



**Australian Government**  
**Department of Defence**

Reference: OCA/OUT/2016/R26967686

**FOI 028/16/17 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:

*Data relating to weapons restrictions as part of individual management plans is not aggregated by Navy or the Royal Australian Air Force and the Australian Army only commenced reporting in this category in January 2016. In that time 134 Army members have received controlled or restricted access to weapons and/or ammunition.*

*I would like to now get a breakdown of the specifics of why the 134 Army members received controlled or restricted access to weapons.*

*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, totalling nine pages, as matching the scope of this request.

**DECISION**

4. I have decided to partially release one document, on the grounds that the deleted material is considered exempt under section 47B(a) [public interest conditional exemptions - Commonwealth/State relations] and section 47F [public interest conditional exemptions - personal privacy] 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 document 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).

## **REASONS FOR DECISION**

### **Section 47B(a) – Public Interest Conditional Exemptions - Commonwealth-State relations etc.**

6. Upon examination of the document, I identified information, the name of a State Police officer and State law enforcement agencies that, were they to be released, could reasonably be expected to cause damage to Commonwealth/State relations by publishing details related to ongoing civilian police investigations without the explicit agreement of those agencies.

### **Section 47F – Public Interest Conditional Exemptions - personal privacy**

7. Upon examination of the documents, I identified information, specifically names, Army Incident Management Case numbers, civil court actions and employment information of individuals other than the applicant. This information could be used to identify individuals other than the applicant.

8. When assessing whether the disclosure of personal information is unreasonable, I 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
- c. the availability of the information from publicly accessible sources.

9. I found that the:

- a. specific personal information listed is not well known
- b. individuals whose personal information is contained in the documents are not widely known to be associated with the matters dealt with in the documents
- c. the information is not readily available from publicly accessible sources.

10. With reference to the assessment above, I consider that the release of names, Army Incident Management Case numbers, civil court actions and employment information of individuals other than the applicant would be an unreasonable disclosure of personal information and is, therefore, conditionally exempt under section 47F(1) of the FOI Act.

11. I now need to consider whether allowing access to the conditionally exempt document would be contrary to the public interest.

### **Public interest considerations – Section 47B(a) and Section 47F**

#### *Factors favouring disclosure*

12. I note that, in accordance with the FOI Act, information held by the Government is a national resource and release of the conditionally exempt information could promote the objects of the FOI Act.


13. I have decided that disclosure of this information would not increase public participation in the Defence process, nor would it increase scrutiny or discussion of Defence activities.

*Factors against disclosure*

14. Paragraph 6.29 of the Guidelines specifies a non-exhaustive list of public interest factors against disclosure. The factors I find particularly relevant to this request are that disclosure of the document:

- a. could reasonably be expected to prejudice the protection of an individual's right to privacy
- b. could reasonably be expected to prejudice the fair treatment of individuals and the information is about unsubstantiated allegations of misconduct or unlawful, negligent or improper conduct
- c. could reasonably be expected to impede the administration of justice for an individual
- d. could reasonably be expected to harm the interests of an individual or group of individuals
- e. the scope of the applicant's request for 'specifics of why' restrictions were imposed.

15. I find that the public interest factors against disclosure outweigh the factors for disclosure of the identified personal information and I deem the information exempt under sections 47B(a) and 47F(1) of the FOI Act.



**AJ Hocking**  
Colonel  
Accredited Decision Maker  
Army

26 August 2016