



AFP

Freedom of Information Instrument of Authorisation Handbook

THIS DOCUMENT IS PUBLISHED PURSUANT TO THE
FREEDOM OF INFORMATION ACT 1982 (CTH)
INFORMATION PUBLIC ACCESS SCHEME (IPS)

Functional Governance



Date of initial endorsement: 13 December 2024

Date of last review: 13 December 2024

Endorsed by: General Counsel - Corporate

Owner: Deputy General Counsel - CG&I and FOI Team Leader

Contact: Deputy General Counsel - CG&I and FOI Team Leader

Identifier: GCC002

IPS status: Redacted

THIS DOCUMENT IS PUBLISHED PURSUANT TO THE
FREEDOM OF INFORMATION ACT 1982 (CTH)
INFORMATION PUBLICATION SCHEME (IPS)

Disclosure and classification: This document is classified (select classification) and is intended for internal AFP use. Disclosing any content must comply with Commonwealth law and the AFP National Guideline on information management.

Compliance: This instrument forms part of the AFP Governance Instrument Framework (GIF) as defined in the [AFP Commissioner's Order on governance \(CO1\)](#). The [AFP Commissioner's Order on professional standards \(CO2\)](#) and [AFP Commissioner's Order on security \(CO9\)](#) set the framework for the conduct expected of AFP appointees through obligations and best practice to help maintain the safety and security of AFP information, operations, assets and people. Inappropriate departures from the provisions outlined within AFP governance instruments may constitute a breach and be dealt with under Part V of the [Australian Federal Police Act 1979](#) (Cth).

Table of contents

Version Control	3
Freedom of Information	3
1. Instrument of Authorisation	4
2. Authorisation Matrix	4
3. Role Scope	6
Resources	6
Defined Terms	8
Schedule 1 – Authorisation Matrix for Decisions	0
Schedule 2 – Authorisation Matrix for Internal Reviews	7
Schedule 3 – Authorisation Matrix for Information Commissioner Reviews	8

THIS DOCUMENT IS PUBLISHED PURSUANT TO THE
FREEDOM OF INFORMATION ACT 1982 (CTH)
INFORMATION PUBLICATION SCHEME (IPS)

Version Control

Version	Description	Name	Date
0.1	Draft documents	s 47E(c) FOI Team Member and s 47E(c) FOI Team Member	October-November 2024
0.2	Review and consider draft 0.1	s 47E(c) FOI Team Leader	Early November 2024
0.3	Review and consider draft 0.2	s 47E(c) A/Coordinator, Commercial Governance and Information	Mid-November 2024
0.4	Review and consider draft 0.3 and amend	Emily Caldwell, General Counsel – Corporate	December 2024
0.5	Review and consider draft 0.3 and amend	Alison Macdonald, General Counsel – Legal Operations	
1.0	Review and approve for release	Emily Caldwell, General Counsel – Corporate	

Freedom of Information

Freedom of Information requests are governed by the *Freedom of Information Act 1982* (**FOI Act**) and the guidelines issued by the Office of the Australian Information Commissioner (**OAIC**). This handbook has been created to support the Instrument of Authorisation under the Act (**DAC076 Instrument**) and is to be read in conjunction with the FOI Act and the OAIC Guidelines.

The aims of the FOI Act are to:

- enable people to participate in the policy and decision-making processes of government;
- inform people of government functions and enable them to access records relating to decisions affecting them;
- open government activities to scrutiny, discussion and review; and
- enhance the democratic accountability and provide access to information collected and created by public officials.

The AFP receives over 700 Freedom of Information requests each year. The DAC076 Instrument enables the FOI Team to administer decisions under the FOI Act. The purpose of this handbook is to support the authorisations under the DAC076 Instrument and must be read in conjunction with the AFP's current DAC076 Instrument. This matrix is a subsidiary document to affirm the authorisations within DAC076 Instrument.

1. Instrument of Authorisation

The AFP operates in a highly accountable and scrutinised environment with decisions made in the course of performing any role within the AFP being subject to judicial or external oversight or challenge. In order to withstand scrutiny, it is important that AFP appointees have access to delegation and authorisation instruments relevant to their role and that the instruments reflect current operational practices.

