



Reference: DGHC/OUT/2016/R27010811

FOI 035/16/17 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:

'...a copy of any Operation Resolute Mental Health Surveillance Reports from August 2014.'

FOI decision maker

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

Documents identified

3. I identified 1 document as matching the description of the request for the time period specified in the application.

4. The decision in relation to the document is detailed below. I have added an FOI reference number to the document to be released.

Decision

5. I have decided to partially release the identified document with material removed, in accordance with section 22 of the FOI Act, on the grounds that the material is considered exempt under section 47F [public interest conditional exemptions – personal privacy] of the FOI Act.

Material taken into account

6. 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); and
 - e. advice provided by the Joint Health Command and Navy specialist psychology organisations.

Reasons for decision

Section 47F - Personal privacy

7. Upon examination of the document, I identified information, specifically an image of a young Defence family on the cover of the document. I cannot determine if this image is a standard Defence Image (approved for distribution) and I am concerned that the image is of

sufficient clarity that those depicted (including a small child) could be identified. I have therefore determined that the image matches the definition of personal information.

8. In determining whether the disclosure of the redacted material would involve unreasonable disclosure of personal information I had regard to the following elements
- a. *The extent to which the information is well known.* In this instance it is not certain that this is a publicly available image.
 - b. *Whether the person to whom the information relates is known to be (or to have been) associated with the matter dealt with in the document.* I cannot confirm that the individuals portrayed in the image are at all related to the matter considered in the document.
 - c. *The availability from publicly accessible sources.* It is not certain that this image is publicly available.
 - d. *Any other matters that are considered relevant.* I remain concerned that this is an image that depicts a child as part of a family group and that the reproduction of the image without consent represents a breach of privacy.

Sections 47F - Public interest considerations

9. Section 11A(5) of the FOI Act required that agencies provide access to conditionally exempt documents unless disclosure at that time would, on balance, be contrary to the public interest.

10. I consider that the public interest in promoting the objects of the Act have been satisfied as I do not consider removal of the identified image detracts from the sense of the document. I am also satisfied that the promotion of the FOI Act is evidenced by the public disclosure of government held information.

11. I do not consider the image would inform debate on a matter of public importance nor promote oversight of public expenditure.

12. Conversely, I consider it is important that Defence is sent to manage personal information in an effective manner so as not to compromise the privacy of individuals. Defence not managing personal information appropriately may prejudice the agency's ability to obtain similar images in the future.

13. I have decided that the protection of personal privacy outweighs the argument for disclosure and therefore find the image to be exempt under section 47F of the FOI Act.

Further Information

14. I am satisfied that there are sufficient protections for ADF personnel personal privacy and that no individuals that were the subject of the study reported in the document (as distinct from Commonwealth Officers who have managed and approved the release of the report) could be identified.

15. The document matching the scope of this request contained a dissemination limiting marker, as the documents are approved for public release the marker has been struck through.

Clarification/Context Statement

16. It is important to note that the Directorate of Occupational Psychology and Health Analysis Research Reports do not present data on the incidence or rates of mental illness/disorders in the Operation RESOLUTE cohort.

17. The Mental Health and Wellbeing Questionnaire (MHWQ) and Risk Indicated MHWQ administered to crews assigned to RESOLUTE measures symptoms associated with psychological distress, post-traumatic stress and alcohol usage. The report therefore presents data on the mental health symptoms reported by the screened RESOLUTE cohort, and not diagnostic rates of mental disorders such as Post-Traumatic Stress Disorder or Depression.

18. The mental health surveillance program is important for the early identification of personnel who may be experiencing a mental health issue. If a screened individual is identified as experiencing certain symptoms or requiring further support, they are referred to a supporting Health Centre and Mental Health and Psychology Section for more detailed assessment and ongoing treatment.



Paul Naveau
Accredited Decision Maker
Joint Health Command
VCDF Group

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