



Australian Government
Department of Defence

Reference: AB36220211

FOI 00003/18/19 STATEMENT OF REASONS UNDER THE FREEDOM OF INFORMATION ACT

1. I refer to the application by [REDACTED] under the *Freedom of Information Act 1982* (FOI Act), for access to:

“The information I am seeking relates to aircraft safety occurrences resulting from helicopters landing on unseen objects. The directorate of defence and airforce safety DDAFS. Based in Canberra maintain a data base. Used to be called Aircraft safety occurrence report ASOR before changing the name to darts?”

The particular incident I am after occurred at Oakey in December 2017 involving an MRH 90.

Excluding personal email addresses, signatures, PMKeys numbers and mobile telephone numbers, contained in documents that fall within the scope of the FOI request.”

FOI decision maker

2. I am the authorised officer pursuant to section 23 of the FOI Act to make a decision on this FOI request.

Documents identified

3. I identified one document as matching the description of the request.

Decision

4. I have decided to:

- a. partially release one document 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 considered exempt under section 47F [public interest conditional exemptions-personal privacy] and/or section 47E [public interest conditional exemptions-certain operations of an agency] of the FOI Act; and
- b. remove irrelevant material as referred to in the scope of the request in accordance with section 22(1)(b)(ii) of the FOI Act.

Material taken into account

5. In making my decision, I had regard to:

- a. the terms of the request;
- b. the content of the identified documents in issue;
- c. relevant provisions in the FOI Act;
- d. the Guidelines published by the Office of the Australian Information Commissioner under section 93A of the FOI Act (the Guidelines); and

- e. advice received from officers within the department – the Directorate of Defence Aviation and Air Force Safety.

Reasons for decision

Section 47E – Certain operations of agencies

6. Section 47E(d) of the FOI Act states:

A document is conditionally exempt if its disclosure under this Act would, or could reasonably be expected to, do any of the following:

... (d) have a substantial adverse effect on the proper and efficient conduct of the operations of an agency.

7. Where access has been denied to information under section 47E(d) of the FOI Act, I considered that the material could reasonably be expected to have substantial adverse effect on the proper and efficient conduct of operations of Defence.

8. As noted above, use of the word ‘could’ in this provision requires no more than a degree of reasonableness being applied in deciding whether disclosure would cause the consequences specified. The reasonable expectation refers to material regarding details of specific military aircraft, including the types and numbers of aircraft available at any particular time, and airfield operations and maintenance processes.

9. I am satisfied that the expected effect of disclosing to the applicant material identified exempt under section 47E(d) could have a substantial adverse effect on the proper and efficient conduct of the operations of Defence; in that once the information was made publically available it could divulge areas of capability interest. I have decided that the specified material identified in the documents is conditionally exempt pursuant to section 47E(d) of the FOI Act.

Section 47F - Personal privacy

10. Upon examination of the documents, I identified information, specifically names and personal information of third parties other than the applicant.

11. In making my decision, I considered whether:

- a. the document contained personal information;
- b. the disclosure of the personal information would be unreasonable; and
- c. whether the disclosure of this information would, at this time, be contrary to public interest.

12. As a person’s identity is apparent or reasonably ascertainable from the identified information, I have decided that it constitutes personal information.

13. In determining whether release of the above personal information is unreasonable, I took into account, inter alia:

- 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 within the document; and
- c. the availability of the information from publicly accessible sources.

14. Against these criteria, I found:

- a. the specific identified information is not well known;

- b. the persons to whom the information relates is not widely known to be (or to have been) associated with the matters dealt with in the documents; and
- c. the specific identified information is not available from publicly accessible sources.

15. With reference to the assessment above, I consider the release of personal identifying information would be an unreasonable disclosure of personal information and therefore conditionally exempt under section 47F(1) of the FOI Act.

Sections 47E and 47F - Public interest considerations

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

17. In assessing whether disclosure of the conditionally exempt material is, on balance, contrary to the public interest, I 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 as specified in section 3(1)(b) and information held by the Government is a national resource, I do not consider it would increase public participation in government processes, nor would it increase scrutiny or discussion of government activities.

18. I am satisfied that the expected effect of disclosing to the applicant material identified exempt under section 47E(d) could have a substantial adverse effect on the proper and efficient conduct of the operations of Defence; in that once the information was made publically available it could divulge areas of capability interest. I have decided that the specified material identified in the documents is exempt pursuant to section 47E(d) of the FOI Act.


19. In regard to 47F of the FOI Act, I consider that the potential prejudice to the privacy of third parties outweighs any of the factors for disclosure of the identified personal information. I consider that the public interest is better served in protecting the privacy of individuals whose personal details are contained within these documents from release to the public at large.

20. Accordingly, I consider that, on balance, the public interest factors against disclosure outweigh the factors for disclosure of the exempt material contained in the document and deem the information exempt under section 47E(d) and 47F(1) of the FOI Act.

21. None of the factors in section 11B(4) [irrelevant factors] were taken into consideration when making my decision.

Further information

22. The document matching the scope of this request contained a dissemination limiting marker, as it is now approved for public release, the marker has been struck through.

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R. Williams
Group Captain
Accredited Decision Maker
Air Force

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