



Australian Government
Department of Defence

DGNCC/OUT/2016/R27818859

FOI 078/16/17 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:

“The minutes of all meetings of the Australian Maritime Defence Council, from the year 2010 to present.

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

Documents identified

3. I identified 11 documents as matching the description of the request.
4. The decision in relation to each document is detailed in a schedule of documents at enclosure 1.
5. I have added an FOI reference number and serial number to each of the documents, which corresponds with the schedule.

Decision

6. I have decided to:
 - a. release 10 documents in full;
 - b. partially release one document in accordance with section 22(1)(a)(ii) [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; and
 - c. remove irrelevant material as referred to in the scope of the request in accordance with section 22(1)(a)(ii) of the FOI Act.

Material taken into account

8. 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 the secretary of the Australian Maritime Defence Council (ADMC).

Reasons for decision

Section 47F - Personal privacy

9. Upon examination of the documents, I identified information, specifically photos that clearly identify third party individuals, which I considered could be personal information.
10. 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.
11. As a person's identity is apparent or reasonably ascertainable from the identified information, I have decided that it constitutes personal information.
12. 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.
13. Against these criteria, I found:
 - a. the specific identified information is not well known;
 - b. as I could not identify the individuals to determine if they consented to the release of their images, I considered that the persons to whom the information relates are not widely known to be (or to have been) associated with the matters dealt with in the documents; and
 - c. I could not establish if these images were available from publicly accessible sources.
14. After considering all of the above, I am satisfied that the specific identified information is conditionally exempt under section 47F of the FOI Act.

Sections 47F - Public interest considerations

15. In determining whether to release the documents, I had regard to whether giving access to the applicant at this time would, on balance, be contrary to the public interest. Specifically, I considered if disclosure of the documents would:
 - a. promote the objects of the Act,
 - b. inform debate on a matter of public importance,
 - c. promote effective oversight of public expenditure, and
 - d. allow a person to access her or his personal information.
16. In reviewing the request, I decided that releasing the requested documents may promote some of the objects of the FOI Act as it contributes to the review of the Government's activities.

17. However, there is a public interest in protecting the privacy of individuals whose personal details appear in documents. This includes, inter alia, information of the nature described at paragraph 9. I consider the specific material would not inform debate on a matter of public importance, nor would its release promote effective oversight of public expenditure.

18. Conversely, the release of the identified information could reasonably be expected to result in a decline in confidence in Defence's ability to maintain the privacy of its members and other third parties.

19. After assessing all of these factors, I have decided that the harm that could arise from disclosure of the personal information far outweighs any favourable public interest factors that could be gained from its release.

Further Information

20. One page of the document marked as Serial 2 was classified at the time of its production. I have declassified the version of the document that is approved for release and the security marker has been struck through.

Administrative Release

21. At the time of the FOI application the minutes for the April 2016 AMDC meeting had not been completed and were considered out of scope of the request. However, during the intervening period of processing this FOI request the minutes were completed and signed. Accordingly, in the spirit of the FOI Act I have included the minutes of the April 2016 AMDC as an administrative release of documents.

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GN Fiedler
CMDR, RAN
Accredited Decision Maker
Navy Group

15 Nov 2016