



AFP

AUSTRALIAN FEDERAL POLICE

INFORMATION ACCESS (FREEDOM OF INFORMATION)

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Our Ref: CRM 2015/121

1 December 2014

Mr Ben Fairless

By Email: foi+request-769-656e7c07@righttoknow.org.au

Dear Mr Fairless

Freedom of Information Request

I refer to my previous letter of 13 October 2014 in relation to a decision concerning your request for documents relating to "emails sent to the Apple.com Police Request Email address, including replies". The decision letter of 13 October 2014 should have been referenced to your request for documents relating to "all emails sent to Google Law Enforcement email addresses from 1/7/14 to 19/9/14, including replies".

Accordingly, this variation of decision relates to your request dated 19 September 2014 for documents held by the Australian Federal Police pursuant to the *Freedom of Information Act 1982* (the Act) in respect to "all emails sent to Google Law Enforcement email addresses from 1/7/14 to 19/9/14, including replies".

A decision concerning "emails sent to the Apple.com Police Request Email address, including replies" will be sent separately.

My apologies for any confusion in this matter.

The Commissioner of the Australian Federal Police, being the principal officer of that Agency, has authorised me to make decisions on behalf of that agency in respect of the Act.

SEARCHES

In relation to your request for documents, a search was undertaken by AFP ICT Security Audit and Assurance for documents relative to the request.

Apart from file 2014/00010733 made up for your Freedom of Information request, the Australian Federal Police holds no documents in relation to your request. On this basis, your request for access is refused under section 24A(b)(ii) of the Act.

Section 24A states:

"An agency or Minister may refuse a request for access to a document if:

- (a) *all reasonable steps have been taken to find the document; and*
- (b) *the agency or Minister is satisfied that the document:*
 - (i) *is in the agency's or Minister's possession but cannot be found; or*
 - (ii) *does not exist."*

Your attention is directed to your review rights under Part VI of the Act

REVIEW RIGHTS

If you are dissatisfied with this decision you can apply for internal or Information Commissioner (IC) Review. You do not have to apply for Internal Review before seeking IC review.

Internal Review by the AFP

Section 53A of the Act gives you the right to apply for an internal review in writing to this Department within 30 days of being notified of this decision.

No particular form is required but it would assist the decision-maker were you to set out in the application, the grounds on which you consider that the decision should be reviewed.

Applications for a review of the decision should be addressed to:

Information Access Team
Operations Support
Australian Federal Police
GPO Box 401
Canberra ACT 2601

Internal Review by the Information Commissioner (IC)

Alternatively, Section 54L of the Act gives you the right to apply directly to the IC or following an internal review with this Agency. In making your application you need to provide:

- an address for notices to be sent (this can be an email address).
- A copy of this decision.

It would also help if you set out the reasons for review in your application.

Applications for a review of the decision should be addressed to:

Office of the Australian Information Commissioner
GPO Box 2999
Canberra ACT 2601

On 13 May 2014, as part of the 2014-15 Federal Budget, the Government announced that the OAIC would be abolished effective from 31 December 2014. For details on how this will affect the processing of IC review applications, visit www.oaic.gov.au/info-on-oiac-shut-down-and-foi-reviews-and-complaints.

The OAIC encourages parties to an IC review to resolve their dispute informally, and encourages agencies to consider possible compromises or alternative solutions to the dispute in this matter. The AFP would be pleased to assist you in this regard.

Further information about the process for IC review can be found in Part 10 of the Guidelines which are available on our website at <http://www.oaic.gov.au/publications/guidelines.html>.

Right to Complain

Section 70 of the Act provides that a person may complain to the IC about action taken by this Department in relation to your application.

A complaint to the IC may be made in writing and identify the agency against which the complaint is made.

The IC may be contacted on 1300 363 992. There is no particular form required to make a complaint, but the complaint should set out the grounds on which you consider the action should be investigated.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Jacqueline Ellery', with a long horizontal stroke extending to the right.

Jacqueline Ellery
Acting Coordinator
Information Access Team
Operations Support