



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 183/14/15

[REDACTED]

By email: [REDACTED]

Dear [REDACTED]

1. I refer to your email, dated 9 December 2014, in which you requested access, under the *Freedom of Information Act 1982* (FOI Act), to:

“a copy of the itinerary [Item 1] and costings [Item 2] for all international travel undertaken by the Minister for Defence from 7 September 2014 to present.”

Background

2. The purpose of this letter is to provide you with the decision relating to the documents that are the subject of your request.

FOI decision maker

3. Ms Andrea Sansom, Acting Director Freedom of Information, Defence Support and Reform Group is the authorised officer pursuant to section 23 of the FOI Act to make a decision on this FOI request.

Documents identified

4. Ms Sansom identified five documents as matching the description of your request. A schedule of documents is at Enclosure 1. Documents in the form approved for release are at Enclosure 2. For ease of reference and for the purpose of processing this request, the decision maker has added an FOI Item number to each of the documents, which corresponds with the schedule.

Decision

5. Ms Sansom has decided to:
- a. refuse access under section 24A [requests may be refused if documents cannot be found, do not exist or have not been received] of the FOI Act to Item 1, and
 - b. partially release five documents with deletions made in accordance with section 22 [Access to edited copies with exempt or irrelevant matter deleted], on the grounds that the deleted material exempt under section 47F[public interest conditional exemption - personal privacy] of the FOI Act.

Material taken into account

6. In making her decision Ms Sansom 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. advice received from Defence officials.

Reasons for decision Section

Section 24A[Do not exist]

7. No relevant documents could be located for Item 1 that were generated by the Department of Defence on behalf of the Minister and submitted to the Prime Minister's Office for approval pursuant to section 4 of the Guidelines on Overseas Visits by Ministers and Parliamentary Secretaries.

8. 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.*

9. Paragraph 8.41 of the Guidelines also gives guidance as to what is required to be included within this statement of reasons to refuse a request under section 24A(1);

8.41 The statement of reasons given to the applicant should sufficiently identify the document and give reasons as to why it cannot be found or why it is known that it no longer exists. The statement should describe the steps the agency took to search for it.

10. Ms Sansom consulted with the Royal Australian Air Force, the area that would be responsible for providing VIP flights who have confirmed that the VIP fleet was not used by the Minister for international travel over the period requested.

Section 47F[Personal Privacy]

11. Upon examination of the documents, Ms Sansom identified information, specifically, signatures and personal identification numbers belonging to people other than you. This material satisfies the definition of personal information in section 4 of the FOI Act. In accordance with section 47F(2) of the FOI Act, in determining whether the disclosure of the identified personal information would be unreasonable, Ms Sansom 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 documents; and
- c. the availability of the information from publicly accessible sources.

12. Against those criteria, Ms Sansom found that:

- d. the specific personal information is not well known to the general community;
- e. the person to whom the information relates is not known to be, or to have been, associated with the matters dealt with in the documents; and
- f. the specific information is not readily available from publicly accessible sources.

13. Noting the findings against the above criteria, Ms Sansom decided that the disclosure of this information would constitute an unreasonable disclosure of personal information belonging to a person other than you. Accordingly, Ms Sansom considered this material to be conditionally exempt under section 47F of the FOI Act.

14. Subsection 11A(5) of the FOI Act requires Defence to allow access to a conditionally exempt document unless, in the circumstances, access to the document would, on balance, be contrary to the public interest.

Public interest considerations – section 47F

15. Ms Sansom noted that conditionally exempt documents carry a public interest test. Ms Sansom considered section 11B of the FOI Act, which sets out factors favouring access and irrelevant factors when considering the public interest test.

16. Subsection 11B(3) states factors favouring access to the document in the public interest include whether access to the document would do any of the following:

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

17. Ms Sansom considered that the public interest in promoting the objects of the Act have been satisfied as, in her opinion, merely removing signatures and personal identification numbers from the document does not detract from public disclosure of government-held information.

18. Ms Sansom did not consider that the final two considerations were relevant in this instance as the information does not deal with public expenditure or relate to your own personal information.

19. Taking all of the above into consideration, on balance, Ms Sansom considered that disclosure of the personal information would be contrary to the public interest.

20. In coming to the above decision, Ms Sansom had regard to subsection 11B(4) [irrelevant factors] of the FOI Act, which lists factors which must not be taken into account in deciding whether access would, on balance, be contrary to the public interest. None of the factors Ms Sansom took into account were listed under subsection 11B(4) of the FOI Act.

21. Accordingly, Ms Sansom considered that, on balance, the public interest factors against disclosure outweigh the factors for disclosure of the documents that match the scope of this request. Therefore, Ms Sansom decided that it would be contrary to the public interest to release the information considered exempt under section 47F of the FOI Act.

Rights of review

22. 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 3.

FOI Disclosure Log

23. 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. This request will be published on 15 January 2015.

Further information

24. The FOI Act can be accessed at: <http://www.comlaw.gov.au/Details/C2014C00673>
25. 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



Theresa Stinson
Assistant Director – Media Case Management
Freedom of Information

8 January 2015

Enclosures:

1. Schedule of documents
2. Documents in the form for release
3. Fact Sheet: Freedom of Information – Your Review Rights