



AFP
AUSTRALIAN FEDERAL POLICE

Our ref: LEX 1105

12 December 2022

Mr J Smith

By email foi+request-9497-760abad0@righttoknow.org.au

Dear Mr Smith

Freedom of Information request

I refer to your request dated 25 October 2022 for documents held by the Australian Federal Police (AFP) pursuant to the *Freedom of Information Act 1982* (the Act) in relation to the below:

I'm requesting data on 000 calls that report Unidentified Flying Objects (UFO), location and date please.

By email of 11 November 2022 it was agreed the scope of your request be revised as follows:

PROMIS case summaries about unidentified flying objects in the date range 2019 to present, and, if available summary statistics for the period 2009 to present.

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

SEARCHES

Searches for documents were undertaken by the FOI Team and relevant AFP business areas for documents relevant to the scope of your request which included, but were not limited to a search of all digital file locations. The following searches have been undertaken on the Police Real-time Online Management Information System (PROMIS):

- a) a "text" search of the AFP's investigation case management system PROMIS for records relating to "Unidentified Flying Objects" for the period 1 January 2019 to date;
- b) a "text" search of the ACT Police Main Case entries of PROMIS for records relating to "Unidentified Flying Objects" for the period 1 January 2009 to date; and
- c) a search of all records held by the relevant line areas within the AFP including ACT Police Communications and ACT Police Performance and Statistics team.

All variations of the relevant key words likely to be used in the titling of files (based on the description of events in the scope) were searched. As a result, no documents relating to your request have been located in the possession of the Australian Federal Police which fall within the date range.

I consider all places where documents might be held were searched and the search terms were comprehensive enough to locate any relevant documents.

In accordance with section 37(1)(a) of the Act, the AFP does not disclose documents which would prejudice the conduct of an investigation of a breach, or possible breach, of the law. In accordance with section 25(2) of the Act, the AFP will not inform you whether such documents exist in relation to your request. If such documents did exist, they would be exempt under the Act.

On that basis, apart from:

- a) the file made up for your FOI request; and
- b) documents which, if they existed, could reveal the existence of an investigation of a breach, or possible breach of the law, which is not otherwise public knowledge

I understand no documents relating to your request have been located in the possession of the AFP.

Accordingly, I am satisfied all reasonable searches have been conducted and the AFP does not have any documents to produce in response to your request.

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.”*

Further, I advise that as your request refers to unidentified flying objects it may be possible that the information you are seeking access to could be held with Australian National Security. A request for access to documents may be made to Australian National Security at homeaffairs.gov.au/help-and-support/departmental-forms/online-forms/foi.

REVIEW AND COMPLAINT RIGHTS

If you are dissatisfied with a Freedom of Information decision made by the AFP, you can apply either for internal review of the decision, or for a review by the Information Commissioner (IC). You do not have to apply for internal review before seeking review by the IC.

For complaints about the AFP’s actions in processing your request, you do not need to seek review by either the AFP or the IC in making your complaint.

Internal review by the AFP

Section 54 of the FOI Act gives you the right to apply for internal review of this decision. No particular form is required to make an application for internal review, however, an application needs to be made in writing within 30 days of this decision. It would assist the independent AFP decision-maker responsible for reviewing the file if you set out in the application, the grounds on which you consider the decision should be reviewed.

Section 54B of the FOI Act provides that the internal review submission must be made within 30 days. Applications may be sent by email (foi@afp.gov.au) or addressed to:

Freedom of Information
Australian Federal Police
GPO Box 401
Canberra ACT 2601

Review by the Information Commissioner

Alternatively, section 54L of the FOI Act gives you the right to apply directly to the IC for review of this decision. In making your application you will need to provide an address for notices to be sent (this can be an email address) and a copy of the AFP decision.

Section 54S of the FOI Act provides the timeframes for an IC review submission. For an *access refusal decision* covered by section 54L(2), the application must be made within 60 days. For an *access grant decision* covered by section 54M(2), the application must be made within 30 days.

Applications for IC review may be lodged by email (foidr@oaic.gov.au), using the OAIC's online application form (available at www.oaic.gov.au) or addressed to:

Office of the Australian Information Commissioner
GPO Box 5218
Sydney NSW 2001

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

Complaint

If you are unhappy with the way we have handled your FOI request, please let us know what we could have done better. We may be able to rectify the problem. If you are not satisfied with our response, you can make a complaint to the IC. A complaint may be lodged using the same methods identified above. It would assist if you set out the action you consider should be investigation and your reasons or grounds.

More information about IC reviews and complaints is available on the OAIC's website at <https://www.oaic.gov.au/freedom-of-information/reviews-and-complaints/>.

Yours sincerely



Casey Auld
Senior Team Member
Freedom of Information
Chief Counsel Portfolio