



**Australian Government**  
**Attorney-General's Department**

Our ref: FOI24/458; CM24/27677

11 October 2024

Mr Ben Fairless

By email: [foi+request-12048-xxxxxxx@xxxxxxxxxxx.xxx.xx](mailto:foi+request-12048-xxxxxxx@xxxxxxxxxxx.xxx.xx)

Dear Mr Fairless

**Freedom of Information Request FOI24/458 – Decision letter**

The purpose of this letter is to give you a decision about your request for access to documents under the *Freedom of Information Act 1982* (the FOI Act). Your request was transferred under section 16 of the FOI Act to the Attorney-General's Department (the department).

**Your request**

On 12 September 2024, you requested access to:

*A copy of the TOP SECRET-Privileged Access Standard.*

*I understand the document is classified, however this doesn't automatically preclude access. I understand that some information might be exempt but I would appreciate the document being reviewed in its entirety and the document being released with redactions if required.*

On 25 September 2024, the Department of Home Affairs wrote to you to advise your request was transferred under s 16 of the FOI Act to the department for processing.

A decision in relation to your request is due on 14 October 2024.

**My decision**

I am an officer authorised under s 23(1) of the FOI Act to make decisions in relation to freedom of information requests made to the department.

I have decided to refuse your request as the requested document is exempt from the operation of the FOI Act. The operation of this exemption is explained further below.

In making my decision regarding access to the relevant document, I have taken the following material into account:

- the terms of your request
- the provisions of the FOI Act (specifically s 7(2A)(a)(iv)), and
- the FOI guidelines issued by the Australian Information Commissioner (the Guidelines).

### **Exemption of certain persons or bodies (s 7(2A)(a)(iv))**

Section 7(2A)(a)(iv) of the FOI Act provides that:

*(2A) An agency is exempt from the operation of this Act in relation to the following documents:*

- (a) a document (an **intelligence agency document**) that has originated with, or has been received from, any of the following:*
  - (iv) the Office of National Intelligence;*

I am satisfied that the document the department may hold that is covered by the terms of your request falls within the scope of this exemption and are therefore is not subject to the FOI Act.

### **Additional information**

Your review rights under the FOI Act are set out at **Attachment A** to this letter.

### **Questions about this decision**

If you wish to discuss this decision, please contact Kellie by telephone on (02) 6141 6666 or by email to [xxx@xx.xxx.xx](mailto:xxx@xx.xxx.xx).

Yours sincerely



### **Jonathan Savery**

Acting Assistant Secretary  
Security Law and Policy Branch  
Attorney-General's Department



**Australian Government**  
**Attorney-General's Department**

**Attachment A – Your review rights**

If you disagree with my decision, you may ask for an internal review or Information Commissioner review. We encourage you to seek internal review as a first step as it may provide a more rapid resolution of your concerns.

***Internal review***

You may apply for an internal review of my decision within 30 days of receiving this letter. Your request for internal review must be in writing, and should provide reasons why you believe the review is necessary. You may apply by emailing [xxx@xx.xxx.xx](mailto:xxx@xx.xxx.xx) or by post to:

Director, Freedom of Information and Privacy Section  
Office of Corporate Counsel  
Attorney-General's Department  
3-5 National Circuit  
BARTON ACT 2600

Another officer will make a new decision on your request within 30 days of receiving your request for internal review. If you are unhappy with the internal review decision, you may ask for an information Commissioner review.

***Information Commissioner review***

Information Commissioner review requests must be submitted within 60 days of receiving this letter. Your request should include your contact details, a copy of my decision, and the reasons why you disagree with my decision. You can apply in one of the following ways:

**Online:** <https://webform.oaic.gov.au/prod?entitytype=ICRequest&layoutcode=ICRequestWF>

**Email:** [xxxxx@xxxx.xxx.xx](mailto:xxxxx@xxxx.xxx.xx)

**Mail:** Director of FOI Dispute Resolution, GPO Box 5288, Sydney NSW 2001.

More information about Information Commissioner review is available at:

<https://www.oaic.gov.au/freedom-of-information/your-freedom-of-information-rights/freedom-of-information-reviews/information-commissioner-review>

***FOI Complaints***

If you are concerned about how we handled your FOI request, please let us know what we could have done better, as we may be able to rectify the situation. If you are not satisfied with our response, you can make a complaint to the Information Commissioner. Your complaint must be in writing, and can be lodged in one of the following ways:

**Online:** <https://webform.oaic.gov.au/prod?entitytype=Complaint&layoutcode=FOIComplaintWF>

**Email:** [xxxxx@xxxx.xxx.xx](mailto:xxxxx@xxxx.xxx.xx)

**Mail:** Director of FOI Dispute Resolution, GPO Box 5288, Sydney NSW 2001.

More information about Freedom of Information complaints is available at:

<https://www.oaic.gov.au/freedom-of-information/your-freedom-of-information-rights/freedom-of-information-complaints>