

SENATE STANDING COMMITTEE ON LEGAL AND CONSTITUTIONAL AFFAIRS
AUSTRALIAN SECURITY INTELLIGENCE ORGANISATION

Question No. 99

Senator Trood asked the following question at the hearing on 22 February 2011:

- a. Does ASIO have in place protocols for the exchange of information with foreign liaisons? What are these protocols?
- b. According to the IGIS Annual Report 2009-10 "Mr Carnell was generally satisfied that the internal policy guidance which ASIO developed in 2006 provided a sound basis for the passage and receipt of the information, however, the inspections which this office carried out in 2008-09 and 2009-10 revealed that there are some deficiencies in record keeping. In some instances there is a lack of documentary evidence that the considerations articulated in the policy are being given effect".
 - What were the deficiencies?
 - How were they allowed to occur?
 - Have these been addressed?
 - How have they been addressed?

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

- a. ASIO provides information to foreign governments under provisions permitted by the Australian Security and Intelligence Organisation Act 1979. ASIO engages with foreign agencies and authorities under the approval of the Attorney-General.

When passing information to another country, ASIO takes into account the merits of assisting other countries to prevent terrorism and other threats. It also takes into account the likely consequences of providing information. ASIO is particularly concerned to safeguard the interests of Australian citizens and Australian permanent residents.

The passage of information is approved at appropriately senior levels, and is regularly reviewed by the Inspector-General of Intelligence and Security (IGIS).

- b. As reported in the Inspector-General of Intelligence and Security Annual Report 2009-10, IGIS inspections of information exchanges with foreign services identified some instances where there were some deficiencies in the documentation of the considerations articulated in ASIO's policy. The IGIS did not express a view that there is a systemic problem with ASIO policy on exchange of information with foreign liaisons. The IGIS considered more detailed written documentation to support decision making in regard to the exchange of information with foreign services would be desirable.

ASIO is working with the Office of the Inspector-General to ensure that internal documentation clearly reflects the rigorous decision-making process and the range of considerations, that are taken into account when information is shared with foreign services, in full accordance with ASIO policy.