The Delegations and Authorisations Collection (**Collection**) is a centralised collection of the AFP's legislative delegations and authorisations instruments, including human resource and finance delegations. The Collection assists the AFP to confirm the existence or validity of a particular delegation and promotes compliance with legislation in the exercise of power, authority or AFP functions.

DAC076 Instrument

This Authorisation is to make decisions on behalf of the AFP in respect of the FOI Act, and for the purposes of an Internal Review made under the provisions of the FOI Act to review original decisions and make new or revised decisions on behalf of the AFP.

2. Authorisation Matrix

The Authorisation Matrix has been developed to ensure consistent Decision making occurs and aligns with AFP expectations and values.

There are three Authorisation Matrices outlined in this handbook. These are:

- 1) Authorisation Matrix for Decisions
- 2) Authorisation Matrix for Internal Reviews
- 3) Authorisation Matrix for Information Commissioner Reviews.

Authorisation Matrix for Decisions

The FOI Act specifies in detail how decisions are to be made and the criteria and principles on which decisions are to be based.

The objects of the FOI Act are clear in that Decision Makers are to facilitate and promote access to information held by the AFP by requiring the AFP to publish information and provide for a right of access to documents (Section 3 of the FOI Act). The AFP strives to meet these objects by increasing public participation in Government processes, with a view to promoting better informed decision-making and increasing scrutiny, discussion, comment and review of the AFP's activities.

Further, Decision Makers must also have regard to OAIC Guidelines when making decisions under the FOI Act (section 93A).

Authorisation Matrix for Internal Reviews

In making Decisions for Internal Reviews, each Decision Maker will have regard to [OAIC guidelines for Internal agency review of decisions](#).

The Internal Review Decision Maker must:

1. Not be the same person as the initial Decision Maker

2. Be independent and impartial when undertaking the Internal Review;
3. subject to resourcing, have no prior involvement in the original decision that is the subject to the Internal Review.

The Internal Review Decision Maker will have regard to the following:

- the original Decision and clarifying any inconsistency, conducting further enquiries or consulting with relevant stakeholders.
- threshold for the release of information i.e. is there harm that follows?
- where practicable, they should draw references from previous published Information Commissioner decisions to support exemptions.
- the Internal Review Decision Maker exercises all the powers available to the original Decision Maker.
- The Internal Review Maker must have access to all the material that was available to the original Decision Maker and may also consider any additional relevant material or submissions not considered by the original Decision Maker.
- all issues raised by the applicant for Internal Review must be considered and the Internal Review Decision Maker may contact the applicant to seek further information or to discuss the issues raised by the request.
- they must bring an independent mind to the Internal Review and must not act at the direction or behest of any other officer.

Subject to this document, an Internal Review decision-maker has all the powers of the original Decision Maker and can do any of the following:

- undertake further searches for documents;
- reconsider all the material available to the original Decision Maker and any additional relevant material or submissions not considered by the original Decision Maker;
- consider all issues raised by the applicant for Internal Review, including contacting the Applicant to seek further information or to discuss the issues raised by the Internal Review request, including the option of refining or narrowing the scope of the request;
- produce documents under section 17 of the FOI Act and provide a different form of access;
- if the Internal Review Decision Maker decides to release documents containing the personal or business information of an affected third party or information affecting Commonwealth-State relations, access to the documents must not be given until an affected third party's review or appeal opportunities have been exhausted (ss 26A(4), 27(4) and 27A(6)) (see Part 3 of the FOI Guidelines);
- undertake third party consultation where documents contain information about a person or business who was not consulted earlier, or where the consultation did not address issues that have subsequently arisen during the Internal Review and the affected third party might reasonably wish to make an exemption contention (ss 26A, 27 and 27A). Where an affected third party is given an opportunity to make an exemption contention, there is no extension of time to the period for notifying a Decision (that is, there is no equivalent to s 15(6) in an Internal Review).

Authorisation Matrix for Information Commissioner Reviews

The OAIC will inform the AFP where an Applicant has raised a request to review an Original Decision or Internal Review Decision.

The Information Commissioner must:

- conduct the IC Review with as little formality and technicality as is possible,
- ensure that each party is given a reasonable opportunity to present their case, and

- conduct the IC Review in as timely a manner as possible.

