



**OFFICIAL: Sensitive**

Our Ref: 24-1311  
Telephone: 7322 3347  
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[Redacted]

**Re: Freedom of Information Act application**

In reference to your application made pursuant to the *Freedom of Information Act 1991* (FOI Act), access was sought to:

*SAPOL policy, guidance or procedure document outlining rules for the use by SA police officers of Electronic Control Devices (ECDs). The document should be the one provided to police officers issued with an ECD and the one referred to by officers reviewing ECD discharge incidents. Here is an example of the document used in NSW: [https://www.police.nsw.gov.au/data/assets/pdf\\_file/0010/583705/taser-use-public-information.pdf](https://www.police.nsw.gov.au/data/assets/pdf_file/0010/583705/taser-use-public-information.pdf)*

An excerpt of the General Order has been considered as the other parts of this document are outside the scope of your request. In assessing the overall structure of the document, I consider the document consists of standing orders relating to multiple different topics. Whilst the document does contain information relative to your application for access, I consider the remaining parts of the document to have no bearing on your application. The fact that the information you seek is contained in the document alongside other unrelated information is solely by virtue of the structure of the document.

While the segments of the document are connected via a common theme; operational safety, I consider it appropriate that each heading be treated as a different entry, similar to a chapter of a book, or an entry of a diary. Without creating a new document, provision of an excerpt of the document in redacted form is the most efficient manner in which to provide the document. I therefore consider the information not marked as out of scope to be the only information within scope of your request.

SA POLICE - FREEDOM OF INFORMATION UNIT SCHEDULE			
No.	Document Description	Status	Clause
1	Excerpt: General Order – Operational Safety – Operational Equipment (Part 7 – Electronic Control Device) – 13 pages	Part Release	4(2)(a)(iii) 4(2)(b)



## CLAUSES FOR REFUSAL

Clause 4(2)(a)(iii) 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 prejudice the effectiveness of any lawful method or procedure for preventing, detecting, investigating or dealing with any contravention or possible contravention of the law (including any revenue law).”*

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.”*

## REASONS FOR REFUSAL

The redacted content identifies police methodology which would otherwise not be publicly known or available. 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 successfully employ operational tactics whilst obtaining evidence or investigating 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. It is in the public's interests that operational police are able to utilise operational equipment as and when required to protect the public and police and there is confidence in police practices and methods used for such purposes. Information which has the potential to provide an advantage to an offender and reduce a police officer's ability to utilise operational equipment or render equipment ineffective is not within the public's interest to be disclosed.

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.

### 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 <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**

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-Log-Policy.pdf](https://www.dpc.sa.gov.au/data/assets/pdf_file/0019/20818/PC045-Disclosure-Log-Policy.pdf). If you disagree with publication, please advise the undersigned in writing by 15 February 2024.

Yours sincerely

A handwritten signature in blue ink that reads "K Johnson". The signature is written in a cursive, flowing style.

Senior Sergeant Kelly Johnson  
**Freedom of Information Unit**  
(Accredited Freedom of Information Officer)

18 January 2024