



Australian Government
Department of Defence
Defence Support and Reform Group

Ministerial and Information
Management Branch
Department of Defence

CP1-6-001
PO Box 7910
CANBERRA BC ACT 2610
Tel: 02 626 62200
Fax: 02 626 62112
FOI@defence.gov.au

Our reference: FOI 151/13/14

[REDACTED]

By email: [REDACTED]

Dear [REDACTED]

1. I refer to your email, dated 12 November 2014, in which you requested access, under the *Freedom of Information Act 1982* (FOI Act), to:

“...copy of 2014 Safety Culture Survey conducted at IRSU earlier this year..”

Background

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. Wing Commander Chris Taylor, Staff Officer Legal, Air Force Headquarters is the authorised officer pursuant to section 23 of the FOI Act to make a decision on this FOI request.

Documents identified

4. Wing Commander Taylor identified one document as matching the description of your request. Document in the form approved for release are at Enclosure 1.

Decision

5. Wing Commander Taylor has decided to 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 section 47F [public interest conditional exemptions-personal privacy] of the FOI Act.

Material taken into account

6. In making his decision Wing Commander Taylor 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); and
 - e. the Principles on open public sector information issued by the Information Commissioner.

Reasons for decision

Exemption claim - Section 47F of the FOI Act

7. Upon examination of the documents, Wing Commander Taylor identified a signature of a person other than the applicant. He considers the disclosure of this material would constitute an unreasonable disclosure of personal information of a person other than the applicant.

8. The Guidelines note that *'the personal privacy exemption is designed to prevent 'unreasonable' invasion of third parties privacy'*. In accordance with subsection 47F(2), in determining whether the disclosure of this information would involve the unreasonable disclosure of personal information, he 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 document; and
- c. the availability of the information from publicly accessible sources.

9. Against those criteria, he found that:

- a. the specific personal information is not well known;
- b. the people to whom the information relates are not known to have been associated with the matters dealt with in the documents; and
- c. the personal information is not readily available from publicly available sources.

Rights of access – section 11A

10. Subsection 11A(5) of the FOI Act provides that conditionally exempt matter must be released unless, in the circumstances, access to that document at this time would, on balance, be contrary to the public interest. The Guidelines state (at 6.8-6.9):

...The term 'public interest' is necessarily broad and non-specific because what constitutes the public interest depends on the particular facts of the matter and the context in which it is being considered...

To conclude that, on balance, disclosure of a document would be contrary to the public interest is to conclude that the benefit to the public resulting from disclosure is outweighed by the benefit to the public of withholding the information. The decision maker must analyse, in each case, where on balance the public interest lies, based on the particular facts of the matter at the time the decision is made.

Public Interest Considerations – Sections 47F

11. In assessing whether disclosure of the conditionally exempt material is, on balance, contrary to the public interest, Wing Commander Taylor considered the guidelines provided by the Australian Information Commissioner, together with a range of factors that favour access to a document as set out in section 11B(3) [public interest exemptions - factors favouring access] of the FOI Act.

12. Wing Commander Taylor considered the public interest in promoting the objects of the FOI Act have been satisfied and do not believe the release of a signature would inform public debate on any matter of public importance in a meaningful way. Additionally, disclosure of this information would not promote oversight of public expenditure or allow a person to access his or her own personal information.

13. In coming to the above decision, he also considered subsection 11B(4) [public interest exemptions - irrelevant factors] of the FOI Act. Accordingly, he is satisfied that on balance the public interest factors against disclosure outweigh the factors for disclosure of the exempt material contained in the documents.

Rights of review

14. 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.

FOI Disclosure Log

15. 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 within five working days of receipt by the applicant. Defence will also publish this decision notice with privacy deletions.

Further information

16. FOI Act may be accessed at: <http://www.comlaw.gov.au/Details/C2014C00673>

17. 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



Natalie Carpenter
Assistant Director
Freedom of Information

28 November 2014

Enclosures:

1. Document in the form for release
2. Fact Sheet: Freedom of Information – Your Review Rights