



# AFP

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Our Ref: LEX 2983

27 August 2024

CR (Right to know)

Email: [foi+request-11797-6f55e941@righttoknow.org.au](mailto:foi+request-11797-6f55e941@righttoknow.org.au)

Dear CR

## Freedom of Information request

I refer to your request dated 30 July 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 all internet domains seized or taken down by the AFP, or by another law enforcement agency in a joint international law enforcement operation involving the AFP, from 1 January 2020 to 30 July 2024.*

*For example, this request includes domains such as:*

- "warzone.ws" and "breachforums.is" (seized by the FBI in joint operations with the AFP)*
- The domain associated with LabHost, taken down in Operation Nebulae (referenced in the AFP media release: <https://www.afp.gov.au/news-centre/media-release/global-sting-sees-australian-offenders-arrested-cybercrime-and-phishing>)*
- Any other domains where a "takedown notice" or similar message was displayed by the AFP or partner agencies following the seizure or disruption, similar to the actions taken against child abuse websites mentioned in this AFP media release: <https://www.afp.gov.au/news-centre/media-release/afp-blocks-10-child-abuse-websites-and-tracks-thousands-predators-who> (Quote: "Visitors to these sites will now see a 'takedown notice' issued by the AFP and cannot access previously-hosted child exploitation material.")*

*This request excludes domains that have been silently taken over (taken over without informing users of the site), as disclosing such information would likely interfere with ongoing AFP operations.*

*For the purposes of this request, the terms "seized" and "taken down" are used interchangeably*

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*to encompass any instance where the AFP or a partner agency rendered a domain inaccessible as part of a law enforcement action.*

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 AFP Crime Command, Cyber Command, Intelligence & Covert Services, Counter Terrorism & Special Investigations Command and International Command 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 documents in an agency's possession at the time the request is received. There is no requirement for an agency to create a document for the purpose of responding to an FOI request.

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:

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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  
FOI Team Leader - Corporate  
Freedom of Information  
Chief Counsel Portfolio

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