The AFP has the onus of establishing that the Decision is justified or that the Information Commissioner should give a Decision adverse to the IC Review Applicant (s 55D(1) of the FOI Act). The Authorisation Matrix for Information Commissioner Reviews is not an authorisation under the FOI Act, however the Authorisation Matrix for IC Review provides guidance to AFP Legal members in relation to the appropriate Band Level for responding to IC reviews. If a decision is proposed to be made under section 55G of the FOI Act, the Authorisation Matrix for Decisions will apply.

When managing IC Reviews, the AFP will take into account the following:

- the scope of the Request;
- the original Decision and any IR Decision;
- any submissions made on behalf of the AFP;
- current OAIC decisions and tribunal decisions.

3. Role Scope

Requisite Experience of Decision Maker

Where the Decision Makers are either a Band 4 or Band 5, that person must have the following requisite experience:

- at least 6 months plus FOI experience with written approval from Team Leader to start decision making; or
- recommendation from supervisor to perform Decision Maker functions under the DAC076.

Decision Makers are required to assist with Internal Reviews and IC Review.

Quality Assurance

Unless the matter is significant/notifiable, the QA Officer can be another FOI Officer. Any significant/notifiable matter must be referred to the Band 7 or a Senior Member.

Where a matter is being briefed externally, the QA Officer can be the same as the Decision Maker.

The QA Officer must also perform QA on any consultation material to ensure correctness.

Significant/Notifiable Matters

If a matter is significant/notifiable as identified within the FOI Team matter management tool, and where indicated by an asterisks in the Authorisation Matrix, then only Senior Members, Band 7 or Band 6, can make Decisions regarding that matter.

Resources

Resource	Link
AFP National Guideline on Freedom of Information releases	s 47E(d)

OAIC

<https://www.oaic.gov.au/freedom-of-information/freedom-of-information-guidance-for-government-agencies/information-commissioner-reviews/direction-as-to-certain-procedures-to-be-followed-by-agencies-and-ministers-in-ic-reviews>

THIS DOCUMENT IS PUBLISHED PURSUANT TO THE
FREEDOM OF INFORMATION ACT 1982 (CTH)
INFORMATION PUBLICATION SCHEME (IPS)

Defined Terms

Term	Definition
Applicant	means a person who has made a request in accordance with section 15 of the FOI Act.
AFP appointee	has the meaning given to it in the AFP Act.
AFP Act	means the <i>Australian Federal Police Act 1975</i> (Cth).
Agency	means the Australian Federal Police.
Authorisation Matrix	means the matrices within Schedules of this handbook.
Collection	means centralised collection of the AFP's legislative delegations and authorisations instruments
DAC076 Instrument	means the FOI's DAC Instrument available on the AFP Hub.
Decisions	means the Decision made in relation to a Request or IR by the Decision Maker in accordance with this DAC076 Instrument.
Decision Maker	means those authorised persons within the DAC076 Instrument.
Delegations and Authorisations Collection (DAC)	means the AFP's Delegations and Authorisations Collection.
Freedom of Information (FOI)	means Freedom of Information.
FOI Act	means the <i>Freedom of Information Act 1982</i> (Cth).
FOI Team	means the FOI team within Chief Counsel Portfolio, Corporate Branch.
Information Commissioner Reviews (IC Review)	means an external review by OAIC of the Decision or Internal Review Decision through a process initiated by the applicant.
Internal Review (IR)	means an internal review of the Decision through a process initiated by the applicant.
OAIC	means Office of the Australian Information Commissioner.
OAIC Guidelines	means the guidelines issued by OAIC from time to time.
Officer	means an FOI officer.
QA Officer	means a member within the FOI team who is independent to the Request in question to undertake QA.
Quality Assurance (QA)	means the process after the FOI Case Officer has engaged with key stakeholders, consultations have occurred, and exemptions have been applied.
Request	means an FOI request submitted by an Applicant.
Senior Members	is taken to include Deputy Commissioner, Senior Executive AFP Employees, Coordinator – AFP Legal, Band 8 – AFP Legal.

