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Our Ref: 24-1475
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Re: Freedom of Information Act application

In reference to your application made pursuant to the *Freedom of Information Act 1991* (FOI Act), which was received on 11 April 2023, access was sought to:

“1. Provide an official copy of the SAPOL general orders on digital information and evidence along with any amendments to these general orders.”

South Australia Police (SAPOL) has located a document that falls within the scope of your request. The document is numbered and described in the following schedule. The schedule contains the details of the determination in compliance with section 23. In particular, note the grounds on which access has been refused, including the reasons which are contained in the schedule.

| SA POLICE - FREEDOM OF INFORMATION UNIT SCHEDULE | | | | |
|--|--|-----------------|--|--|
| No. | Document Description | Status | Clause | Reason |
| 1 | General Order, Digital Evidence – Date of Issue 14 June 2023 | Partial Release | 4(2)(a)(iii) 4(2)(b) | Rationale for the redacted content is detailed below this table. |
| 2 | General Order, Digital Information Management Framework – Date of Issue 4 October 2023 | Partial Release | 4(2)(a)(vi) 4(2)(b) 7(1)(c)(i) & 7(1)(c)(ii)(A)&(B) | Rationale for the redacted content is detailed below this table. |
| <p>CLAUSES FOR REFUSAL</p> <p>Clause 4(2)(a)(iii) of Schedule 1 of the FOI Act which states: <i>“A document is an exempt document if it contains matter the disclosure of which could reasonably be expected to prejudice the effectiveness of any lawful method or procedure for preventing, detecting, investigating or dealing with any contravention or possible</i></p> | | | | |



CLAUSES FOR REFUSAL (continued)

contravention of the law (including any revenue law)."

Clause 4(2)(a)(vi) of Schedule 1 of the FOI Act which states:

"A document is an exempt document if it contains matter the disclosure of which could prejudice any system or procedure for the protection of persons or property."

Clause 4(2)(b) of Schedule 1 of the FOI Act which states:

"A document is an exempt document if it contains matter the disclosure of which would, on balance, be contrary to the public interest."

Clause 7(1)(c)(i) of Schedule 1 of the FOI Act which states:

A document is an exempt document if it contains matter consisting of information (other than trade secrets or information referred to in paragraph (b)) concerning the business, professional, commercial or financial affairs of any agency or any other person

Clause 7(1)(c)(ii) (A)&(B) of Schedule 1 of the FOI Act which states:

A document is an exempt document if it contains matter the disclosure of which could reasonably be expected to have an adverse effect on those affairs or to prejudice the future supply of such information to the Government or to an agency and would, on balance, be contrary to the public interest.

In relation to content redacted pursuant to Clause 4(2)(a)(iii) & 4(2)(b) within 'Doc 1 - General Order, Digital Evidence – Date of Issue 14 June 2023', I provide the following rationale for the partial release of the document:

I have applied Clause 4(2)(a)(iii) & 4(2)(b) to a portion of the redacted content as it identifies police methodology which would otherwise not be publicly known. Release of this information has the potential to prejudice the effectiveness of any lawful method or procedure for preventing, detecting, investigating or dealing with any contravention or possible contravention of the law. The information identifies investigative methodology which upon release would assist endeavours to evade police methods or practices and thereby reduce the ability for SAPOL to obtain evidence and subsequently investigate offences.

Having decided that parts of the document are considered exempt under Clause 4(2)(a)(iii), I must also be satisfied that access to that information would be contrary to the public interest as specified under Clause 4(2)(b). Whilst I am satisfied that access to the document would promote the objects of the FOI Act and be of interest to the community, the document itself is not relative to the applicant's own personal information and there would be a strong public interest in ensuring that SAPOL has the ability to obtain evidence and prevent, detect and investigate contraventions of law in a manner which is not compromised or prejudiced in any way.

Upon balancing the public interest considerations, I have concluded that the ability for SAPOL to conduct its operations with regards to contraventions of law without compromise or prejudice, far outweighs the public's interest in the information and therefore consider it exempt from disclosure pursuant to clauses 4(1)(a)(iii) & 4(2)(b) of the FOI Act.

NOTE: The previous version of this document, 'General Order Digital Evidence – Date of Issue 4 May 2022' was previously provided to you on 12 May 2023 via email.

In relation to content redacted pursuant to Clause 4(2)(a)(vi) & 4(2)(b) within 'Doc 2 - Digital Information Management Framework – Date of Issue 4 October 2023', I provide the following rationale for the partial release of the document:

A portion of the redacted text contains information detailing the location & type of critical infrastructure, property & systems used by SAPOL and the method in which information is stored, the release of which could pose a significant level of risk of malicious damage to those structures, and risk exposure of confidential information uploaded, impacting any persons whose information is stored within this location.

The need to preserve the security of information is of great importance to ensure safe storage of information and the effective completion of duties by police officers and the general safety of the public.

I have identified the following factors in favour of disclosure:

- achieving the objects of the FOI Act

I have identified the following factors contrary to disclosure:

- preserving the security of a police premises to ensure that police officers are able to effectively carry out their duties & the storage of police records is secure & protection of the public via inadvertent release of sensitive information
- reducing the risk of an offence being committed such as theft or fraud.

Whilst there may be a public interest in knowing the state of government critical infrastructure, property & systems, there is also a significant public interest in maintaining the integrity of that infrastructure & property to ensure it is kept safe and secure. The absolute requirement for such protection far outweighs any generalised interest in the information and as such I have formed the view that disclosure of such information would, on the balance, be contrary to the public interest and consider the redacted content exempt pursuant to clauses 4(1)(a)(vi) & 4(2)(b) of the FOI Act.

In relation to content redacted pursuant to Clause 7(1)(c)(i) & 7(1)(c)(ii)(A)&(B) within 'Doc 2 - Digital Information Management Framework – Date of Issue 4 October 2023', I provide the following rationale for the partial release of the document:

The redacted text contains information concerning the business affairs of several companies namely business and product names. These names are not readily available to the public and could constitute a breach of contractual terms or cause disapproval within this and future contracts for these companies and other like companies considering entering into contractual negotiations and obligations with SAPOL.

A public interest test has been applied balancing the reasons for and against release of this material. While there should be a degree of transparency in information held by SAPOL, if SAPOL were to release information to the general public relating to a contracts with a business or businesses without their expressed position as part of the terms of any contract or agreement this could undermine the integrity of SAPOL procurement processes and may cause distrust within the wider community. With the above considerations in mind I have formed the view that disclosure of such information would, on balance, be contrary to the public interest.

Your rights to review

If you are dissatisfied with this determination, you are entitled to exercise your right of internal review in accordance with section 29(1) of the FOI Act by completing a PD362 Application for Internal Review form, which can be downloaded from

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<https://www.police.sa.gov.au/services-and-events/freedom-of-information> or available upon request at your nearest police station. Alternatively, an application may be made in writing to the SAPOL Freedom of Information Unit. This application must be lodged within 30 (calendar) days after you receive this letter with a fee of \$40.75, if applicable.

Disclosure Log

In accordance with the requirements of Premier and Cabinet Circular PC045, details of your FOI application, and the documents to which you are given access will be published on the SAPOL website Disclosure Log.

A copy of PC045 can be found at:

https://www.dpc.sa.gov.au/_data/assets/pdf_file/0019/20818/PC045-Disclosure-Logs.pdf.

If you disagree with publication, please advise the undersigned in writing by 19 March 2024.

Yours sincerely,



Sergeant Christian Ainley
Freedom of Information Unit
(Accredited Freedom of Information Officer)

19 February 2024

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