



AFP

Our Ref: LEX 2871

23 July 2024

Sean (Right to know)

Email: [foi+request-11573-f9cc3515@righttoknow.org.au](mailto:foi+request-11573-f9cc3515@righttoknow.org.au)

Dear Sean

**Freedom of Information request**

I refer to your request dated 28 June 2024 for documents held by the Australian Federal Police (AFP) pursuant to the *Freedom of Information Act 1982* (the Act) in relation to the below:

*A list of any and all website domains seized either directly by or with assistance from the Australian Federal Police between the years of 2008-2014*

*I would like to request that this list be provided in an easy to read format and include the following information:*

- Domain name
- Domain Registry
- Date of Seizure
- Brief description of the reason for the seizure.

*Where possible and if allowed, please include any and all artwork, graphics, or seizure notices applied to the domain once seized.*

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 several AFP line areas, relevant to the scope of your request which included, a search of all records held by those line areas within the AFP.

As a result, no documents relating to your request have been located in the possession of the Australian Federal Police. By way of further explanation, the Act provides for access to current documents in an agency's possession. There is no requirement for an agency to create a document for

**Freedom of Information**

/ GPO Box 401 Canberra City ACT 2601

/ Email: [foi@afp.gov.au](mailto:foi@afp.gov.au)

the purpose of responding to an FOI request. The AFP's Freedom of Information Team is therefore unable to provide you with "A list of any and all website domains seized..."

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

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."*

## **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](mailto: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](mailto:foidr@oaic.gov.au)), using the OAIC's online application form (available at [www.oaic.gov.au](http://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

**C.A**

AFP24826  
A/FOI Team Leader - Corporate  
Freedom of Information  
Chief Counsel Portfolio