Schedule 1 – Authorisation Matrix for Decisions

*If a matter is significant/notifiable, then only Senior Members, Band 7 or Band 6, can make Decisions regarding that matter.

Charges – Section 29 of the Act			Authorised Persons				
	Applied Limits	Common examples	Senior Members	Band 7 AFP Legal, Freedom of Information	Band 6 AFP Legal, Freedom of Information	Band 5 AFP Legal, Freedom of Information [*]	Band 4 AFP Legal, Freedom of Information [*]
Impose charges	<ul style="list-style-type: none"> provide details of access charges (if any) that the Agency may impose for accessing information published under the IPS; how charges will be calculated; consider whether there is high public interest; inclusion of personal information (noting charges will be reduced where personal information of the Applicant is to be released); there is no value threshold i.e. still charge where the threshold is \$5 or where there are multiple exemptions. Whilst charges can be imposed. 	<ul style="list-style-type: none"> large investigation files not related to the Applicant; senate estimate briefs; enterprise bargaining documents; reportable or political issues. 	X	X	X	X	X

Nil Documents – Section 24A of the FOI Act			Authorised Persons				
	Applied Limits	Common examples	Senior Members	Band 7 AFP Legal, Freedom of Information	Band 6 AFP Legal, Freedom of Information	Band 5 AFP Legal, Freedom of Information*	Band 4 AFP Legal, Freedom of Information*
Refuse access to documents on the grounds that no documents exist	<ul style="list-style-type: none"> all reasonable steps have been taken to find the document; “reasonable” is taken to mean: <ul style="list-style-type: none"> searches conducted of known applications pursuant to which the requests relates; searches of physical records; ICT audit searches of persons or business areas the subject of the request (if required). 	<ul style="list-style-type: none"> someone requesting information about themselves and there is no outcome i.e. phishing exercise or curious enquiries; historical documents i.e. whether documents have been lost or destroyed. s 47E(d) direction to National Archives of Australia during the open access period; no documents relating to the request following reasonable enquiries. 	X	X	X	X	X

Practical Refusal – Sections 24AA, and 24AB of the FOI Act			Authorised Persons				
	Applied Limits	Common examples	Senior Members	Band 7 AFP Legal, Freedom of Information	Band 6 AFP Legal, Freedom of Information	Band 5 AFP Legal, Freedom of Information*	Band 4 AFP Legal, Freedom of Information*
Refuse access to documents on practical refusal grounds (volume / diversion of resources)	<ul style="list-style-type: none"> informal/formal consultation has occurred (required by section 24AB); would substantially and unreasonably <u>divert the resources of the agency from its other operations.</u> 	<ul style="list-style-type: none"> broad request for documents i.e. more 	X	X	X	X	X
Insufficient information to conduct searches (clarification)	<ul style="list-style-type: none"> informal/formal consultation has occurred (required by section 24AB); the Applicant has not provided information to assist with searches or consultations to identify documents; 	<ul style="list-style-type: none"> the request is not: <ul style="list-style-type: none"> clear or the parameters are broad; or asking a question (rather than 	X	X	X	X	X

<p>(section 15(2) of the FOI Act)</p>	<ul style="list-style-type: none"> the request does not satisfy the requirement in section 15(2)(b) (identification of documents). 	<p>requesting documents);</p> <ul style="list-style-type: none"> documents would not reasonably exist i.e. documents about the corruption of the AFP; not legible or coherent having regard to reasonableness. <ul style="list-style-type: none"> attempt to narrow or clarify the request where the Applicant's request is not clear. 					
<p>Two or more requests treated as a single request (section 24(2) of the FOI Act)</p>	<ul style="list-style-type: none"> where a request concerns the same document(s) or relate to substantially the same subject matter; Band 4 and 5, with the approval of a Senior Member, Band 7 or Band 6 can make these decisions. 	<ul style="list-style-type: none"> for example, if a request includes the same scope but different date ranges, this section may be relied upon; where the request is worded differently but substantially for the same materially. 	<p>X</p>	<p>X</p>	<p>X</p>	<p>X</p>	<p>X</p>

