



2016/1157842
R28621228

FOI 158/16/17 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:

An extract from the Conduct Recording and Tracking database of charges brought under the DFDA for personnel from Army 3rd Brigade, 7th Brigade and the RAAF Combat Support Group at Amberley for the period July 1, 2015 to November 30, 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 one document as matching the description of the request. The identified document contains material extracted from the Conduct Recording and Tracking database and has been combined into one document. I have added an FOI reference number to the document.

Decision

4. I have decided to partially release the identified document 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] 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. Section 47F(1) of the FOI Act provides that a document is conditionally exempt if 'disclosure under this Act would involve the unreasonable disclosure of personal information about any person (including a deceased person).
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. the disclosure of this information would, at the time, be contrary to public interest.
8. Upon examination of the documents, I identified names, ranks and PM Keys numbers of persons within the Department of Defence. As a person's identity is apparent from the identified information, I decided it constituted personal information.
9. To determine whether the disclosure of the identified personal information was unreasonable, I had regard to the criteria specified in section 47F(2) of the FOI Act:
 - a. the extent to which the information is well known
 - b. whether the persons to whom the information relates are known to be (or to have been) associated with the matters dealt within the document
 - c. the availability of the information from publicly accessible sources
 - d. any other matters that the agency of Minister considers relevant.
10. Against these criteria, I found:
 - a. the specific personal information listed is not well known
 - b. the information is not readily available from publicly accessible sources
 - c. whilst the persons involved are known to have been involved, the specific personal information identified that is associated with such persons is not publicly known
 - d. there were no other matters that I considered relevant.
11. I also had regard to the request from the applicant which specifically excluded such information as part of his request.

Public interest considerations - Section 47F

12. Section 11A(5) of the FOI Act allows access to exempt documents unless, in the circumstances, access to the documents would, on balance, be contrary to the public interest.
13. In making my decision I had regard to paragraph 6.9 of the Guidelines which states:

'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.'

14. I considered a range of factors that favour access to the document, as set out in section 11B(3) of the FOI Act. Specifically, I considered whether disclosure would:

- a. promote the objects of the Act
- b. inform debate on a matter of public importance
- c. promote effective oversight of public expenditure
- d. allow a person to access his or her personal information.

15. Factors favouring disclosure in this case are that doing so may promote some of the objects of the FOI Act, as information held by the Government is a national resource. The remaining factors contained in section 11B(3) are not relevant to the present case.

16. On balance I consider that the benefit to the public resulting from disclosure is outweighed by the benefit to the public of withholding the information. The public interest is better served in this case by maintaining the personal privacy of third parties as its release could reasonably be expected to result in the decline in confidence in Defence's ability to maintain the privacy of its members.

17. In coming to my decision, I also considered subsection 11B(4) [public interest exemptions – irrelevant factors] of the FOI Act. None of the irrelevant factors have been taken into account in making my decision.

18. Therefore, I decided that it would be contrary to the public interest to release the information considered exempt under section 47F of the FOI Act.

Clarification/Context Statement

19. The requested information was identified for the following units;

3rd Brigade:

- 3rd Brigade Headquarters
- 4th Regiment, Royal Australian Artillery
- 3rd Combat Engineer Regiment
- 3rd Combat Signal Regiment
- 1st Battalion, Royal Australian Regiment
- 2nd Battalion, Royal Australian Regiment
- 3rd Battalion, Royal Australian Regiment
- 3rd Combat Service Support Battalion

7th Brigade:

- 7th Brigade Headquarters
- 2nd/14th Light Horse Regiment
- 1st Regiment, Royal Australian Artillery
- 2nd Combat Engineer Regiment
- 7th Combat Signal Regiment
- 6th Battalion, Royal Australian Regiment
- 8th/9th Battalion, Royal Australian Regiment
- 7th Combat Service Support Battalion

RAAF Combat Support Group

- Headquarters Combat Support Group
- 1 Combat Communications Squadron
- 65 Squadron
- 1 Security Force Squadron
- 2 Security Force Squadron
- 3 Security Force Squadron
- 17 Squadron
- 21 Squadron
- 22 Squadron
- 23 Squadron
- 24 Squadron
- 25 Squadron
- 26 Squadron
- 1 Expeditionary Health Squadron
- 2 Expeditionary Health Squadron


20. The requested information could not be identified for the following units;

3rd Brigade:

- B Squadron, 3rd/4th Cavalry Regiment

RAAF Combat Support Group

- Combat Support Control Centre
- Headquarters 95 Wing
- 295 Squadron
- 381 Squadron
- 382 Squadron
- 383 Squadron
- Headquarters Health Services Wing
- Health Op Conversion Unit
- 3 Aero Medical Evacuation Squadron
- Headquarters 96 Wing
- 13 Squadron
- 19 Squadron
- 20 Squadron
- 27 Squadron
- 30 Squadron



Katja Bizilj
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 Accredited Decision Maker
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