



**Australian Government**  
**Department of Defence**

Reference: R32357638

**FOI 178/17/18 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:

*“I request to be complied under s 17 (unless existing document exists that provides the information sought), for the above scope, the following:*

- \* the number of APP 12 applications received (broken down by month in FY16/17);*
- \* for each APP 12 application received during FY16/17, the number of days that elapsed before Defence gave an APP 12 decision (from the day following the date the APP 12 access application was made); and*
- \* the number of APP 12 access decisions refused in full, provided in part, or provided in full (from those received in FY16/17)”*

**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. One document was generated under section 17 of the FOI Act matching the description of the request.
- a. A written document was produced containing the information by using a ‘computer or other equipment that is ordinarily available’ to the agency for retrieving or collating stored information (s 17(1)(c)(i))
  - b. Producing the written document did not substantially and unreasonably divert resources of the agency from its other operations (s 17(2))

**Decision**

4. I have decided to grant access to the document.

**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 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. advice received from a privacy officer within the department – Directorate of Complaint Resolution.

### **Further Information**

6. In correspondence to you on 22 November 2017 Defence provided to you an administrative response to your request as follows:

- a. *In Financial Year 2016-17, the Defence Privacy Office received one request for access to personal information under Australian Privacy Principle (APP) 12.*
- b. *The individual concerned has complained to the Office of the Australian Information Commissioner about, amongst other things, Defence's handling of the request and is also currently seeking judicial review of our decision.*
- c. *While there is ongoing consideration of the request and complaint it would be inappropriate to provide information about it at this time. Further, once the complaint is finalised it would be inappropriate to provide details about the request as such details are likely to identify the individual who made the APP12 access request.*

**PeterBavington** Digitally signed by  
PeterBavington  
Date: 2017.12.04 14:42:16 +11'00'

Peter Bavington  
Accredited Decision Maker  
Director Complaints and Resolution  
Defence People Group  
4 December 2017

*APP 12 Applications FY16/17*

Month	the number of APP 12 applications received	the number of days that elapsed before Defence gave an APP 12 decision (from the day following the date the APP 12 access application was made)	APP 12 access decisions
November 2016	1	27	Provided in part