



AFP

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Our Ref: LEX 3256

13 December 2024

Glenn Hamiltonshire

Email: foi+request-12222-72120073@righttoknow.org.a

Dear Mr Hamiltonshire

Freedom of Information request

I refer to your request dated 24 October 2024 made under the *Freedom of Information Act 1982* (the Act).

Attached at Annexure A to this letter is my decision and statement of reasons for that decision.

I have decided to publish the one document in part in respect of your request. Publication of the documents will be made on the AFP website at <https://www.afp.gov.au/about-us/information-publication-scheme/routinely-requested-information-and-disclosure-log> in accordance with timeframes stipulated in section 11C of the Act.

Yours sincerely

C.A

Casey

FOI Team Leader - Corporate

Freedom of Information and Information Law

Chief Counsel Portfolio

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Freedom of Information

/ GPO Box 401 Canberra City ACT 2601

/ Email: foi@afp.gov.au

**STATEMENT OF REASONS RELATING TO AN FOI REQUEST BY
GLENN HAMILTONSHIRE**

I, Casey, FOI Team Leader, Freedom of Information, am an officer authorised under section 23 of the Act to make decisions in relation to the Australian Federal Police (AFP).

What follows is my decision and reasons for the decision in relation to your request.

BACKGROUND

On 24 October 2024, the AFP received your request in the following terms:

Request:

I request access to the Style Guides/Brand Guides/Writing Guides currently used for the Australian Federal Police.

On 19 November 2024, you agreed to an 30 day extension of time pursuant to section 15AA of the Act.

SEARCHES

Searches for documents were undertaken by Corporate Communications as the relevant business area with responsibility for the documents to which you seek access.

WAIVER OF CHARGES

Given the request has totalled only 83 pages and was not a complex request to process, I am waiving any further fees and charges which are normally associated with the processing of applications under the Act.

EVIDENCE/MATERIAL ON WHICH MY FINDINGS WERE BASED

In reaching my decision, I have relied on the following:

- the scope of your request;
- the contents of the documents identified as relevant to the request;
- advice from AFP officers with responsibility for matters contained in the documents;
- the Act; and
- the guidelines issued by the Office of the Australian Information Commissioner under section 93A of the Act.

DECISION

I have identified 2 documents relevant to your request that being *AFP Corporate Writing Style Guide* and *AFP Visual Identity style Guide*.

I have decided to:

- release 1 (one) document in part with deletions pursuant to section 47E(d); and
- refuse access to 1 (one) document, pursuant to section 47E(d) of the Act.

My reasons for this decision are set out below.

REASONS FOR DECISION

Material to which section 47E(d) applies:

Section 47E(d) of the Act provides that:

“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;...”*

The document and sections of document identified as exempt under this section of the Act contains information, the release of which, would have a substantial adverse effect on the conduct of AFP operations – specifically, the AFP’s expected functions as a law enforcement agency.

The AFP performs a variety of statutory functions, more broadly the AFP’s role is to protect Australians and Australia’s interests from serious criminal threats. The information identified as exempt under this section of the Act provides details relevant to the AFP’s processes in style, design and production of AFP messaging and branding.

I am of the view that disclosure of this information could potentially jeopardise the integrity and the effectiveness of this process and information. Release of this information more widely could put the agency at risk as online sharing could result in the unauthorised design and creation of assets which could be developed to look to be legitimate AFP messaging and branding. This could have the potential for actors to pose as AFP appointees and engage in unlawful behaviour, which would put the AFP and more broadly the community at risk.

Additionally, parts of the documents identified as exempt under this section of the Act contain information which reveals internal AFP email addresses, links and contact details. These details are not widely known and disclosure of this information would impact the AFP’s day to day operations by resulting in a diversion of AFP resources to responding to unsolicited access and correspondence through these points of contact.

However, I must give access to this information unless, in the circumstances, access at this time would be contrary to the public interest.

I have considered the following factors favouring disclosure:

- (a) the general public interest in access to documents as expressed in sections 3 and 11B of the Act; and
- (b) the public interest in people being able to scrutinise the operations of a government agency and in promoting governmental accountability and transparency.

While it may be argued the release of this information would promote the objects of the Act, scrutinise the operations of a government agency and promote government accountability and transparency, I consider release would make only a minimal (if any) contribution to those public interest factors.

On the other hand, I consider the prejudice to the agency operations and should be given greater weight. I have considered the following factors against disclosure:

- (c) the need for the agency to maintain the confidentiality with regard to the subject matter of information relating to the AFP’s brand guidelines;

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- (d) that if information concerning internal contact details were revealed, it may have a substantial adverse effect on the conduct of AFP operations in the future;
- (e) if such information was disclosed, it would divert AFP resources from the proper conduct of their expected operations; and
- (f) the need for the agency to maintain the efficiency of current procedures.

While there is a public interest in providing access to documents held by the AFP, I have given greater weight to factors (c) and (f) above and conclude that on balance, disclosure is not in the public interest, given the need to maintain the ensure the effectiveness of current procedures. Accordingly, I find that the documents or parts of the documents are exempt under section 47E(d) of the Act.

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*****YOU SHOULD READ THIS GENERAL ADVICE IN CONJUNCTION WITH THE LEGISLATIVE REQUIREMENTS IN THE FREEDOM OF INFORMATION ACT 1982*****

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.

REVIEW RIGHTS under Part VI of the Act

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) or addressed to:

Freedom of Information
Australian Federal Police
GPO Box 401
Canberra ACT 2601

REVIEW RIGHTS under Part VII of the Act

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), using the OAIC's online application form (available at www.oaic.gov.au) or addressed to:

Office of the Australian Information Commissioner
GPO Box 5128
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

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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/>.

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