



**Australian Government**  
**Australian Customs and  
Border Protection Service**

Customs House  
5 Constitution Avenue  
Canberra ACT 2601

24 April 2012

File No: 2012/010323



**BY EMAIL:** [REDACTED]

Dear [REDACTED]

**Freedom of Information Request**

I refer to your email dated 8 March 2012 in which you request access to documents held by the Australian Customs and Border Protection Service (Customs and Border Protection) under the *Freedom of Information Act 1982* (the FOI Act) that relate to the agency's web browser and social media channel use.

I am authorised under section 23 the FOI Act to make decisions to release and to refuse access to exempt documents.

**Scope of Request**

The scope of your request includes:

*The standard operating environment documentation Customs and Border Protection operates under, which specified the web browsers officially supported and deployed by platform and the filtering technologies used by the agency, including the social media platforms blocked and coached;*

*Customs and Border Protection's social media policy and associated guidelines for staff;*

*A register of the social media channels operated by Customs and Border Protection;*

*Internal briefs and strategies related to the use of social media channels by Customs and Border Protection and its staff.*

## Decision on access

Customs and Border Protection has identified three documents that fall within the scope of your request. These documents were in the possession of Customs and Border Protection on 8 March 2012 when your FOI request was received.

I make the following decision in relation to the documents in the possession of Customs and Border Protection which come within the scope of your request:

- Exempt one document in full;
- Release two documents in full.

A schedule of these documents is at **Attachment A** for your reference.

I have provided detailed reasons for my decision below.

## Reasons for Decision

I have attached a schedule of the three documents that fall within the scope of your request at Attachment A. The schedule sets out the decision on access and, where appropriate, refers to various sections of the FOI Act. My reasoning in relation to the application of each section to particular documents is set out below.

### 1 Sections 47E(c) & (d) of the FOI Act – Operations of Agencies

I have decided that the disclosure of document numbered 1 in the schedule of documents would, or could reasonably be expected to have a substantial adverse effect on the proper and efficient conduct of the operations of Customs and Border Protection. Accordingly, this document is conditionally exempt under section 47E of the FOI Act.

I have discussed the relevant public interest considerations below.

### 2 The public interest – section 11A of the FOI Act

A part of a document which is conditionally exempt must also meet the public interest test in section 11A(5) before an exemption may be claimed in respect of that part.

In summary, the test is whether access to the conditionally exempt part of the document would be, on balance, contrary to the public interest.

In applying this test, I have noted the objects of the FOI Act and the importance of the other factors listed in subsection 11B(3) of the FOI Act, being whether access to the document would do any of the following:

- (a) *promote the objects of this Act (including all the matters set out in sections 3 and 3A);*
- (b) *inform debate on a matter of public importance;*
- (c) *promote effective oversight of public expenditure;*
- (d) *allow a person to access his or her own personal information.*

Having regard to the above the following factors favour disclosure:

- I am satisfied that access to the document would promote the objects of the FOI Act.
- I consider that the subject matter of the document does not, in itself, seem to have the character of public importance. The matter has a very limited scope and, in my view, would be of interest to a very narrow section of the public.
- I consider that no insights into public expenditure will be provided through examination of the documents.
- Disclosure of the document would not provide a person with sufficient information to assess the rigour or efficiencies of internal decision making processes within Customs and Border Protection, promote scrutiny of government decision making or reveal the reasoning for a government decision. I consider these considerations as neutral.

I have also considered the factors that weigh against the release of the documents:

- I am satisfied that you do not require access to the document in order to access your own personal information or to contribute to the administration of justice for yourself or another person.
- I consider that the disclosure to the world at large of the information contained within document numbered 1 in the schedule would have a substantial adverse affect on Customs and Border Protection's IT Network. This document provides detailed information on software configuration, use and build of desk top and server environment. The information is of value to individuals or organisations who may be interested in crafting a hostile cyber security attack. The document provides information which may enable the circumvention of controls in the IT Network. I consider that this factor weighs heavily against disclosure.

I have also had regard to subsection 11B(4) which sets out the factors which are irrelevant to my decision, which are:

- (a) *access to the document could result in embarrassment to the Commonwealth Government, or cause a loss of confidence in the Commonwealth Government;*
- (b) *access to the document could result in any person misinterpreting or misunderstanding the document;*
- (c) *the author of the document was (or is) of high seniority in the agency to which the request for access to the document was made;*
- (d) *access to the document could result in confusion or unnecessary debate.*

I have not taken into account any of those factors in this decision.

