



Australian Government
Department of Industry

Our ref: DIISR14/11763

Mr Ben Fairless

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By email: foi+request-700-Ofa0ad5b@righttoknow.org.au

Dear Mr Fairless

Freedom of Information Act 1982 – Notice of decision

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

“...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”.

Background

On 29 July 2014, the department received further correspondence from you suggesting the request be treated as a request for administrative access.

On 31 July 2014, the department acknowledged receipt of your email correspondence and confirmed your request will be processed in accordance with the FOI Act.

Decision

I am the decision maker authorised under section 23 of the FOI Act.

I am satisfied that reasonable searches have been undertaken to locate all documents held by the department that are relevant to your request. I am advised that the department has in its possession 2 documents that are relevant to your request.

Having considered the documents, I have decided to refuse access to the 2 documents in full.

I have decided that the 2 documents are exempt in part under:

- section 33 of the FOI Act on the basis that disclosure would, or could reasonably be expected to cause damage to the security of the Commonwealth; and
- section 47E(d) of the FOI Act on the basis that disclosure would, or could reasonably be expected to, have a substantial adverse effect on the proper and efficient conduct of the operations of the agency and that access would, on balance, be contrary to the public interest.

I have decided to redact the remainder of the material in the documents under section 22 of the FOI Act, as it is irrelevant to your request. The reasons for my decision are set out below, as required by section 26 of the FOI Act.

Reasons for Decision

Evidence/Material on which my findings were based

In reaching my decision to exempt the documents, I relied on the following documentary evidence:

- *Freedom of Information Act 1982*;
- your correspondence of 16 July 2014 setting out the particulars of the request;
- the documents identified to be within the scope of the request;
- consultations with departmental officers as to the nature of the documents; and
- the Guidelines issued by the Office of the Australian Information Commissioner (OAIC) under section 93A of the FOI Act.

Section 22 – Deletion of exempt or irrelevant material

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.*

The IP addresses you have requested are included within the 2 documents identified in the attached schedule. The documents also contain other material that does not fall within the scope of your request. Aside from the requested IP addresses, I consider the remainder of the material in the documents to be irrelevant to your request. I have therefore redacted the irrelevant material in accordance with section 22 of the FOI Act.

Section 33 – Documents affecting national security

Subsection 33(a)(i) of the FOI Act provides that:

A document is an exempt document if disclosure of the document would or could reasonably be expected to cause damage to:

(i) the security of the Commonwealth;

...

You have sought access to documents containing information about the department's IT infrastructure design. This type of information is useful to individuals or groups intent on malicious activity directed at government networks. The release of the IP addresses you seek could appreciably raise the risk profile of the department and may increase the effectiveness of malicious activity targeting the department's networks.

The Guidelines issued by the OAIC relevantly provide that the term "security of the Commonwealth" broadly refers, among other things, to the protection of Australia and its population from activities that are hostile to, or subversive of, the Commonwealth's interests. I am satisfied that disclosure of the requested IP addresses constitutes a potential threat to the security of the department's networks and communication systems, and accordingly that the requested information is exempt under section 33(a)(i) of the FOI Act.

Section 47E(d) – Certain operations of agencies

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.

As noted above, disclosure of the information you have requested could increase the effectiveness of the malicious targeting of government networks and denial of service attacks. Disclosure of the IP addresses could reasonably be expected to expose the department to cyber-attack and expose an access point to the department's network that could be targeted from the internet. This would have a substantial adverse effect on the proper and efficient conduct of the department's IT operations.

Accordingly, I have decided that the requested IP addresses are conditionally exempt under section 47E(d) of the FOI Act, as disclosure of the material could reasonably be expected to have a substantial adverse effect on the proper and efficient conduct of the department.

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. In weighing up the public interest factors both in favour and against disclosure I have considered the factors set out in subsection 11B(3) of the FOI Act and the further factors and guidance material set out in the OAIC's Guidelines. I have considered the relevance of the following factors which may favour disclosure, including the extent to which disclosure would:

- promote the objects of the FOI Act;
- inform debate on a matter of public importance; and
- promote effective oversight of public expenditure.

I have also carefully considered the potential consequences of the disclosure of the information you have requested. As discussed above, the disclosure of the requested IP addresses could seriously compromise the security of the department's IT network by increasing the effectiveness of potential cyber-attacks. I am satisfied that the factors against disclosure of the document outweigh the factors in favour of disclosure.

Accordingly, I am satisfied that the documents are partially exempt under subsection 47E (d) and that disclosure would be contrary to the public interest.

If you are dissatisfied with my decision, your review rights are as follows.

Application for Internal Review

Section 54 of the FOI Act gives you the option to apply for a departmental internal review of my decision. If you make an application for internal review it will be conducted by an officer of the department (other than me) appointed by the Secretary of the department to conduct a review and make a completely fresh decision on the merits of the case.

Application for a review of the decision must be made within 30 days after the day of receipt of this letter. You do not have to pay any fees or processing charges for an internal review, except for charges relating to the provision of any additional relevant material located as a result of the review (for example photocopying). While a specific form is not required, it would assist the decision maker if your application specifies the grounds on which you consider the decision should be reviewed.

Application for a review of a decision should be addressed to:

FOI Coordinator
Department of Industry
GPO Box 9839
CANBERRA ACT 2601

or by e-mail to: FOI@industry.gov.au.

If the decision on internal review was not satisfactory to you, you would then be entitled to seek review of that decision by the Information Commissioner. You will be further notified of your rights of review at the time the internal decision is notified, should you take that course.

Review by the Australian Information Commissioner

Alternatively, section 54L of the FOI Act gives you the right to apply for review of my decision by the Australian Information Commissioner. An application for review by the Australian Information Commissioner may be made regardless of whether the decision was the subject of a departmental internal review. An application for review by the Australian Information Commissioner must be made within 60 days of receipt of this notice. There is no fee for review by the Australian Information Commissioner.

You must apply in writing and you can lodge your application 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

An application form is available on the website at www.oaic.gov.au. Your application should include a copy of this notice and your contact details. You should also set out why you are objecting to the decision.

Complaints to the Australian Information Commissioner

You may complain to the Australian 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. The Australian Information Commissioner will make a completely independent investigation of your complaint. A complaint to the Australian Information Commissioner must be made in writing and can be lodged online using the IC Complaint Application form on the Australian Information Commissioner's website at www.oaic.gov.au.

Please do not hesitate to contact the FOI team on 02 6102 8104, or by e-mail at FOI@industry.gov.au, if you require any further clarification.

Yours sincerely,



Matthew Boyley
Chief Information Officer

13 August 2014

Request for Information under the *Freedom of Information Act 1982*

SCHEDULE OF DOCUMENTS – Ben Fairless
Department of Industry

No.	Description of document	Folios	Decision	Reasons
1	Network Architecture	1	Exempt in part.	Exemptions claimed s33 (security of Commonwealth) and s47E(d) (certain operations of agencies). Irrelevant material deleted in accordance with s22 of the FOI Act.
2	Hosting Solution Documents	2-88	Exempt in part.	Exemptions claimed s33 (security of Commonwealth) and s47E(d) (certain operations of agencies). Irrelevant material deleted in accordance with s22 of the FOI Act.