



15 August 2014

Mr Ben Fairless  
By email: [foi+request-698-704f96e6@righttoknow.org.au](mailto:foi+request-698-704f96e6@righttoknow.org.au)

Our reference: LEX 9492

Dear Mr Fairless

### Re Your Freedom of Information Request

1. I refer to the request that you have made for access to the following documents under the *Freedom of Information Act 1982* (Cth) (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.*

*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 section 23 of the FOI Act and my decision regarding your request and the reasons for my decision are set out below.

### Documents

3. In order to respond to your request, the department has produced a one page document in accordance with section 17 of the FOI Act, as identified in the Schedule of Documents at **Attachment B** (the Schedule). Section 17 of the FOI Act provides:

(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 desire of the applicant is for information that is not available in discrete form in written documents of the 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.*

4. Having considered the written document produced, I have decided that it is exempt from release in full as it contains material that is exempt under subsection 47E(d) of the FOI Act because its 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.

### **Information Considered**

5. In reaching my decision, I have considered:

- the terms of 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 the document would be in the public interest;
- consultations with departmental officers about:
  - the nature of the document;
  - the department's operating environment and functions; and
- 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**

6. I have decided that the document contains material that is exempt from release under the FOI Act. In this regard, subsections 22(1) and (2) of the FOI Act provide 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.*

7. Exempt material has been deleted in accordance with section 22 of the FOI Act.

***Subsection 47E(d) of the FOI Act***

8. I have decided that the document is exempt in full under paragraph 47E(d) of the FOI Act, as it contains material which, if disclosed, could reasonably be expected to have a substantial adverse effect on the proper and efficient conduct of the department's operations.

9. Subsection 47E(d) of the FOI Act provides that:

*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.*

10. In the government sector, and particularly in the department's portfolio, ICT is increasingly being used to deliver services and enable communications, meaning that there is also an increasing amount of high-value information being stored and communicated on agency networks. As a result, it is critical that the department, and Commonwealth agencies more broadly, are able to protect the privacy, security and integrity of that information.

11. The information contained in the document consists of public facing addresses (IPv4 and IPv6) of the private networks maintained by the department.
12. The department takes its commitment to securing its systems very seriously. Based on consultations with relevant areas within the department, I am satisfied that the release of information of this nature could pose a threat to the cyber security of the Commonwealth. In addition, I understand that the release of this information would be inconsistent with the principles contained in the *Australian Government Information Security Manual* published by the Australian Signals Directorate, which is the standard that governs the security of government ICT systems across the Commonwealth.
13. In my view, there is a reasonable expectation that the information contained in the document could be used by members of the public with malicious intent to more effectively target attacks on departmental systems. On that basis, such an outcome would have a substantial and unreasonable adverse effect on the proper and efficient conduct of the department's operations in a broad sense, given the department's significant IT presence and its pivotal role in providing online services to the wider Australian community. There is also a reasonable expectation that the disclosure of this type of information would serve to focus attention on this area, potentially increasing risks to system integrity and to possible compromise of customer data.
14. I also note that, when aggregated across Commonwealth agencies, the release of information related to IT infrastructure design could raise the risk profile of those agencies. Where information would disclose aspects of network architecture, in aggregate there may be potential whole of government implications flowing from the disclosure of such information.
15. For the reasons outlined above, I am satisfied that there is a reasonable expectation that disclosure of this information could have a substantial adverse effect on the proper and efficient conduct of the department's operations. Accordingly, I am satisfied that the document is conditionally exempt under subsection 47E(d) of the FOI Act.

#### *Public Interest*

16. Under subsection 11A(5) of the FOI Act, the department must give you access to the document unless in the circumstances it would be, on balance, contrary to the public interest to do so.
17. When weighing up the public interest for and against disclosure under subsection 11A(5) of the FOI Act, I have taken into account relevant factors in favour of disclosure, specifically the extent to which disclosure would promote the objects of the FOI Act. Given the nature of the information contained in the document, my view is that providing access to the document would not inform a debate on a matter of public importance, promote effective oversight of public expenditure, or allow a person to access their own personal information. Therefore, those are not relevant factors favouring access in this case.
18. I have weighed the extent to which disclosure would promote the objects of the FOI Act against factors indicating that access would be contrary to the public interest. Specifically, I have taken into account the significant public interest that exists in the protection of the department's systems and IT infrastructure from cyber security risks. In my view, there is an absence of any compelling public interest factors supporting disclosure, aside from the promotion of the objects of the FOI Act, or any clear benefits from release that would flow to a substantial section of the public. On the other hand, I have placed significant weight on the potential harm (to both the

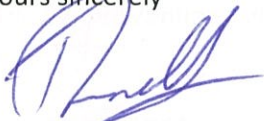
department and the Australian community more broadly) that could flow from disclosure if the information was to be used in a malicious way to effectively target attacks on the department's systems.

