



Reference: R27298229

FOI 060/16/17 STATEMENT OF REASONS UNDER THE FREEDOM OF INFORMATION ACT

1. I refer to the application by [REDACTED] under the *Freedom of Information Act 1982* (FOI Act), for access to:

“... the following document(s): an IT inventory of all workstations, servers and mainframes (if applicable) that operate within the department of defence and all applicable sub divisions of the department of defence.”

FOI decision maker

2. I am the accredited officer pursuant to section 23 of the FOI Act to make a decision on this FOI request.

Documents identified

3. I identified three documents as matching the description of the request.
4. The decision in relation to each document is detailed in a schedule of documents.
5. I have added an FOI reference number and Item number to each of the documents, which corresponds with the schedule.

Decision

6. I have decided to:
 - a. partially release three documents in accordance with section 22(1)(a)(ii) [access to edited copies with exempt or irrelevant matter deleted] of the FOI Act, on the grounds that the deleted material is considered exempt under section 33(a)(ii) [Documents affecting the defence of the Commonwealth] of the FOI Act; and
 - b. remove irrelevant material as referred to in the scope of the request in accordance with section 22(1)(a)(ii) of the FOI Act.

Material taken into account

7. In making my decision, I had regard to:
 - a. the terms of the request;
 - b. the content of the identified documents in issue;

- c. relevant provisions in the FOI Act;
- d. the Guidelines published by the Office of the Australian Information Commissioner under section 93A of the FOI Act (the Guidelines); and
- e. advice from Defence's Chief Information Officer Group (CIOG).

Reasons for decision

Sub-Section 33(a)(ii) – defence of the Commonwealth

8. The Chief Information Officer Group advised that the material contained in the identified documents would detail Defence's operational Information and Communications Technology (ICT) capabilities and would therefore pose a major security concern regarding operational activities pertaining to the defence of the Commonwealth.

9. I have taken into consideration 5.28 of the Guidelines, which states:

The Act does not define 'defence of the Commonwealth'. Previous AAT decisions indicate that the term includes:

- *meeting Australia's international obligations*
- *ensuring the proper conduct of international defence relations*
- *detering and preventing foreign incursions into Australian territory*
- *protecting the Defence Force from hindrance or activities which would prejudice its effectiveness.*

10. In deciding that material was exempt under section 33 of the FOI Act, I also considered the mosaic effect: The Guidelines state that:

5.33 Normally when assessing the potential harm in releasing a document, a decision maker looks at the contents of the document in question. But when evaluating potential harmful effects of disclosing documents that affect Australia's national security, defence or international relations, decision makers may take into account the intelligence technique usually known as the 'mosaic theory'. This theory holds that individually harmless pieces of information, when combined with other pieces, can generate a composite – a mosaic – that can damage Australia's national security, defence or international relations. Therefore, decision makers may need to consider other sources of information when considering this exemption.

*5.34 The mosaic theory does not relieve decision makers from evaluating whether there are real and substantial grounds for the expectation that the claimed effects will result from disclosure. It is a question of fact whether the disclosure of the information, alone or in conjunction with other material, could reasonably be expected to enable a person to ascertain the identity or existence of a confidential source. This is not always simple. For example, in *Re Slater and Cox* the evidence that persuaded the AAT of a 'mosaic effect' claim was an analysis of 22 thirty-five-year-old documents.*

11. I found that part of all three documents contained information that disclosure of this information may add to what is already known, or already in the public domain, which could

lead to an adversary applying a mosaic effect to information relating to the Defence's ICT capabilities and undermine its effectiveness.

12. Taking the above into account, I consider that disclosure of the material would, or could reasonably be expected to, cause damage to the defence of the Commonwealth. Accordingly, I consider the material to be exempt under section 33(a)(ii) of the FOI Act.

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Jan Andrews
Accredited Decision Maker
Associate Secretary Group

27 September 2016

FREEDOM OF INFORMATION REQUEST NO. 060/16/17

Item	Document title	Number of pages	Document description	Decision under the Act	Reason for decision
1	Work Stations	2658	A list of all Work Stations	Partial access	Deletions made in accordance with section 22 of the FOI Act, on the grounds that the deleted material is exempt, under section 33 [Documents affecting national security, defence or international relations] of the FOI Act
2	Servers	115	A list of all Servers	Partial access	Deletions made in accordance with section 22 of the FOI Act, on the grounds that the deleted material is exempt, under section 33 [Documents affecting national security, defence or international relations] of the FOI Act
3	Mainframes	4	A list of all Mainframes	Partial access	Deletions made in accordance with section 22 of the FOI Act, on the grounds that the deleted material is exempt, under section 33 [Documents affecting national security, defence or international relations] of the FOI Act