



Australian Government
Department of Defence

Freedom of Information
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CANBERRA BC ACT 2610
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FOI@defence.gov.au

Our reference: FOI 102/15/16

[Redacted]

By email: [Redacted]

Dear [Redacted]

NOTICE OF DECISION ON FREEDOM OF INFORMATION REQUEST

1. I refer to your correspondence, dated 5 October 2015, in which you requested access, under the *Freedom of Information Act 1982* (FOI Act), to:

“any formal recommendations or advice provided by the Religious Advisory Committee to the Service regarding ADF involvement in the Sydney Mardi Gras since 2013.”

Background

2. The statutory timeframe for you to receive your response is by 4 November 2015.
3. The purpose of this letter is to provide you with the decision relating to the documents that are the subject of your request.
4. Ms Nicole Curtin, Accredited Decision Maker, Defence People Group is the authorised officer pursuant to section 23 of the FOI Act to make a decision on this FOI request.

Documents identified

5. Ms Curtin identified one document as matching the description of your request. The document in the form approved for release is at Enclosure 1.

Decision

6. Ms Curtin has decided to partially release the document 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

7. In making her decision, Ms Curtin 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 received from officers within the department.

Reasons for decision

Section 47F - Personal privacy

8. Upon examination of the documents, Ms Curtin identified information, specifically, a signature of a person other than you. This material satisfies the definition of personal information in section 4 of the FOI Act. In accordance with section 47F(2) of the FOI Act, in determining whether the disclosure of the identified personal information would be unreasonable, Ms Curtin 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 documents; and
- c. the availability of the information from publicly accessible sources.

9. Against those criteria, Ms Curtin found that:

- a. the specific personal information is not well known to the general community;
- b. the person to whom the information relates is not known to be, or to have been, associated with the matters dealt with in the documents; and
- c. the specific information is not readily available from publicly accessible sources.

10. With reference to the assessment above, Ms Curtin considered that the release of the signature would be an unreasonable disclosure of personal information and therefore conditionally exempt under section 47F(1) of the FOI Act.

Sections 47F - Public interest considerations

Factors in favour of disclosure

11. The following factors in favour of disclosure were considered, including whether disclosure would:

- a. promote the objects of the FOI Act;
- b. inform debate on a matter of public importance;
- c. promote effective oversight of public expenditure; and
- d. allow a person to access his or her personal information (s 11B(3)).

12. It is reasonable to conclude that:

- a. the information not disclosed is of such a kind that release would not:
 - i. inform the community about Government operations;
 - ii. reveal or substantiate any deficiencies in the conduct of administration of the department or an official or that the department or official has engaged in misconduct, or negligent, improper or unlawful conduct; or
 - iii. have the effect of enhancing the scrutiny of government decision making;
- b. release of the information is unlikely to inform debate on a matter of public importance;

- c. the information does not relate to the effective oversight of public expenditure; and
 - d. release would not allow you access to your personal information.
13. The information is highly specific to the individual, release of which could cause them distress.

Factors against disclosure

14. The factors discussed above regarding whether the disclosure of the information would be unreasonable, in particular that the disclosure would unreasonably affect the privacy of third parties and reveal sensitive information, are factors against disclosure.

15. Weight can be given to this factor and in particular the need to maintain the privacy and confidentiality of information of third parties.

16. Ms Curtin considered that the benefit to the public resulting from disclosure is outweighed by the benefit to the public of withholding the personal information. In particular, Ms Curtin was satisfied that allowing you access to your personal information is not affected by the redactions made under section 47F. The public interest is better served in this case by maintaining the personal privacy of third parties named from public disclosure.

17. In coming to the above decision, Ms Curtin also considered subsection 11B(4) [public interest exemptions - irrelevant factors] of the FOI Act. None of the factors considered were those listed in subsection 11B(4).

FOI Disclosure Log

18. 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.

Your Review Rights

Internal Review

19. Under the provisions of section 54 of the FOI Act, you are entitled to request a review of this decision. You must request a review, in writing, within 30 days of the date of this letter, or the date you receive the documents. Requests can be sent to:

Email: FOIRReview@defence.gov.au
 Fax: 02 626 62112
 Post: Freedom of Information Directorate - Reviews
 Department of Defence
 CP1-6-029
 PO Box 7910
 CANBERRA BC ACT 2610

Australian Information Commissioner

20. Under the provisions of section 54 of the FOI Act, you are also entitled to request an external review of this decision by the Australian Information Commissioner. You have 60 days to lodge such a request, using one of the contact methods below:

Email: enquiries@oaic.gov.au
Phone: 1300 363 992
Fax: 02 9284 9666
Post: GPO Box 2999
Canberra ACT 2601

Complaints

21. You may complain to Defence, the Information Commissioner or the Commonwealth Ombudsman about an action taken by Defence in the exercise of its power or the performance of its functions under the FOI Act. There is no fee for making a complaint. Should you wish to complain to the Department of Defence, your complaint can be addressed to Mr Tony Corcoran using the contact details below:

Email: tony.corcoran@defence.gov.au
Post: Tony Corcoran
Assistant Secretary Information Management and Access Branch
CP1-6-14
PO Box 7911
CANBERRA BC ACT 2610

22. Contact details for the Commonwealth Ombudsman are below:

Phone: 1300 362 072)
Fax: 02 6276 0123
Post: Commonwealth Ombudsman
GPO Box 442
CANBERRA ACT 2601

23. Contact details for the Information Commissioner are above.

24. Should you have any questions in regard to this matter please contact this office.

Yours sincerely



Andrea Sansom
Assistant Director
Freedom of Information

4 November 2015

Enclosure:

1. Document in the form for release