Personal Privacy – Sections 27A(2) and 47F of the FOI Act			Authorised Persons				
	Applied Limits	Common examples	Senior Members	Band 7 AFP Legal, Freedom of Information	Band 6 AFP Legal, Freedom of Information	Band 5 AFP Legal, Freedom of Information*	Band 4 AFP Legal, Freedom of Information*
Consultation	<p>Step One: Would it be unreasonable to disclose the personal information of the identified person within the documents?</p>	<p>Step One Factors:</p> <ul style="list-style-type: none"> • is the author of the document identifiable? • would release of the documents cause stress/harm on third parties? • no public purpose achieved through the release of the information; • would the release be a breach of the persons personal information? • consider the Public Interest test? 	X	X	X	X	
	<p>Step Two: Consideration of the following:</p> <ul style="list-style-type: none"> • the extent to which the information is well known; • whether the person to whom the information relates is known to be (or to have been) associated with the matters dealt with in the information; • the availability of the information from publicly accessible sources; 	<p>Step Two Factors:</p> <ul style="list-style-type: none"> • is the information in the public domain? i.e. OSINT searches; • is the person connected to the request? • prior undertaking to release information; • consideration of suppression or court orders; 	X	X	X	X	

	<ul style="list-style-type: none"> any other matters that the AFP considers relevant. 	<ul style="list-style-type: none"> related requests and whether documents have been released on a prior occasion; age of information and whether the information is current/relevant. 					
Release documents containing personal information of an <u>Applicant</u>	<ul style="list-style-type: none"> where disclosure would not affect the person adversely in relation to an Applicant’s personal information, lawful business or professional affairs; where an Applicant is requesting a document or statement it has created; where no other third parties are involved (excluding the AFP); does not involve unreasonable disclosure of personal information (section 47F); excludes AFP appointees below SES level. 	<ul style="list-style-type: none"> statement of the Applicant (look at whether this can be released administratively); looking at how the information was obtained and for the purposes of, and the presence of third parties \ less about examples and more about surrounding circumstances. 	X	X	X	X	
Release documents containing personal information of <u>third parties</u>	<ul style="list-style-type: none"> submissions from third parties permit disclosure of personal information without restriction; where disclosure would not affect the person adversely in relation to a third parties’ personal information, lawful business or professional affairs; does not involve unreasonable disclosure of personal information (section 47F); 	<ul style="list-style-type: none"> whether the third party is aware of the issues; whether the third party has had engagement with the AFP.. 	X	X	X	X	

	<ul style="list-style-type: none">excludes AFP appointees below SES level.						
--	--	--	--	--	--	--	--

THIS DOCUMENT IS PUBLISHED PURSUANT TO THE
FREEDOM OF INFORMATION ACT 1982 (CTH)
INFORMATION PUBLICATION SCHEME (IPS)

Schedule 2 – Authorisation Matrix for Internal Reviews

*If a matter is significant/notifiable, then only Senior Members, Band 7 or Band 6, can make decisions regarding that matter.

Area of Authority	Authorised Persons				
	Senior Members	Band 7 AFP Legal, Freedom of Information	Band 6 AFP Legal, Freedom of Information	Band 5 AFP Legal, Freedom of Information *	Band 4 AFP Legal, Freedom of Information *
Internal Review – Part VI of the FOI Act					
Internal review--access refusal decision (section 54)	X	X			
Internal review--access grant decision (Section 54A)	X	X			
Internal review--application for review (Section 54B)	X	X			
Internal review--decision on internal review (Section 54C)	X	X			
Internal review--deemed affirmation of original decision (Section 54D)	X	X			
Internal review--decisions to which this Part does not apply (Section 54E)	X	X			

Schedule 3 – Authorisation Matrix for Information Commissioner Reviews

Area of Authority	Authorised Persons				
	Senior Members	Band 7 AFP Legal, Freedom of Information	Band 6 AFP Legal, Freedom of Information	Band 5 AFP Legal, Freedom of Information *	Band 4 AFP Legal, Freedom of Information *
Information Commissioner Review					
All IC Reviews of Decisions	X	X			

THIS DOCUMENT IS PUBLISHED PURSUANT TO THE
 FREEDOM OF INFORMATION ACT 1982 (CTH)
 INFORMATION PUBLICATION SCHEME (IPS)