

SENATE STANDING COMMITTEE ON LEGAL AND CONSTITUTIONAL AFFAIRS
ATTORNEY-GENERAL'S DEPARTMENT/AGENCY

Question No. 62

Senator Wright asked the following question at the hearing on 14 February 2012:

1. If information collected by ASIO as part of its intelligence operations is subsequently published in full or in part, how does ASIO respond?
2. Is an investigation undertaken to determine who within ASIO released such material?
3. If no investigation is undertaken on what basis is that decision made?
4. Are the details of any such investigations publicly released? If not why not?
5. If a media outlet publishes information gleaned from ASIO intelligence operations does ASIO question the journalist who covered the leaks and/or the editor of the publication or media outlet that printed or broadcast the report in order to help determine the circumstances of the leak?
6. If a member of the public ascertains that parts of their ASIO file that had been redacted in the version held by National Archives were subsequently publicly released how does ASIO respond?
7. Does ASIO investigate complaints from the public about the release of redacted material?

The answer to the honourable senator's question is as follows:

1. ASIO's primary function is to collect, analyse, assess and disseminate security intelligence.
 - ASIO regularly publishes a range of reports containing information collected through its intelligence operations to approved foreign and domestic partners.
 - ASIO releases records to the public through the National Archives of Australia in accordance with its obligations under the *Archives Act 1983*.

ASIO seeks to protect against the unnecessary exposure of sensitive ASIO information, including, its sources and the relationships and capabilities which facilitate its collection and analysis.

2. The protection of ASIO's information and advice, and knowledge of ASIO staff, sources, subjects of investigation, operations and methods is integral to the ongoing effectiveness of the Organisation.

Unauthorised release of ASIO information may constitute a criminal offence under certain circumstances. Investigation of criminal offences is the responsibility of law enforcement. ASIO would fully cooperate in any such investigation.

3. If ASIO receives information indicating an unauthorised disclosure of its information, it would undertake a preliminary evaluation of that information to determine whether there are grounds to warrant further investigation.
4. ASIO does not reveal publicly details of its investigations where to do so would potentially compromise national security and ASIO's sources, operations and methods.

5. ASIO does not discuss publicly its investigative methods and therefore cannot respond to the Senator's question.

6. When ASIO receives a request from the National Archives of Australia for the release of an ASIO file under the Archives Act, our information is reviewed closely to ensure access is achieved without compromise to security and ongoing ASIO operational effectiveness. Issues of privacy and the release of personal details are considered by the NAA.

ASIO does not allow access by members of the public, including journalists to un-redacted files.

Anyone who has reason to believe there has been criminal disclosure of ASIO information should report the matter to the police.

The Inspector-General of Intelligence and Security (IGIS) may investigate complaints relating to the legality or propriety of the activities of any of the Australian intelligence agencies, including ASIO.

7. Anyone who has reason to believe there has been criminal disclosure of ASIO information should report the matter to the police.

If a matter were referred to the Director-General of Security, ASIO would consider whether an investigation by ASIO would be appropriate or whether the matter should be referred to the IGIS for consideration.

The IGIS may investigate complaints relating to the legality or propriety of the activities of any of the Australian intelligence agencies, including ASIO.