Upon balancing all of the above relevant public interest considerations, I have concluded that the disclosure of the conditionally exempt documents is not in the public interest and therefore exempt from disclosure under the FOI Act.

**Legislation**

I have attached an extract of the exemption provisions of the FOI Act and the public interest test for your information at **Attachment B**.

**Your Review Rights**

The FOI Act grants you rights to have my decision reviewed. Those rights are set out in **Attachment C** to this letter.

**Contact**

Should you wish to discuss my decision, please do not hesitate to contact Ms Emily Winch, Customs and Border Protection's FOI Coordinator on 02 6275 5621 or via email at [foi@customs.gov.au](mailto:foi@customs.gov.au).



**Anthony O'Connor**  
**National Manager | ICT Service Operations**  
**Australian Customs and Border Protection**

## ATTACHMENT A

### Schedule of Documents

<b>Doc</b>	<b>Date of document</b>	<b>No. of pages</b>	<b>Description</b>	<b>Decision on release</b>
1.	23/09/2011	64	Customs and Border Protection – SOE Detailed Design	Exempt in full s47E(d)
2.	31 May 2011	8	Acceptable Use of the Internet	Release in full
3.	Jan 2012	7	I&G - social media use	Release in full

## ATTACHMENT B

### Relevant Legislation

#### **Section 47E - Public interest conditional exemptions—certain operations of agencies**

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.

#### **11B - Public interest exemptions—factors**

- (1) This section applies for the purposes of working out whether access to a conditionally exempt document would, on balance, be contrary to the public interest under subsection 11A(5).
- (2) This section does not limit subsection 11A(5).

##### *Factors favouring access*

- (3) Factors favouring access to the document in the public interest include whether access to the document would do any of the following:
  - (a) promote the objects of this Act (including all the matters set out in sections 3 and 3A);
  - (b) inform debate on a matter of public importance;
  - (c) promote effective oversight of public expenditure;
  - (d) allow a person to access his or her own personal information.

##### *Irrelevant factors*

- (4) The following factors must not be taken into account in deciding whether access to the document would, on balance, be contrary to the public interest:
  - (a) access to the document could result in embarrassment to the Commonwealth Government, or cause a loss of confidence in the Commonwealth Government;
  - (aa) access to the document could result in embarrassment to the Government of Norfolk Island or cause a loss of confidence in the Government of Norfolk Island;
  - (b) access to the document could result in any person misinterpreting or misunderstanding the document;
  - (c) the author of the document was (or is) of high seniority in the agency to which the request for access to the document was made;
  - (d) access to the document could result in confusion or unnecessary debate.

##### *Guidelines*

- (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.

## **ATTACHMENT C**

### **Review options under the Freedom of Information Act 1982**

The *Freedom of Information Act 1982* (FOI Act) provides a right of access to government information and also ensures an appeal mechanism is available against a decision to deny access to documents. The appeal procedure has four aspects:

- Internal review within the Australian Customs and Border Protection Service;
- Review by the Information Commissioner under section 54L;
- External review at the Administrative Appeals Tribunal (AAT); and
- The Commonwealth Ombudsman.

#### **Internal review**

An internal review is a re-examination of the request and original decision making process. An application for a review of the decision must be made in writing and within 30 days of receipt of the decision letter

There is no set form for making an internal review application, but it would be helpful if you could set out in the application the grounds on which you consider that the decision should be reviewed. A request for internal review must concern:

- the outcome of the request (e.g. refusal, deferral or part compliance);
- a decision concerning the amendment or annotation of personal records;
- the liability to pay charges before receiving the requested information (not application fees); or
- a decision whether or not to remit all or part of an application fee.

#### **The Information Commissioner**

An application for review may also be made to the Information Commissioner. You must apply in writing 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 3, 25 National Circuit Forrest, ACT, or at Level 8, Piccadilly Tower, 133 Castlereagh St, Sydney, NSW
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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.

#### **AAT**

If a person is dissatisfied with the decision by the Information Commissioner, they may apply to the AAT for review of the decision.

If a person has sought an internal review and no result of that review is provided within 30 days, then the applicant may apply directly to the AAT to review the matter.

Further information about making an application to the AAT is available on the AAT website at <http://www.aat.gov.au/>.

#### **Ombudsman**

Applicants who wish to make a complaint to the Ombudsman will find information on the Ombudsman's website at <http://www.ombudsman.gov.au/>.

Applicants can contact the FOI Coordinator for assistance with the review process, if required, on (02) 6275 5621.