



Attachment A

DECISION RECORD

Request Details

FOI Request FA 16/11/00189
File Number ADF2016/65920

Scope of request

1. On 20 June 2016 you requested:
 - 1) *A copy of the most current configuration settings for janusSEAL. This is an off the shelf product being used by DIBP to classify emails. janusSEAL allows the department to correctly classify emails in line with the Australian Government security classification system.*
 - 2) *A copy of any correspondence in the last 3 years sent to all DIBP staff in relation to janusSEAL. This may not reference the product by name, but may be a notification sent across the agency or training piece on how to correctly classify emails, or, for example, what will happen if you try to send an email classified as FOUO, PROTECTED or SECRET to a non .gov.au email address.*

Authority to make decision

2. I am an officer authorised under section 23 of the FOI Act to make decisions in respect of requests to access documents or to amend or annotate Departmental records.

Information considered

3. In reaching my decision, I have considered the following:
 - the terms of your request
 - the *Freedom of Information Act 1982*
 - the Australian Information Commissioner's guidelines relating to access to documents held by government
 - Departmental documents, identified in the Schedule of Documents
 - consultations with relevant business areas.

Decision

4. Section 22(2) of the FOI Act provides that, where an agency reaches the view that a document contains exempt information or material that is irrelevant to the request and it is possible for the agency to prepare an edited copy of the document with the irrelevant or exempt material deleted, then the agency must prepare such a copy.

5. This edited copy must be provided to the applicant. Further, the decision maker must advise the applicant in writing that the edited copy of the document has been prepared and of the reasons(s) for each of the deletions in the document (s.22(3) of the FOI Act).
6. The Schedule of Documents (Attachment B) and the documents released detail the exemptions that have been applied. Exemptions were applied on the following grounds:

Section 47E(d) – have a substantial adverse effect on the proper and efficient conduct of the operations of an agency

7. Section 47E(d) provides that a document is conditionally exempt if its disclosure under the Act would, or could reasonably be expected to, have a substantial adverse effect on the proper and efficient conduct of the operations of an agency.
8. The document relating to Part 1 of your request (the configuration file) contains IT security settings for the Department's email systems.
9. Releasing this file would effectively create a map for part of the Department's IT security settings for anyone who wish to infiltrate the Department's IT systems. While there are systems in place to detect and prevent this from occurring, meaning the risk is relatively low, the consequences for such an incursion would be significant if it did occur.
10. On this basis, I am satisfied that information contained in the document could reasonably be expected to adversely affect the Department's operations in respect of maintaining network security. I find this adverse effect to be serious and not insubstantial. Therefore, I am satisfied that the material in issue is conditionally exempt under s.47E(d) of the Act.
11. I note that while some parts of this file could likely be released without harm, due to the technical nature of the material, it would be virtually impossible to be certain that a partially redacted document contained no information that would be harmful to the Department. I therefore consider it prudent in this case to exempt the document in full.
12. One of the emails relating to Part 2 of your request contains internal methods of communication (email addresses and telephone numbers). These are made available to employees of the Department so that they can seek advice on security issues, in order for the Department to fulfil its function in a proper and efficient manner.
13. While these contact methods are made available to employees, they are not made publicly available. I have considered the effect that publicly releasing these contact channels would have, and it would be to create alternate and unsuitable methods for members of the public to contact the Department. This would have the dual effect of creating unnecessary work for Departmental employees while they redirect enquiries, as well as causing unnecessary delays for clients who should be utilising established channels of communications.
14. On this basis, I am satisfied that information contained in the documents could reasonably be expected to cause unnecessary work for Departmental employees, taking them away from their required duties, and decreasing the Department's ability to function properly and efficiently. Therefore, I am satisfied that the material in issue is conditionally exempt under s.47E(d) of the Act.

Application of the 'public interest' test

15. Although I have found that the information contained in the document you requested is conditionally exempt from release under s.47E(d), the FOI Act requires me to disclose

the information unless access at this time would, on balance, be contrary to the public interest. I will now consider whether disclosure would be contrary to the public interest.

16. The factors favouring access to information are provided at s.11B of the FOI Act:

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.*


17. I acknowledge that release of the document without the exemptions made under s.47E(d) would promote the objects of the FOI Act, through facilitating and promoting public access to information.

18. However, I consider that the release of the information would make a negligible further contribution to public debate, would not promote effective oversight of public expenditure or allow a person to gain access to his or her own personal information.

19. In contrast, I consider that the ability for the Department to safeguard client and operational information contained on its IT systems to be strongly in the public interest.

20. I further consider that the ability for the Department to maintain effective and efficient communication channels, particularly when compromising these channels would have negative flow-on effects for clients,

21. Taking into account the above matters, on balance, I consider that disclosure of the information in the documents exempted under s.47E(d) to be contrary to the public interest. Accordingly, I have decided that the documents are exempt in part under s.47E(d) of the FOI Act. The exemptions have therefore been applied to the documents released.


Authorised decision maker
Department of Immigration and Border Protection
Email: foi@border.gov.au

2 December 2016



Attachment B

SCHEDULE OF DOCUMENTS TO DECISION RECORD

FOI Request FA 16/11/00189
File Number ADF2016/65920

| No. | Pages | Description | Relevant legislation (FOI Act) | |
|-----|-------|-----------------------|--------------------------------|----------|
| 1. | 1-2 | Email (13 March 2015) | Exempted in part | s.47E(d) |
| 2. | 3-4 | Email (15 May 2015) | Released in full | - |
| 3. | - | Configuration file | Exempted in full | s.47E(d) |

Attachment C – Extract of relevant legislation

22 Access to edited copies with exempt or irrelevant matter deleted

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.

Notice to applicant

- (3) The agency or Minister must give the applicant notice in writing:
 - (a) that the edited copy has been prepared; and
 - (b) of the grounds for the deletions; and
 - (c) if any matter deleted is exempt matter—that the matter deleted is exempt matter because of a specified provision of this Act.
- (4) Section 26 (reasons for decision) does not apply to the decision to refuse access to the whole document unless the applicant requests the agency or Minister to give the applicant a notice in writing in accordance with that 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:

- (a) prejudice the effectiveness of procedures or methods for the conduct of tests, examinations or audits by an agency;

- (b) prejudice the attainment of the objects of particular tests, examinations or audits conducted or to be conducted by an agency;
- (c) have a substantial adverse effect on the management or assessment of personnel by the Commonwealth, by Norfolk Island or by an agency;
- (d) have a substantial adverse effect on the proper and efficient conduct of the operations of an agency.

Note: Access must generally be given to a conditionally exempt document unless it would be contrary to the public interest (see section 11A).

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.