



**Australian Government**  
**Department of Defence**  
Defence Support and Reform Group

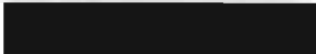
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Our reference: FOI 131/14/15



By email:



Dear



1. I refer to your correspondence dated 28 October 2014, in which you sought access under the *Freedom of Information Act 1982* (FOI Act) to:

*“... the records of there sentencing of the main Defence correspondence file series, designated by the National Archives as CRS A1945.”*

**Background**

2. On 28 October 2014, Ms Andrea Sansom, Director FOI, decided to waive any FOI processing charges that may otherwise have been payable. Accordingly, the statutory deadline for you to receive a response to your request expires on 27 November 2014.

3. The purpose of this letter is to provide you with the decision in relation to the documents matching the description of your request.

**FOI decision maker**

4. Mr R Hogan, Director Transport, Airfield and Fire Services, Defence Support – Victoria, and Tasmania, is the authorised officer pursuant to section 23 of the FOI Act to make a decision on your request.

**Documents identified**

5. Defence Archives identified 834 pages that contain material matching the description of your request. Please note these documents are not available in the format of your previous request (FOI 109/13/14).

## **Decision**

6. Mr Hogan decided to release the documents 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 the deleted material is exempt under section 47F [Public interest exemptions – personal privacy] of the FOI Act.

7. A copy of the documents in the form approved for release is provided on the computer disk at Enclosure 1.

## **Material taken into account**

8. In making his decision, Mr Hogan had regard to:

- a. the terms of the request;
- b. the content of the documents in issue;
- c. relevant provisions in the FOI Act; and
- d. the Guidelines issued by the Office of the Australian Information Commissioner under section 93A of the FOI Act.

## **Reasons for decision**

### **Section 47F - [Public interest conditional exemptions – personal privacy]**

9. When processing this request, Mr Hogan found that many of the documents contain personal information, including the names and birth years, belonging to individuals, other than you. Where access has been denied to information under section 47F of the FOI Act, Mr Hogan considered that the material would constitute an unreasonable disclosure of personal information.

10. In accordance with subsection 47F(2) of the FOI Act, in determining whether the disclosure of this information would involve the unreasonable disclosure of personal information, Mr Hogan 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.

11. Against those criteria, Mr Hogan found that:

- a. specific personal information is not well known to the general community, and
- b. the specific information in question is not readily available from publicly accessible sources.

12. Accordingly, Mr Hogan decided that the disclosure of this information would be an unreasonable disclosure of personal information belonging to other persons and is therefore conditionally exempt under section 47F of the FOI Act.

13. Subsection 11A(5) [Access to documents on request] of the FOI Act requires Defence to allow access to such conditionally exempt documents unless, in the circumstances, access to the documents would on balance be contrary to the public interest.

#### **Section 47F - Public interest considerations**

14. In assessing whether disclosure is on balance contrary to the public interest, Mr Hogan considered the relevant factors set out in section 11B(3) [Public interest exemptions –factors] of the FOI Act, which favours access to a document. Mr Hogan noted that disclosure may promote some of the objects of the FOI Act, as information held by the Government is a national resource. However, the disclosure of the exempt information would not increase public participation in Defence processes, nor would it increase scrutiny or discussion of Defence activities. Mr Hogan considered that release of the information in question would not inform public debate on any matter of public importance in any meaningful way nor would it allow you access to your own personal information. Furthermore, Mr Hogan considered that the protection of an individual's right to privacy far outweighs any public interest there may be on release of the information.

15. On balance, Mr Hogan concluded that the public interest factors against disclosure outweigh the factors for disclosure of the information that matches the scope of your request. Mr Hogan, therefore decided that it would be contrary to the public interest to release the information, that he considered exempt under section 47F of the FOI Act.

#### **Disclosure Log**

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

#### **Rights of review**

17. 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 2.

#### **Further information**

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

19. 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



John Peterson  
Freedom of Information

19 November 2014

**Enclosures:**

1. Computer disk containing documents approved for release
2. Fact Sheet: Freedom of Information – Your Review Rights