



BP24049638

DEFENCE FOI 425/21/22 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:

"I seek a copy of any administrative and/or operational doctrine (including instructions, directives, manuals, guidelines and other technical material) related to the IRSU's operation of the aforementioned "Space-based Infrared System" (SBIRS) "Australian Mission Processor" (AMP) at Edinburgh Air Force Base. The actual material will be with either IRSU, or their parent unit 41 Wing. The date range I seek for this material would be current, or, rather, the most recent copy of any doctrine or technical publication which is in use now. I am aware that there may be sensitivities found within any material released to me. I would, in that event, ask for older copies (which may well be less classified). Moreover, if there is any redaction needed, I would still ask for copies no matter how heavily censored."

FOI decision maker

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

Documents identified

3. I identified one document as matching the description of the request.

Decision

4. I have decided to partially release one document in accordance with section 22 [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 [security, defence and international relations of the Commonwealth] of the FOI Act.

Material taken into account

5. In making my decision, I had regard to:
- the terms of the request
 - the content of the identified documents in issue
 - relevant provisions in the FOI Act
 - the Guidelines published by the Office of the Australian Information Commissioner under section 93A of the FOI Act (the Guidelines).

Reason for decision

Section – damage to the security, defence and international relations of the Commonwealth

6. Section 33(a)(i), (ii), (iii) and 33(b) exempts a document if disclosure of the document would, or could reasonably be expected to, cause damage to the security, defence or international relations of the Commonwealth. In regards to the terms ‘could reasonably be expected to’ and ‘damage’, the Guidelines state:

5.16 The test requires the decision maker to assess the likelihood of the predicted or forecast event effect or damage occurring after disclosure of the document. 5.17 The use of the word ‘could’ in this qualification is less stringent than ‘would’ and requires analysis of the reasonable expectations rather than certainly of an event, effect or damage occurring. It may be a reasonable expectation that an effect has occurred, is presently occurring, or could occur in the future.

5.31 The meaning of damage has three aspects:

- i. That safety, protection or defence from something that is regarded as a danger. The AAT has given financial difficulty, attack, theft and political or military takeover as examples.*
- ii. The means that may be employed either to bring about or to protect against danger of that sort. Examples of those means are espionage, theft, infiltration and sabotage.*
- iii. the organisation or personnel providing safety or protection from the relevant danger are the focus of the third aspect.*

7. Examination of the document revealed content upon release could reasonably be expected to cause damage to the security, defence and international relations of the Commonwealth by disclosing information about Air Force’s capabilities. It could also reasonably divulge content communicated in confidence by a foreign government to an authority of the Commonwealth.

8. In analysing the potential harmful effects that the release of this information may have, I considered the information provided in the Guidelines on the mosaic theory. The Guidelines state:

5.39 When evaluating the potential harmful effects of disclosing documents that affect Australia’s national security, defence or international relations, decision makers may take into account not only the contents of the document but also the intelligence technique known as the ‘mosaic theory’. This theory holds that individually harmless pieces of information, when combine 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.

5.40 The mosaic theory does not relieve decision makers from evaluation whether there are real and substantial grounds for the expectation that the claimed effects will result from disclosure.

9. I found the content contained in the document if disclosed, may add to what is already known or is in the public domain. By releasing this information, an adversary may be able to accumulate a more comprehensive picture of the current capability of the Air Force, thereby reducing its proficiency, efficiency and ability to defend the Commonwealth.

12. In light of the above, I have determined that the document identified within scope of this request is exempt under section 33 of the FOI Act.

Further Information

13. The document matching the scope of this request is classified. I have declassified the document that is approved for release.



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GPCAPT

Accredited Decision Maker

Air Force