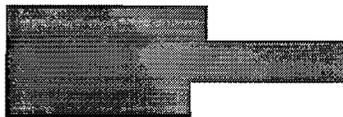




Our reference: FOI 112/14/15



By email: 

Dear 

## **NOTICE OF DECISION ON FREEDOM OF INFORMATION REQUEST**

1. I refer to your email, dated 13 October 2014, in which you requested access, under the *Freedom of Information Act 1982* (FOI Act), to:

*"... the latest, and presumably second, Operation Resolute Mental Health Surveillance Report. I note that I obtained the first report under FOI."*

2. The purpose of this letter is to provide you with the decision relating to the document that is the subject of your request.

### **FOI decision maker**

3. Ms Angela Wearne, Director Project Management and Business Support, Joint Health Command was the accredited decision maker, under the FOI Act, in relation to your request.

### **Documents identified**

4. One document was identified as matching the scope of your request; being a report titled *Research Report 14/2014: Op Resolute Mental Health Surveillance Report (Jun 11 – Jul 14)*.

### **Decision**

5. Ms Wearne has decided to release the identified document with deletions made in accordance with section 22 [access to edited copies with exempt or irrelevant matter deleted] of the FOI Act, on the grounds that deleted material is exempt under section 47E(c) [public interest conditional exemptions – certain operations of agencies] of the FOI Act.

### Material taken into account

6. In making her decision Ms Wearne 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)*;
  - e. the Principles on open public sector information issued by the Information Commissioner.

### Section 47E – Certain operations of agencies

7. Upon examination of the identified document Ms Wearne found that it contained information that she considered would, or could reasonably be expected to, have a substantial adverse effect on the management or assessment of personnel by the Commonwealth. Specifically, the material she identified might enable the identification of crew members which she considered satisfies the exemption of subsection 47E(c) of the FOI Act.

8. Ms Wearne considered paragraph 6.105 or the Guidelines which states that if documents are to be exempt under section 47E(c) of the FOI Act, they must relate to *the management of personnel – including the broader human resources policies and activities, recruitment, promotion, compensation, discipline, harassments and occupational health and safety*. Ms Wearne considered that the specific information met the criteria.

9. Ms Wearne also noted that personnel would have a reasonable expectation that the source and content contained in the identified document would remain confidential. Ms Wearne considered the release of the specific information might enable identification of crew members when coupled with the other information contained in the document. If identification was to occur it could result in deterring respondents from providing honest and candid feedback.

### Public interest considerations

10. In assessing whether disclosure is, on balance, contrary to the public interest, Ms Wearne considered the relevant factors set out in section 11B of the FOI Act, which favours access to a document. Ms Wearne noted that disclosure may promote some of the objects of the FOI Act, as information held by the Government is a national resource. However, disclosure of the exempted information would not increase public participation in the Defence process, nor would it increase scrutiny or discussion of Defence activities.

11. Further, while she noted that release of this information may be of some interest to you, it would not inform public debate on any matter of public importance in any meaningful way.

12. In coming to her decision, Ms Wearne had regard to the Guidelines, specifically 6.29, in regard to public interest factors against disclosure and found that the identified material if released:

- (a) *could reasonably be expected to prejudice an agency's ability to obtain confidential information*
- (b) *could reasonably be expected to prejudice an agency's ability to obtain similar information in the future*

(c) *could reasonably be expected to prejudice the management function of an agency*

13. Accordingly, Ms Wearne considered that, on balance, the public interest factors against disclosure outweigh the factors for disclosure of the identified material. Therefore, she decided it would be contrary to the public interest to release the specific information considered exempt under subsection 47E(c) of the FOI Act.

#### **Clarifying information**

14. Ms Wearne stated that it was important to note that the identified report does not represent data on the incidence or rates of mental health illness/disorders in the Operation RESOLUTE cohort.

15. Ms Wearne advised that the Metal Health and Wellbeing Questionnaire (MHWQ) administered to crews assigned to RESOLUTE measures symptoms associated with psychological distress, post-traumatic stress and alcohol usage. The report therefore presents data on the mental health symptoms reported by the screened RESOLUTE cohort, and not diagnostic rates of mental health disorders such as Post-Traumatic Stress Disorder or Depression.

16. All personnel who are administered a MHWQ are also screened by a Psychologist. The mental health surveillance program is important for the early identification of personnel who may be experiencing a mental health issue. If a screened individual is identified as experiencing certain symptoms or requiring further support, they are referred to a supporting Health Care and Mental Health and Psychology Section for more detailed assessment and ongoing treatment.

#### **Payment of Charges**

17. In our letter, dated 15 October 2014, after deducting the free decision making time, the department estimated the cost associated with processing your request to be [REDACTED]. You agreed to pay charges for the administration of your request on 17 October 2014, paying the required deposit of [REDACTED] on 17 October 2014.

18. Upon completion of your request, after deducting the free decision making time, the actual amount for processing was calculated to be [REDACTED]. The remaining balance is the difference between actual charges and the deposit you have already paid.

19. Accordingly you are required to pay the remaining [REDACTED] in order to finalise your request. Please find attached at Enclosure 1 a Payment Authorisation Form for the balance. Once you have completed the form please return to [foi@defence.gov.au](mailto:foi@defence.gov.au).

#### **Rights of review**

20. The FOI Act provides for rights of review of decisions. A copy of the fact sheet, "Freedom of Information – Your Review Rights" is at Enclosure 2.

#### **FOI Disclosure Log**

21. 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 will publish the identified documents relating to this request within five working days of receipt by the applicant. Defence will also publish this decision notice with privacy deletions.

**Further advice**

22. The FOI Act may be accessed online at: <http://www.comlaw.gov.au/Details/C2014C00122> .
23. Should you have any questions, please contact this office.

Yours sincerely



Theresa Stinson  
Assistant Director – Media Case Management  
Freedom of Information

13 November 2014

**Enclosures:**

1. Freedom of Information Payment Authorisation Form
2. Fact Sheet: Freedom of Information – Your Review Rights