



Australian Government
Department of Finance

Reference: FOI14/105
Contact: FOI Team
Telephone: (02) 6215 1783
e-mail: foi@finance.gov.au

Mr Ben Fairless

via email: foi+request-695-7a9a1f3b@righttoknow.org.au;

Dear Mr Fairless,

Freedom of Information Request – FOI14/105

Thank you for your email to the Department of Finance (Finance) in which you sought access to the following under the *Freedom of Information Act 1982* (FOI Act).

...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.

Authorised decision-maker

I am authorised by the Secretary under subsection 23(1) of the FOI Act to grant or deny access to documents under the FOI Act.

Decision

In making my decision, I have had regard to the following:

- the terms of your FOI request;
- the content of the documents that fall within the scope of your request;
- the relevant provisions of the FOI Act; and
- the FOI Guidelines issued by the Office of the Australian Information Commissioner (OAIC Guidelines).

I have decided to refuse access to documents in full under sections 33 (national security) and 47E (certain operations of agencies) of the FOI Act.

Section 33 – National Security

Paragraph 33(a)(i) of the FOI Act prescribes 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;

I consider that the documents requested are exempt under paragraph 33(a)(i) as release of this information would, or could reasonably be expected to, cause damage to the security of the Commonwealth. Security of the Commonwealth refers to the protection of Australia and its population from activities that are hostile to, or subversive of, the Commonwealth's interests.

I am of the view that the release of the information will reveal Finance's Information Technology (IT) infrastructure design, which would increase Finance risk profile and render Finance's network more vulnerable to malicious attack. The information could be used by individuals or groups intent on malicious activity directed at government agencies or networks. It could lead to more targeted attacks on specific networks which could reasonably be expected to damage the security of the Commonwealth, particularly in relation to the Australian Government's IT infrastructure.

Further, the mosaic theory provides that:

Individually harmless pieces of information, when combined with other pieces, can generate a composite – a mosaic – that can damage Australia's national security, defence or international relations.

While the requested information may seem relatively unimportant in individual cases, in aggregation there are potential whole-of-government implications in the release of such information. In particular, it could assist criminal organisations to improve their cyber attacks on the Commonwealth.

Taking the above into account, I am satisfied that the information that you have requested is exempt under paragraph 33(a)(i) of the FOI Act.

Section 47E – Certain Operations of an Agency

Subsection 47E(d) of the FOI Act prescribes:

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.

For the same reasons I have given under the exemption contained in section 33 of the FOI Act, I am satisfied that the release of the information would have a substantial adverse effect on the proper and efficient conduction of Finance's operations as Finance's network may be more vulnerable to malicious attacks.

Public Interest Test

Having formed the view that the requested information is exempt under subsection 47E(d) of the FOI Act, I am now required to consider the public interest test for the purposes of

working out whether access to a conditionally exempt document would, on balance, be contrary to the public interest.

I have considered the following factors favouring disclosure as prescribed by subsection 11B(3) of the FOI Act.

- *Release of the document would promote the objects of the Act:* The information does not outline Government processes in regards to decision making and it is reasonable to expect that release would have minimal impact on the scrutiny, discussion, comment or review of Government's activities. I consider that release of the requested information would not considerably promote the objects of the Act and therefore, I do not give this factor much weight.
- *Release of the document would inform debate on a matter of public importance:* I do not consider that the requested information would significantly contribute to informing debate on a matter of public importance any more than the information that the Australian public already has access to.
- *Release would promote effective oversight of public expenditure:* I do not consider this to be a relevant factor.

Subsection 11B(5) of the FOI Act prescribes that:

(5) In working out whether access to the document would, on balance, be contrary to the public interest, an agency or Minister must have regard to any guidelines issued by the Information commissioner for the purposes of this subsection under section 93A.

As such, I have considered the following factor, set out in the OAIC Guidelines, against disclosure of the document:

- *Could reasonably be expected to prejudice security:* release of the requested information could lead to more targeted attacks, by individuals or groups intent on malicious activity, on specific networks which could reasonably be expected to damage the security of the Commonwealth.
- *Disclosure could reasonably be expected to prejudice the activities of the Commonwealth agency:* I consider that the release of the requested information could reasonably be expected to have a substantial adverse effect on the ability of Finance's operations as Finance's network may be more vulnerable to malicious attacks.

I have not given any consideration to the irrelevant factors prescribed in subsection 11B(4) of the FOI Act.

I have determined that the factors against disclosure of the requested information outweigh the factors in favour of disclosure. As such, I have decided that the requested information is conditionally exempt under subsection 47E(d) of the FOI Act.

Charges

No charges were imposed for the processing of this request.

