5) of the FOI Act, the department must give you access to this material unless it would be, on balance, contrary to the public interest to do so.

16. When weighing up the public interest for and against disclosure under subsection 11A(5) of the FOI Act, I have taken into account the extent to which disclosure would:

- promote the objects of the FOI Act;
- inform debate on a matter of public importance;
- promote effective oversight of public expenditure; and
- allow a person to access his or her personal information.

17. However, I have weighed against these factors the extent to which disclosure of the material would, or could reasonably be expected to:

- increase the department’s vulnerability to cyber-attacks, which may result in the theft of personal data or classified information;
- undermine the security and operation of the department’s IT systems and networks;

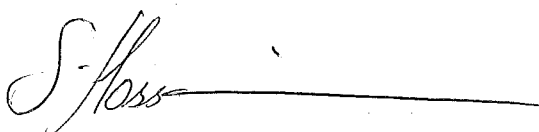
- adversely affect the delivery of services to the large number of individuals and businesses that rely on the department's services; and
- undermine the security of Commonwealth networks and communication systems, noting that there is a public interest in the security of government agencies' networks to enable effective delivery of a range of services.

18. In weighing up the public interest factors for and against disclosure, I have also considered the recent cyber-attacks on the networks of the Australian Federal Police and a number of other agencies, which adds further weight to the above factors against disclosure of the material.
19. Based on these factors, I have decided that, in the circumstances of this particular matter, the public interest in disclosing the information is outweighed by the public interest against disclosure.
20. I have not taken into account any of the irrelevant factors set out in subsection 11B(4) of the FOI Act in making this decision.
21. In summary, I am satisfied that the information in the document is conditionally exempt under subsection 47E(d) of the FOI Act. Furthermore, I have decided that on balance, it would be contrary to the public interest to release this information. Accordingly I have decided not to release this material to you.
22. I have deleted this material from the document and released the remaining material in accordance with section 22 of the FOI Act.

**Rights of review**

23. I have enclosed information about your rights of review under the FOI Act at **Attachment A**.
24. Should you have any questions, please contact me via email at [foi@employment.gov.au](mailto:foi@employment.gov.au)

Yours sincerely



Sharmeen Hossain  
Senior Government Lawyer  
Information Law Team  
Information Law, Practice Management and Corporate Advising Branch

15 August 2014

## Your rights of review

### Internal Review

Section 54 of the 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 form is required for an application for internal review, but to assist the decision-maker you should clearly outline the grounds upon which you consider the decision should be reviewed. Applications for internal review can be lodged in one of the following ways:

Post: The FOI Coordinator  
Department of Employment  
Location Code: C12MT1-LEGAL  
GPO BOX 9880  
CANBERRA ACT 2601

Email: [foi@employment.gov.au](mailto:foi@employment.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](http://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](http://www.oaic.gov.au)  
Post: GPO Box 2999, Canberra ACT 2601  
Fax: +61 2 9284 9666  
Email: [enquiries@oaic.gov.au](mailto: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.

## **IP Address of proxy servers**

### ***Request from Mr FAIRLESS***

*"...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.*

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### ***Response to the questions***

There is no special proxy for specific areas of the Department.

No workstations have direct access to the public internet and all activity with the internet is managed by the proxy servers.

How 'proxy servers' work.

When you browse the internet, the data is sent to the proxy servers from your workstation and web browser; the proxy servers communicate with internet on your behalf and provide the data back to your web browser on the workstation.