

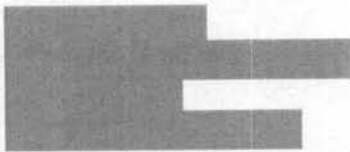



Australian Government
Department of Defence
Defence Support and Reform Group

Ministerial and Information
Management Branch
Department of Defence

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Our reference: FOI 098 1415




By email: 

Dear 

1. I refer to your email dated 9 October 2014, in which you requested access, under the *Freedom of Information Act 1982* (FOI Act), to emails relating to a pay case concerning OPSO FEG Conversion Training.
2. On 17 October 2014 you agreed to place your request on hold.
3. On 30 October 2014 our office advised you that your request was reactivated as of 27 October 2014 and that there were no charges associated with processing your request. We also advised you that we had interpreted the scope of your request as seeking access to:

“Supportive evidence for application for skills grade recognition. This directly relates to a pay case. Seeking emails between 1 Oct 2007 and 1 Dec 2010 from WGCDR Matthew Harvey to either

 or Group email ALL RAAF OPSO EMPLOYMENT GROUP. Looking for the decision from the then Specialisation Sponsor WGCDR Matthew Harvey specifying the completion of OPSO FEG Conversion Training.”

4. You did not disagree with this interpretation.

Background

5. The purpose of this letter is to provide you with the decision relating to the documents that are the subject of your request.

FOI decision maker

6. Group Captain (GPCAPT) CM Wallis, Director Coordination, Air Force, is the authorised officer pursuant to section 23 of the FOI Act to make a decision on this FOI request.

Documents identified

7. GPCAPT Wallis identified nine documents as matching the description of your request. A schedule of documents is at Enclosure 1. GPCAPT Wallis advised that she considered the scope of your request broadly to include supportive evidence on the matter not just emails.

8. Documents in the form approved for release are at Enclosure 2. For ease of reference and for the purpose of processing this request, the decision maker has added an FOI Item number to each of the documents, which corresponds with the schedule.

Decision

9. GPCAPT Wallis has decided to:
- a. release in full six documents;
 - b. partially release three 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

10. In making her decision GPCAPT Wallis had regard to:
- a. the content of the identified documents in issue;
 - 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. the Principles on open public sector information issued by the Information Commissioner.

Exemption claim - Section 47F of the FOI Act

11. Upon examination of the documents, GPCAPT Wallis identified names, signatures and personal information of persons other than you. GPCAPT Wallis considered the disclosure of this material would constitute an unreasonable disclosure of personal information.

12. The Guidelines note that 'the personal privacy exemption is designed to prevent *'unreasonable' invasion of third parties privacy*'. In accordance with subsection 47F(2), in determining whether the disclosure of this information would involve the unreasonable disclosure of personal information, GPCAPT Wallis had regard to:

- 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; and
 - d. any other matters that the agency considers relevant.
13. Against those criteria, GPCAPT Wallis found that:
- a. the specific personal information is not well known;
 - b. the people to whom the information relates are not known to have been associated with the matters dealt with in the documents;
 - c. the personal information is not readily available from publicly available sources; and
 - d. the material considered to be exempt is information that the individuals would reasonably be expected not to have disclosed to a third party without their consent.

Rights of access – section 11A

14. Subsection 11A(5) of the FOI Act provides that conditionally exempt matter must be released unless, in the circumstances, access to that document at this time would, on balance, be contrary to the public interest. The Guidelines state (at 6.8-6.9):

...The term 'public interest' is necessarily broad and non-specific because what constitutes the public interest depends on the particular facts of the matter and the context in which it is being considered...

To conclude that, on balance, disclosure of a document would be contrary to the public interest is to conclude that the benefit to the public resulting from disclosure is outweighed by the benefit to the public of withholding the information. The decision maker must analyse, in each case, where on balance the public interest lies, based on the particular facts of the matter at the time the decision is made.

Public Interest Considerations – Sections 47F

15. In assessing whether disclosure of the conditionally exempt material is, on balance, contrary to the public interest, GPCAPT Wallis 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.

16. GPCAPT Wallis considered the public interest in promoting the objects of the FOI Act have been satisfied and did not believe the release of names, signatures and the personal information of other people would inform public debate on any matter of public importance in a meaningful way. Additionally, disclosure of this information would not promote oversight of public expenditure or allow a person to access his or her own personal information.

17. In coming to the above decision, GPCAPT Wallis also considered subsection 11B(4) [public interest exemptions - irrelevant factors] of the FOI Act. Accordingly, GPCAPT Wallis was 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

18. 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.

FOI Disclosure Log

19. 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 five working days of receipt by the applicant. Defence will also publish this decision notice with privacy deletions.

Further information

13. FOI Act may be accessed at: <http://www.comlaw.gov.au/Details/C2014C00122>.

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

Yours sincerely



Vanessa Elphick
Case Officer
Freedom of Information

14 November 2014

Enclosures:

1. Schedule of documents
2. Documents in the form for release
3. Fact Sheet: Freedom of Information – Your Review Rights