19. On balance, I have decided that in the circumstances of this particular matter, the public interest in disclosing the information in the document is outweighed by the public interest against disclosure.
20. In making this decision, I have not taken into account any of the irrelevant factors, set out in subsection 11B(4) of the FOI Act.
21. In summary, I am satisfied that the information contained 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 the document. Accordingly, I have decided not to release the document to you.

#### **Rights of review**

22. I have enclosed information about your rights of review under the FOI Act at **Attachment A**.
23. Should you have any enquiries concerning this matter, please contact me at [FOI.Legal.Team@humanservices.gov.au](mailto:FOI.Legal.Team@humanservices.gov.au). If you are phoning long-distance, you may reverse the charges.

Yours sincerely



Julian Russell  
Government Lawyer  
FOI and Information Release Branch  
Department of Human Services

**INFORMATION ON RIGHTS OF REVIEW**

***FREEDOM OF INFORMATION ACT 1982***

**Application for review of decision**

The Freedom of Information Act 1982 (FOI Act) gives you the right to apply for a review of this decision. Under sections 54 and 54L of the FOI Act, you can apply for a review of this decision by:

- (i) an internal review officer in the Department of Human Services; or
- (ii) the Information Commissioner.

**Internal Review**

If you apply for internal review, it will be carried out by a different decision-maker who will make a fresh decision on your application. An application for review must be:

- made in writing;
- made within 30 days of receiving this letter; and
- sent to the address at the head of this letter.

No particular form is required, but it is desirable to set out in the application the grounds upon which you consider the decision should be reviewed.

If the internal review officer decides not to grant you access to all of the documents to which you have requested access, you have the right to seek a review of that decision by the Information Commissioner. You will be further notified of your rights of review at the time you are notified of the internal review decision.

Please note that if you apply for an internal review and a decision is not made by an internal review officer within 30 days of receiving the application, you have the right to seek review by the Information Commissioner for a review of the original FOI decision on the basis of a 'deemed refusal' decision. An application for Information Commissioner review in this situation must be made within 60 days of the date when the internal review decision should have been made (provided an extension of time has not been granted or agreed).

## Information Commissioner review

You must apply in writing within 60 days of the receipt of the decision letter and you can lodge your application in one of the following ways:

Online: <a href="http://www.oaic.gov.au">www.oaic.gov.au</a> Post: GPO Box 2999, Canberra ACT 2601 Fax: +61 2 9284 9666 Email: <a href="mailto:enquiries@oaic.gov.au">enquiries@oaic.gov.au</a>	In person: Level 8, Piccadilly Tower, 133 Castlereagh Street, Sydney NSW
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If a person has sought an internal review and no result of that review is provided within 30 days, then the applicant may apply to the Information Commissioner to review the matter.

An application form is available on the website at [www.oaic.gov.au](http://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.

## Complaints to the Commonwealth Ombudsman and Information Commissioner

### ***Commonwealth Ombudsman***

You may complain to the Ombudsman concerning action taken by an agency in the exercise of powers or the performance of functions under the FOI Act. There is no fee for making a complaint. A complaint to the Ombudsman may be made in person, by telephone or in writing. The Ombudsman's contact details are:

Phone: 1300 362 072

Website: [www.ombudsman.gov.au](http://www.ombudsman.gov.au)

The Commonwealth Ombudsman generally prefers applicants to seek review before complaining about a decision.

### ***Information Commissioner***

You may also complain to the Information Commissioner concerning action taken by an agency in the exercise of powers or the performance of functions under the FOI Act. There is no fee for making a complaint. A complaint to the Information Commissioner must be made in writing. The Information Commissioner's contact details are:

Telephone: 1300 363 992

Website: [www.oaic.gov.au](http://www.oaic.gov.au)

**ATTACHMENT B – SCHEDULE OF DOCUMENTS – LEX 9492**

<b>Doc No.</b>	<b>Pgs</b>	<b>Description</b>	<b>Decision</b>	<b>Exemptions applied</b>
1.	1	Public facing addresses of private networks maintained by DHS (IPv4 and IPv6 ranges)	Exempt in full	s.47E(d)