



Australian Government
Department of Defence

Reference: AB29820631

FOI 138/16/17 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:

1. *Correspondence from DGPERS-AF, CDR ACG and CDR AFTG to COs of 2FTS, 79SQN and 76SQN regarding the training and preferential graduation requirements for female pilot candidates.*
2. *Training and graduation requirements specific to female pilot candidates.*
3. *A copy of any reports provided to the RAAF in 2016 by AHRC regarding opportunities for women to become fast jet pilots.”*

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 one document matching the description of Item 3 of the request.

Decision

4. I have decided to:
- a. partially release one document matching Item 3 in accordance with section 22(1)(a)(ii) [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
 - b. refuse access to documents matching Items 1 and 2 of the request under subparagraph 24A(1)(b)(ii)[Requests may be refused if documents cannot be found, do not exist or have not been received] of the FOI Act.

Material taken into account

5. 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 47F - Personal privacy

6. Upon examination of the documents, I identified personal information, specifically information that could lead to the identity of the member giving a personal opinion. Consent to give these opinions was given under the promise of maintaining the anonymity of the originators identity.

7. In making my decision, I considered whether:

- a. the document contained personal information;
- b. the disclosure of the personal information would be unreasonable; and
- c. whether the disclosure of this information would, at this time, be contrary to public interest.

8. As a person's identity could be apparent or reasonably ascertainable from the identified information, I have decided that it constitutes personal information.

9. In determining whether release of the above personal information is unreasonable, I took into account, inter alia:

- 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 within the document; and
- c. the availability of the information from publicly accessible sources

10. Against these criteria, I found:

- a. the specific identified information is not well known;
- b. the persons to whom the information relates is not widely known to be (or to have been) associated with the matters dealt with in the documents; and
- c. the specific identified information is not available from publicly accessible sources.

11. After considering all of the above, I am satisfied that the specific identified information is conditionally exempt under section 47F of the FOI Act.

Sections 47F - Public interest considerations

Factors in favour of disclosure

12. In assessing whether disclosure of the conditionally exempt material is, on balance, contrary to the public interest, I considered the range of relevant factors that favour access to a document set out in section 11B(3) [public interest exemptions – factors favouring access] of the FOI Act. While disclosure may promote some of the objects of the FOI Act, I do not consider it would increase public participation in government processes, nor would it increase scrutiny or discussion of government activities.

13. On balance, I believe the potential prejudice to the privacy of persons other than the applicant outweighs any potential benefit from promoting the objects of the Act. In coming to the above decision, I considered subsection 11B(4) [irrelevant factors] of the Act. None of these factors were taken into account. I therefore decided that it would be contrary to the public interest to release the information considered exempt under section 47F of the FOI Act.

Section 24A(1) - Documents cannot be found

14. Section 24A(1) of the FOI Act states:

24A Requests may be refused if documents cannot be found, do not exist or have not been received

Document lost or non-existent

(1) An agency or Minister may refuse a request for access to a document if:

- (a) all reasonable steps have been taken to find the document; and*
- (b) the agency or Minister is satisfied that the document:*
 - (i) is in the agency's or Minister's possession but cannot be found; or*
 - (ii) does not exist.*

15. Searches were conducted of the relevant hard copy files and the electronic emails, and documents stored on Objective and email accounts and no documents matching the description of Items 1 and 2 were located with No. 2 Flying Training School, No. 79 SQN, No. 76 SQN, DGPERS-AF, CDR ACG, and CDR AFTG.

16. I am satisfied that "all reasonable steps" have been taken to locate documents matching the request. I am satisfied that the documents cannot be found or do not exist, and refuse access to these Items under section 24A(1) of the FOI Act.

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K. Ashworth

Group Captain

Accredited Decision Maker

Air Force

15 December 2016