



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 037/13/14

[REDACTED]
By email: [REDACTED]

Dear [REDACTED]

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

“...copies of References G and H of Minute HQ JTF633/OUT/20121 ‘Army Combat Badge MEAO’ (attached) namely;

- 1. FSU Application 633.9.3 (FST.TK) mbrs to be awarded ACB of 18 Jun 11; and*
- 2. MNBC·TK App 633.10 (MNBC·TK) mbrs to be awarded ACB of 4 Nov 10”*

FOI decision maker

2. Group Captain John Martin, Director, Coordination, 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

3. Group Captain Martin identified two documents relevant to your 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.

Decision

4. Group Captain Martin has decided to 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

5. 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); and
 - d) advice from HQJOC Ministerials.

Documents affecting personal privacy - section 47F

6. A document is conditionally exempt if its disclosure under the FOI 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.

7. 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.

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

9. 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

10. 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.

11. 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.

12. 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. Additionally, disclosure of this information would not promote oversight of public expenditure.

13. 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

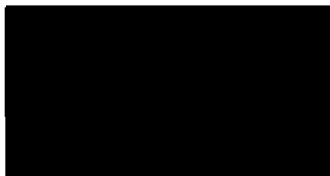
14. The FOI Act provides for rights of review of decisions. A copy of the fact sheet, "Freedom of Information - Your Review Rights", setting out your rights of review is at Enclosure 3.

Further information

15. All departmental action on your request is now complete. Should you have any questions in regard to this matter please contact this office.

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

Yours sincerely



Phillip Connelly
Case Officer
Freedom of Information

21 August 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".