Review and appeal rights

You are entitled to request an internal review or a review by the OAIC of my decision. The process for review and appeal rights is set out at Attachment A.

If you have any questions in regards to this request, please contact the FOI Team on the above contact details.

Yours sincerely,



Tim Brunton
Assistant Secretary
IT Service Delivery Branch
Department of Finance
13 August 2014



Australian Government

Department of Finance

Freedom of Information – Your Review Rights

If you disagree with the decision made by the Department of Finance (Finance) under the *Freedom of Information Act 1982* (the FOI Act), you can ask for the decision to be reviewed. You may want to seek review if you sought certain documents and were not given full access, if you have been informed that there will be a charge for processing your request, if you have made a contention against the release of documents that has not been agreed to by the Department, or if your application to have your personal information amended was not accepted. There are two ways you can ask for review of a decision: internal review by Finance, or external review by the Australian Information Commissioner.

Internal Review

If Finance makes an FOI decision that you disagree with, you can ask Finance to review its decision. The review will be carried out by a different agency officer, usually someone at a more senior level. There is no charge for internal review.

You must apply within 30 days of being notified of the decision, unless Finance agrees to extend the application time. You should contact Finance if you wish to seek an extension.

Finance is required to make a review decision within 30 days. If Finance does not do so, the original decision is considered to be affirmed.

How to apply for internal review

You must apply in writing and should include a copy of the notice of the decision provided and the points you are objecting and why. You can lodge your application in writing through one of the contact details provided at the end of this document.

Review by the Australian Information Commissioner (IC)

The IC is an independent office holder who can review the decisions of agencies and ministers under the FOI Act. The IC can review access refusal decisions (s 54L(2)(a) of the FOI Act), access grant

decisions (s 54M(2)(a)), refusals to extend the period for applying for internal review under s 54B (s 54L(2)(c)), and agency internal review decisions under s 54C (ss 54L(2)(b) and 54M(2)(b)).

If you are objecting to a decision to refuse access to documents, impose a charge or refuse to amend a document, you must apply to the IC within 60 days of being given notice of the decision. If you are objecting to a decision to grant access to another person, you must apply within 30 days of being notified of that decision.

Do I have to go through Finance's internal review process first?

No. You may apply directly to the IC. However, going through Finance's internal review process gives Finance the opportunity to reconsider its initial decision, and your needs may be met more quickly without undergoing an external review process.

Do I have to pay?

No. Review by the IC is currently free.

How do I apply?

You must apply for IC review in writing and you can lodge your application in one of the following ways:

Post: Office of the Australian Information Commissioner
GPO Box 2999
CANBERRA ACT 2601
Email: enquiries@oaic.gov.au
Fax: 02 9284 9666
In person: Level 3
175 Pitt Street
SYDNEY NSW 2000

An electronic application form is also available on the OAIC's website (www.oaic.gov.au). Your application should include a copy of the notice of the decision that you are objecting to (if one was provided), and your contact details. You should also set out why you are objecting to the decision.

Making a complaint

You may make a written complaint to the IC about actions taken by Finance in relation to your application. However, if you are complaining that a Finance decision is wrong, it is treated as an application for review. For further information, see FOI fact sheet 13 – Freedom of Information: How to make a complaint.

When can I go to the Administrative Appeals Tribunal (AAT)?

Under the FOI Act, you must seek external review through the IC prior to applying to the AAT for such a review. The fee for lodging an AAT application is currently \$816 (from 1 July 2012), although there are exemptions for health care and pension concession card holders and the AAT can waive the fee on financial hardship grounds.

Investigation by the Ombudsman

The Commonwealth Ombudsman can also investigate complaints about action taken by agencies under the FOI Act. However, if the issue complained about either could be or has been investigated by the IC, the

Ombudsman will consult the Commissioner to avoid the same matter being investigated twice. If the Ombudsman decides not to investigate the complaint, then they are to transfer all relevant documents and information to the IC.

The IC can also transfer a complaint to the Ombudsman where appropriate. This could occur where the FOI complaint is only one part of a wider grievance about an agency's actions. It is unlikely that this will be common. You will be notified in writing if your complaint is transferred. Applications to the Ombudsman should be directed to the following address:

Post: Commonwealth Ombudsman
PO Box 442
CANBERRA ACT 2601
Phone: 02 6276 0111
1300 362 072

Finance FOI contact details

FOI Coordinator
Legal Services Branch
Department of Finance
John Gorton Building
King Edward Terrace
PARKES ACT 2600
Phone: 02 6215 1783
Email: foi@finance.gov.au
Website: www.finance.gov.au/foi/foi.html