




Australian Government
Department of Defence

Freedom of Information

CPI-6-001
PO Box 7910
CANBERRA BC ACT 2610
Tel: 02 626 62200
Fax: 02 626 62112
FOI@defence.gov.au

Our reference: FOI 002/15/16



By email: 

Dear 

NOTICE OF DECISION ON FREEDOM OF INFORMATION REQUEST

I refer to your email of 3 July 2015, in which you requested access, under the *Freedom of Information Act 1982* (FOI Act), to:

"....document in question is **U4921479 - Brief for VCDF: ADF Participation in Sydney Mardi Gras 2014.**"

Background

Our office advised you on 8 July 2015, that there were no FOI charges associated with the processing of your request. Accordingly, the statutory deadline for you to receive a response to your request is 2 August 2015.

I note that the above mentioned due date is a Sunday. In accordance with the FOI Guidelines issued by the Australian Information Commissioner, if the last day for notifying a decision falls on a Saturday, Sunday or a public holiday, the timeframe will expire on the first day following which is none of those days. As such, the due date for you to receive a response is 3 August 2015.

The purpose of this letter is to provide you with the decision relating to the document that is the subject of your request.

FOI decision maker

Ms Berceuse Bindle, Director Web and Records Policy, Information Management and Access Branch, is the authorised officer pursuant to section 23 of the FOI Act to make a decision on this FOI request.

Document identified

Ms Bindle identified one document as being relevant to the scope of this request, being a Brief dated 2 December 2013 titled '*BRIEF FOR VCDF: ADF PARTICIPATION IN SYDNEY MARDI GRAS 2014*'.

Decision

Following examination of the document, Ms Bindle decided to release it with deletions made in accordance with Section 22 [Access to edited copies with exempt or irrelevant matter deleted] of the FOI Act, on the grounds that the deleted material is exempt under Section 47F of the FOI Act.

The document in the form approved for release is at Enclosure 1.

Material taken into account

In making her decision, Ms Bindle had regard to:

- a. the terms of the FOI request;
- b. the content of the document in issue;
- c. relevant provisions in the FOI Act;
- d. Defence guidance material on the FOI Act and the guidelines published by the Office of the Australian Information Commissioner under section 93A of the FOI Act (the guidelines); and
- e. advice provided by the area whose duties relate to the requested document.

Reasons for Decision – section 47F

Upon examination of the identified document, Ms Bindle found that it contained the personal information of Defence employees such as names, signatures and some contact details, belonging to people, other than you. While Ms Bindle considered that this information satisfies the definition of personal information, the only information that Ms Bindle considered would constitute an unreasonable disclosure of personal information are the signature and mobile telephone number belonging to the volunteer Officer-in-Charge (OIC).

In order to determine whether disclosure would be unreasonable, Ms Bindle considered the following factors:

- a. the extent to which the information is well known;
- b. whether the person to whom the information relates is known to be (or to have been) associated with the matters dealt with in the document; and
- c. the availability of the information from publicly accessible sources.

Ms Bindle advised that the name of the Defence member who volunteered for the role of OIC for the ADF Participation in Sydney Mardi Gras 2014 is already publicly available and commonly known. Ms Bindle therefore decided not to exempt this information from disclosure.

However, Ms Bindle considered that the signature and mobile telephone number of the OIC would not be well known. Further, the information is only available to Defence staff on internal telephone lists and therefore is not generally available from any publicly accessible sources. Ms Bindle was satisfied that these details for this person are not well known.

Ms Bindle decided not to release the Draft Administrative Instruction attached to the document as it has already been publicly published and is therefore excluded under Section 12 of the FOI Act. This document is available at www.defglis.com.au/guides/ADMININST-MardiGras2014.pdf

Ms Bindle did not consider any other factors, as she was satisfied that the identified personal information would be unreasonable to release, and was therefore conditionally exempt under section 47F of the FOI Act.

Section 11A(5) of the FOI Act requires agencies to allow access to a conditionally exempt document unless, in the circumstances, access to the document would, on balance, be contrary to the public interest.

Public interest considerations

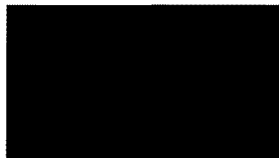
In assessing whether disclosure of the conditionally exempt material is, on balance, contrary to the public interest, Ms Bindle considered the range of relevant factors that favour access to a document set out in Section 11B(3) [public interest exemptions – factors favouring access] of the FOI Act. While disclosure may promote some of the objects of the FOI Act, Ms Bindle did not consider it would increase public participation in government processes, nor would it increase scrutiny or discussion of government activities.

While Ms Bindle noted that the release of this information may be of some interest to you, it would not inform public debate on any matter of public importance in any meaningful way. Additionally, disclosure of this specific information would not promote oversight of public expenditure, nor would it allow you access to your personal information. Further, Ms Bindle considered that the protection of an individual's right to privacy outweighs any public interest there may be in the release of this material.

Therefore, Ms Bindle decided on balance that it would be contrary to the public interest to release the personal information of the Defence member who volunteered for the role of OIC, and considered it to be exempt under subsection 47F(1) [public interest conditional exemptions – personal privacy] of the FOI Act.

FOI Disclosure Log

In accordance with the requirements of section 11C of the FOI Act, Defence is required to publish details of information released under the FOI Act. Defence publishes identified documents relating to requests within five working days of receipt by the applicant. Defence will also publish this decision notice with privacy deletions.



John Peterson
Case Officer
Freedom of Information

31 July 2015

Enclosure:

1. Document approved for release

Your Review Rights

Internal Review

Under the provisions of section 54 of the FOI Act, you are entitled to request a review of this decision. You must request a review, in writing, within 30 days of the date of this letter, or the date you receive the documents. Requests can be sent to:

Email: FOIReview@defence.gov.au
Fax: 02 626 62112
Post: Freedom of Information Directorate - Reviews
Department of Defence
CP1-6-029
PO Box 7910
CANBERRA BC ACT 2610

Australian Information Commissioner

Under the provisions of section 54 of the FOI Act, you are also entitled to request an external review of this decision by the Australian Information Commissioner. You have 60 days to lodge such a request, using one of the contact methods below:

Email: enquiries@oaic.gov.au
Phone: 1300 363 992
Fax: 02 9284 9666
Post: GPO Box 2999
Canberra ACT 2601

Complaints

You may complain to Defence, the Information Commissioner or the Commonwealth Ombudsman about an action taken by Defence in the exercise of its power or the performance of its functions under the FOI Act. There is no fee for making a complaint. Should you wish to complain to the Department of Defence, your complaint can be addressed to Mr Tony Corcoran using the contact details below:

Email: Tony.corcoran@defence.gov.au
Post: Tony Corcoran
Assistant Secretary Information Management and Access Branch
CP1-6-14
PO Box 7911
CANBERRA BC ACT 2610

Contact details for the Commonwealth Ombudsman are below:

Phone: 1300 362 072)
Fax: 02 6276 0123
Post: Commonwealth Ombudsman
GPO Box 442
CANBERRA ACT 2601

Contact details for the Information Commissioner are as on the previous page.

Should you have any questions in regard to this matter please contact this office.