

# Contains deletions under FOI

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DEPUTY COMMISSIONER CAPABILITY

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Our reference: CMS 2017/4034

26th April 2017

Ms Doris Gibb  
Commonwealth Ombudsman  
GPO Box 442  
Canberra ACT 2601

Dear Ms Gibb

I wish to report a breach of the Telecommunications (Interception and Access) Act 1979 (the Act) by a member of the Australian Federal Police (AFP) Professional Standards investigation team.

The member concerned was unfamiliar with the full suite of Data Retention amendments that came into effect in October 2015, specifically the requirement to obtain a journalist information warrant for the purpose of accessing telecommunications data to identify a journalist's source.

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The matter under investigation involved an allegation of disclosure of operational information to a journalist. s 37

No investigative actions were taken as a result of the telecommunications data obtained. Further, all relevant records have now been destroyed.

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Notwithstanding the fact that the AFP Metadata Health Check Report 2015-16 found the AFP to have comprehensive guidance and training materials to support compliance, internal procedures have been reviewed as a result of this incident. The AFP Aide Memoire on procedures to obtain a Journalist Information Warrant, issued on 27 October 2015, (attachment A) remains accurate, however an enhancement will be made to the application form template, with the inclusion of a mandatory field, to serve as a prompt to the applicant. The form will now require the applicant to address the following: "Is this request being made to identify a possible source of a journalist?" Checkbox No/Yes, if Yes refer Aide Memoire on procedures to obtain a Journalist Information Warrant [insert Journalist Information Warrant ID]". These enhancements to the application form are scheduled to be completed within 14 days.

Yours sincerely



Ramzi Jabbour  
Deputy Commissioner Capability

Cc: Mr Michael Griffin AM  
Commissioner  
Australian Commission for Law Enforcement Integrity

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