



Australian Government
Department of Defence

Reference: AF30757660

FOI 122/17/18 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:

We would like to request a copy of the "Defence Estate Legacy PFC Review Database (CH2M, 2015)" referred to at page 12 of the document titled "Defence Estate Legacy PFC Review - DEHP-ID-022" which was published on the Defence disclosure log on 23 December 2016."

Excluding personal email addresses, signatures, PMKeys numbers and mobile telephone numbers, contained in documents that fall within the scope of the FOI request. In addition, excluding duplicates of documents.

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 65 documents as matching the description of the request.
4. The decision in relation to each document is detailed in a schedule of documents.
5. I have added an FOI reference number and Item/Serial number to each of the documents, which corresponds with the schedule.

Decision

6. I have decided to:
 - a. release 27 documents in full;
 - b. partially release 32 documents in accordance with section 22 [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] and section 33(a)(i) [documents affecting national security, defence or international relations]; and
 - c. deny access to 6 documents in accordance with section 33(a)(i) [documents affecting national security, defence or international relations] of the FOI Act.

Material taken into account

7. 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; 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 33 – Documents affecting national security, defence or international relations

8. Section 33(a)(i) of the FOI Act exempts documents if disclosure would, or could reasonably be expected to, cause damage to the security of the Commonwealth. Paragraph 5.26 of the Guidelines describes damage to the security of the Commonwealth as broadly referring to the protection of Australia and its population from activities that are hostile to, or subversive of, the Commonwealth's interests.

9. The documents within the scope of this request contain information, which if released, could reasonably be expected to cause damage to the security of the Commonwealth. The documents contain detailed maps of Defence establishments. If this information were to be publicly released it would provide information that could assist groups or individuals who may wish to undertake illegal actions, including terrorism.

10. Accordingly I consider the release of the information so marked, would or could reasonably be expected to, cause damage to the security of the Commonwealth. I therefore consider this information exempt under section 33(a)(i) of the FOI Act.

Section 47F – Personal Privacy

11. Upon examination of the documents, I identified information, specifically names, contact details and personal information belonging to individuals other than the applicant.

12. When assessing whether the disclosure of personal information is unreasonable, I considered the following factors:

- 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. the effect the release of the personal information could reasonably have on the third party.

13. I found that the:

- a. specific personal information listed is not well known, and
- b. information is not readily available from publicly accessible sources.

14. The release of the names and contact details of these individuals identified in the document could reasonably be expected to cause harm to their privacy. I consider that the release of the personal information of individuals other than the applicant would be an unreasonable disclosure of personal information and is conditionally exempt under section 47F(1) of the FOI Act.

Public interest considerations – Section 47F(1)

15. I have found that the identified documents are conditionally exempt under section 47F(1) of the FOI Act. Section 11A (5) provides that if a document is conditionally exempt, it must be disclosed unless (in the circumstances) access to the document at that time would, on balance, be contrary to the public interest.

16. I considered the factors favouring disclosure set out in section 11B(3) of the FOI Act. The relevant factor is that disclosure may promote some of the objects of the FOI Act, as information held by the Government is a national resource.

17. However, the disclosure of this information would not increase public participation in the Defence process (section 3(2)(a) of the FOI Act), nor would it increase scrutiny or discussion of Defence activities (section 3(2)(b) of the FOI Act).

18. Paragraph 6.22 of the Guidelines specifies a non-exhaustive list of public interest factors against disclosure. The factors I find particularly relevant to this request are that release of this information could reasonably be expected to prejudice or harm:

- a. the protection of an individual's right to privacy
- b. the interests of an individual or group of individuals.

19. It is for those reasons that I find that the public interest factors against disclosure outweigh the factors for disclosure and I deem the information exempt under section 47F(1) of the FOI Act.

20. None of the factors listed in section 11B(4) [Irrelevant Factors] were taken into account when making my decision.

Third party consultation

21. I decided to consult with two third parties regarding their information contained within the documents. In response to this consultation, there were no objections to the release of the documents.

Further Information

22. Some of the documents matching the scope of this request contained a dissemination limiting marker. As the documents are approved for public release the marker has been struck through.

KimArthur

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DN: c=AU, o=GOV, ou=DoD,
ou=PKI, ou=Personnel,
cn=KimArthur
Date: 2017.12.04 11:28:25 +11'00'

Kim Arthur
Accredited Decision Maker
PFAS-IM Branch
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