

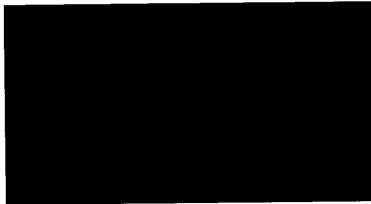



**Australian Government**  
**Department of Defence**  
Defence Support and Reform Group

Ministerial and Information  
Management Branch  
Department of Defence

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Our reference: FOI 181/13/14



By email: 

Dear 

### **NOTICE OF DECISION ON FREEDOM OF INFORMATION REQUEST**

1. I refer to your email, dated 11 November 2013, in which you requested access, under the Freedom of Information Act 1982 (FOI Act), to:

*“...the ‘Lessons Learnt Review’ by Noetic Solutions (CN1519751).”*

#### **Background**

2. On 12 November 2013, I wrote to you to advise of the preliminary assessment of charges associated with your request. The statutory processing time for the request was suspended on this date. Your letter agreeing to pay charges for the processing was received in this office on 12 December 2013. As such, the statutory processing time for your request expired on 4 January 2014.

3. On 16 December 2013, our office informed you that the decision maker had determined that there was a requirement to consult with third parties under section 27 [Consultation – business documents] of the FOI Act, before finalising the decision. As such, in accordance with section 15(6) [extension of processing period to comply with requirement of section 26A, 27 or 27A] of the FOI Act, the statutory timeframe was amended to 8 February 2014.

4. I note that the above mentioned due date is a Saturday, in accordance with the FOI Guidelines issued by the Australian Information Commissioner, if the last day for notifying a decision falls on a Saturday, Sunday or a public holiday, the timeframe will expire on the first day following which is none of those days. As such, the due date for you to receive a response expires on 10 February 2014.

5. 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**

6. Mrs Patricia Clifford, Director of Coordination, Communication and Security, Vice Chief of the Defence Force Group, was the accredited decision maker, under the FOI Act, in relation to your request.

**Documents identified**

7. Mrs Clifford identified one document as matching the description of your request. The title of the document is the 'Final Report of the Strategic Command and Control Lessons – Scoping Study'.

**Decision**

8. Mrs Clifford has decided to partially release the document identified in response to your request with exempt matter removed under 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**

9. In making her decision Mrs Clifford 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)*;
  - e. the Principles on open public sector information issued by the Information Commissioner; and
  - f. third party comments.

**Reasons for decision**

**Section 47F – Documents affecting personal privacy**

10. Paragraph 47F(1) conditionally exempts a document if its disclosure would involve the unreasonable disclosure of personal information about any person.

*Personal information*

11. Personal information is defined in section 4 of the FOI Act as:

*“Information or an opinion (including information forming part of a database), whether true or not, and whether recorded in a material form or not, about an individual whose identity is apparent, or can reasonably be ascertained, from the information or opinion.”*

12. The elements of 'personal information' are:

- a. identifies, or could identify, a person;
- b. it says something about the person;
- c. may form part of a database;
- d. may be in the form of an opinion
- e. may be true or untrue; and
- f. relates to a natural person.

13. Mrs Clifford found that the document contains personal information in the form of names, position titles and work locations.

*Disclosure unreasonable*

14. If information is personal information, it will be exempt if disclosure would be 'unreasonable'. There are a range of factors in deciding whether or not disclosure would be unreasonable, including:

- a. the extent to which the information is already a matter of public knowledge;
- b. whether the person to whom the information relates is known to be (or to have been) associated with the matters dealt with; and
- c. the availability of the information from publicly accessible sources.

15. Mrs Clifford found that disclosure of the information exempt under section 47F(1) would involve unreasonable disclosure of personal information. Release of the personal information (names, position titles and work locations) would be unreasonable because it identifies information about a person which is not available from publically accessible sources.

**Public interest considerations – Section 47F**

16. Documents which are conditionally exempt must be disclosed unless they meet the public interest test in section 11A(5). In assessing whether disclosure of the conditionally exempt material is, on balance, contrary to the public interest, Mrs Clifford 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. Mrs Clifford 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 this information would not increase public participation in Government processes, nor would it increase scrutiny or discussion of Government activities.

17. While Mrs Clifford noted that the release of this information may be of some marginal interest to you, it would not inform public debate on any matter of public importance in any meaningful way. Additionally, disclosure of the information would not promote oversight of public expenditure, nor would it allow you further access to your personal information.

18. Mrs Clifford considered one factor against disclosure of the material, being that there is a strong public interest in protecting personal privacy.

19. In coming to the above decision, Mrs Clifford was not influenced by any of the factors listed at subsection 11B(4) [public interest exemptions – irrelevant factors] of the FOI Act.

20. Mrs Clifford considered that, on balance, the public interest factor against disclosure outweigh the factors for disclosure of the exempt material contained in the document. Therefore, Mrs Clifford has decided on balance that it would be contrary to the public interest to release the information considered exempt under section 47F [public interest conditional exemptions – personal privacy] of the FOI Act.

21. Accordingly, Mrs Clifford was satisfied that the information is exempt under section 47F of the FOI Act.

### **Payment of Charges**

22. In our letter, dated 12 November 2013, after deducting the free decision making time, the department estimated the cost associated with processing your request to be [REDACTED]. You agreed to pay charges for the administration of your request on 12 December 2013, an invoice for the preliminary assessment deposit of [REDACTED] was subsequently sent directly from Defence Finance.

23. Upon completion of your request, after deducting the free decision making time, the actual amount for processing was calculated to be [REDACTED]. The remaining balance is the difference between actual charges and the deposit you have already paid.

24. Accordingly you are required to pay the remaining [REDACTED] in order to finalise your request. Please find attached at Enclosure 1 a Payment Authorisation Form for the balance. Once you have completed the form please return to [foi@defence.gov.au](mailto:foi@defence.gov.au).

### **Rights of review**

25. The FOI Act provides for rights of review of decisions. A copy of the fact sheet, "Freedom of Information – Your Review Rights" is at Enclosure 2.

### **FOI Disclosure Log**

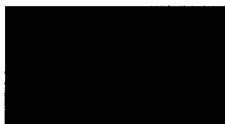
26. In accordance with the requirements of section 11C of the FOI Act, Defence is required to publish details of information released under the FOI Act. Defence will publish the identified documents relating to this request within five working days of receipt by the applicant. Defence will also publish this decision notice with privacy deletions.

**Further advice**

27. The FOI Act may be accessed online at:  
<http://www.comlaw.gov.au/Details/C2011C00803> .

28. Should you have any questions, please contact this office.

Yours sincerely



Sally Philp  
Assistant Director  
Freedom of Information

3 February 2014

**Enclosures:**

1. Freedom of Information Payment Authorisation Form
2. Fact Sheet: Freedom of Information – Your Review Rights