



Australian Government
Department of Defence
Defence Support and Reform Group

Freedom of Information and
Information Management Branch
Department of Defence

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Our reference: FOI 007/13/14

[REDACTED]

By email: [REDACTED]

Dear [REDACTED]

1. I refer to your correspondence, dated 5 July 2013, in which you sought access, under the *Freedom of Information Act 1982* (FOI Act), to:

"... a copy of the Directive from Commander JTF633 authorising FSU 6 for award of ACB. [ITEM 1]

In order to assist your enquiry, I believe the Directive referred to is

'Joint Task Force 633 Standing Instruction SI (PERS) 10-01: Honours and Awards'
[ITEM 2]

If the Directive is something different, then I request that Directive. [ITEM 3]"

2. Please note that for the purpose of processing your request the decision maker has added the item numbers to the above scope.

FOI decision maker

3. Group Captain John Martin, Commanding Officer, Headquarters Joint Operations Command, is the authorised officer pursuant to section 23 of the FOI Act to make a decision on this FOI request.

Documents identified

4. Group Captain Martin identified four documents relevant to the request. Copies of the documents in the form approved for release are at Enclosure 1 and a schedule of documents showing the decision for each document is at Enclosure 2

5. Group Captain Martin has stated that the four documents found, match the request as follows:

ITEM 1. Serial 2 of the attached schedule. Commander JTF 633 (CJTF633) Minute (Serial 2) provides amplifying instruction on the eligibility of units and other individuals for the award of the Army Combat Badge (ACB). Paragraphs 5 – 8 refer.

ITEM 2. Serial 1 of the attached schedule. The basic regulations governing the award of the Army Combat Badge (ACB) in the Middle East Area of Operations are set out in the JTF 633 Standing Instruction. Paragraph 20 is most relevant to this FOI application.

ITEM 3. Serials 3 and 4 of the attached schedule. In accordance with Serials 1 and 2, Commanding Officer FCU6 and his delegate made an application for the award of the ACB, on behalf of a total of 28 members of FSU 6 who were deemed to have met the ACB eligibility criteria set out in DI(A) PERS 119-1 – Army Combat Badges. In both cases, CJTF633 approved the nominations.

Decision

6. Group Captain Martin decided to:
- a. release two documents intact; and
 - b. partially release two documents with deletions made in accordance with subsection 22(1) [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] of the FOI Act.

Material taken into account

7. In making his decision Group Captain Martin had regard to:
- a. the terms of the FOI request;
 - b. relevant provisions in the FOI Act;
 - c. the Guidelines published by the Office of the Australian Information Commissioner under section 93A of the FOI Act (the Guidelines);
 - d. the content of the documents that fall within the scope of your request; and
 - e. advice from HQJOC Ministerials and Personnel and Logistics Branch, Army Headquarters (AHQ) Inquiries, AHQ Ceremonials branches, Joint Task Force 633 (JTF633), and the former Commanding Officer Force Support Unit 6 (FSU-6).

Documents affecting personal privacy – section 47F

8. A document is conditionally exempt if its disclosure under this Act would involve the unreasonable disclosure of personal information about any person (including a deceased person). In determining whether the disclosure of the document would involve the unreasonable disclosure of personal information, Group Captain Martin had regard to the following matters:

- 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.

9. Group Captain Martin found that two of the documents within the scope of your request contain personnel identification numbers and names for members of the ADF. Group Captain Martin considered that this information constitutes personal information. While it is possible this information is known to certain elements, Group Captain Martin is satisfied that it is not well known. Further, this information is not available from publicly accessible sources.

10. Having considered the above, Group Captain Martin decided that this information is conditionally exempt under section 47F of the FOI Act.

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

Public Interest considerations -section 47F

12. In assessing whether disclosure of the conditionally exempt material is, on balance, contrary to the public interest, Group Captain Martin considered the guidelines provided by the Australian Information Commissioner, together with a range of factors that favour access to a document as set out in section 11B(3) [public interest exemptions - factors favouring access] of the FOI Act.

13. Group Captain Martin considered that the public interest in promoting the objects of the FOI Act have been satisfied and does not believe that the release of personal information would inform public debate on any matter of public importance in a meaningful way.

14. Additionally, disclosure of this information would not promote oversight of public expenditure, nor would they allow you to have further access to your own personal information.

15. In coming to the above decision, Group Captain Martin also considered subsection 11B(4) [public interest exemptions - irrelevant factors] of the FOI Act. Accordingly, Group Captain Martin is satisfied that on balance the public interest factors against disclosure outweigh the factors for disclosure of the exempt material contained in the documents.

Rights of review

16. The FOI Act provides for rights of review of decisions. A copy of the fact sheet, "Freedom of Information – Your Review Rights" is at Enclosure 3.

FOI Disclosure Log

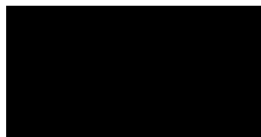
17. In accordance with the requirements of section 11C of the FOI Act, Defence is required to publish details of information released under the FOI Act. Defence publishes identified documents relating to requests within two working days of receipt by the applicant. Defence will also publish this decision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

Further advice

18. The FOI Act may be accessed online at:
<http://www.comlaw.gov.au/Details/C2011C00803>.

19. Should you have any questions, please contact this office.

Yours sincerely



Phillip Connelly
Case Officer
Freedom of Information

31 July 2013

Enclosures:

1. Copies of documents in the form approved for release.
2. Schedule of documents
3. Fact Sheet, "Freedom of Information - Your Review Rights"