



**Australian Government**  
**Department of Defence**

Freedom of Information  
CP1-6-001  
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CANBERRA BC ACT 2610  
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FOI@defence.gov.au

Our reference: FOI 104/15/16

[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 to documents, under the *Freedom of Information Act 1982* (FOI Act), for:

*“On or about 5 September 2015, DEFGLIS organised an event called the Military Pride Ball. The Department of Defence was the principle sponsor for this event. I request documents detailing the financial or other sponsorship provided by the Department of Defence for this activity.”*

**Background**

2. The statutory timeframe for you to receive your response is 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. Mr Damien Chifley, Accredited Decision Maker, Estate and Infrastructure Group is the authorised officer pursuant to section 23 of the FOI Act to make a decision on this FOI request.

**Documents identified**

5. Mr Chifley identified two documents as matching the description of your request. Documents in the form approved for release are at Enclosure 1. The decision maker has added an FOI Item number to each of the documents.

**Decision**

6. Mr Chifley has decided to;
  - a. partially release one 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 sections 47E [certain operations of agencies] a of the FOI Act, and
  - b. release in full one document.

## Material taken into account

7. In making his decision, Mr Chifley had regarded:
- a. the terms of the request;
  - b. the content of the identified document in issue;
  - c. relevant provisions in the FOI Act; and
  - d. the *Guidelines published by the Office of the Australian Information Commissioner under section 93A of the FOI Act* (the Guidelines).

## Reasons for decision

### Section 47E - Certain operations of agencies

8. Upon examination of the identified documents Mr Chifley found that one contained information that he considered would, or could reasonably be expected to have a substantial adverse effect on the proper and efficient conduct of the operations by the Commonwealth.

Subsections 47E (d) of the FOI Act states:

*'A document is conditionally exempt if its disclosure under this Act would, or could reasonably be expected to, do any of the following: ...  
(d) have a substantial adverse effect on the proper and efficient conduct of the operations of an agency.'*

9. In examining the requested document Mr Chifley identified information that, if released, would, or could reasonably be expected to have a substantial adverse effect on the proper and efficient conduct of the operations of the Department of Defence. He acknowledged that a substantial adverse effect is an effect that is more than merely undesirable, but one that is serious or significant.

10. Mr Chifley noted that the identified document contains a password. He considered that Defence's ability to interact with commercial organisations and undertake electronic commerce in an efficient and effective manner may be compromised by the release of such a password. It is obviously beneficial for Defence's management of its organisation that it is able to conduct business in an efficient and effective manner and the release of this information may compromise this. The release of this information could allow others to access defence information.

11. Based on the above, Mr Chifley decided to remove the information under section 47E(d) of the FOI Act.

## Public interest considerations

### *Factors in favour of disclosure*

12. The following factors that may be 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)).

13. 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; and
  - c. the information does not relate to the effective oversight of public expenditure.

*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 reveal sensitive information, are factors against disclosure.

15. Weight can be given to these factors and in particular the need to maintain the confidentiality of information of the department. Weighing the relevant factors for and against disclosure on balance, access to the exempt information would be contrary to the public interest. The public interest is better served in this case by maintaining the defence information from public disclosure.

16. In coming to his decision, Mr Chifley also considered subsection 11 B (4) [public interest exemptions – irrelevant factors] of the FOI Act. Therefore, Mr Chifley decided that it would be contrary to the public interest to release the information considered exempt under section 47E(d) of the FOI Act.

**Your Review Rights**

***Internal Review***

17. 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](mailto: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***

18. 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](mailto:enquiries@oaic.gov.au)  
Phone: 1300 363 992  
Fax: 02 9284 9666  
Post: GPO Box 2999  
Canberra ACT 2601

***Complaints***

19. 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](mailto: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

20. 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

21. Contact details for the Information Commissioner are above.

22. 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. Documents in the form for release