



Australian Government
Department of Defence

Freedom of Information
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 196/15/16

By email: [REDACTED]

Dear [REDACTED]

NOTICE OF DECISION ON FREEDOM OF INFORMATION REQUEST

1. I refer to your request for access, under the *Freedom of Information Act 1982* (FOI Act), to:

“.Access to the consultation submission to Defence from the third party relating to FOI 143/15/16.”

2. The statutory deadline for you to receive a response on your request expires on 16 February 2016.

3. 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

4. I am an accredited officer pursuant to section 23 of the FOI Act to make a decision on this FOI request.

Identified document

5. I identified one document as matching the scope of your request, being an email dated 9 December 2015.

Decision

6. I have decided to partially deny access to the requested document under section 47F [public interest conditional exemptions – personal privacy] of the FOI Act.

7. I understand that Ms Stinson’s to you letter of 13 January 2016 advised that the Department excludes the personal details of its officers, such as names, signatures and mobile telephone numbers, contained in documents that fall within the scope of an FOI request unless you specifically request such details. Taking this into account, I found that the identified document contained material that is considered irrelevant to the scope of your request in accordance with section 22(1)(a)(ii) of the FOI Act.

Material taken into account

8. In making my decision, I had regard to:
- a. the revised terms of your FOI request;
 - b. the content of the document in issue;
 - c. relevant provisions of the FOI Act;
 - d. Defence guidance material on the FOI Act and the guidelines published by the Office of the Australian Information Commissioner under section 93A [guidelines] of the FOI Act; and
 - e. consultation with third parties.

Reasons for decision

Section 47F – personal privacy

9. Upon examination of the document, I found that it contained personal information, such as names, contact details and personal opinions, of persons other than you. In accordance with section 47F(2) of the FOI Act, in determining whether the disclosure of the identified personal information would be unreasonable, I 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;
- (c) the availability of the information from publicly available sources.

10. Against those criteria, I found that :

- (a) the specific information is not well known to the general community; and
- (b) the specific personal information is not readily available from publicly available sources.

11. In coming to my decision, I had regard to the objections originally raised by the third parties in respect to release of their personal information. Taking all of this into account, I considered the material to be conditionally exempt under section 47F of the FOI Act.

12. Section 11A(5) [access to documents on request] of the FOI Act requires an agency to allow access to an exempt document unless, in the circumstances, access to the document would, on balance, be contrary to the public interest.

Section 47F – public interest considerations

13. I considered section 11B [public interest exemptions – factors] of the FOI Act which sets out favours favouring access and irrelevant factors when considering the public interest test.

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

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

15. I consider that the public interest in promoting the objects of the Act have been satisfied, simply by processing this request in accordance with good decision-making principles in mind. While I am satisfied that release of this document would be of interest to you, I do not consider that release of this document holds any value in terms of public importance, nor do I consider release of this document would promote effective oversight of public expenditure.

16. Protection of personal privacy is considered paramount to the general public and I consider the third- parties objections should weigh heavily in my considerations. As such, I am of the view that the general public would be satisfied that the protection of personal information from release by Defence would far outweigh any personal interest in disclosure.

17. I therefore conclude that the disclosure of personal information would be contrary to the public interest. I have considered the application of section 22 and found that the document could be released with exempt and irrelevant material removed.

18. A copy of the document in the form approved for release is at Enclosure 1.

FOI Disclosure Log

19. 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 also publish this decision notice with privacy deletions. Your request will be published on 23 February 2016.

Your Review Rights

Internal Review

20. Under the provisions of section 54 of the FOI Act, you are entitled to request a review of this decision. You must request a review, in writing, within 30 days of the date of this letter, or the date you receive the documents. Requests can be sent to:

Email: FOIReview@defence.gov.au
 Fax: 02 626 62112
 Post: Freedom of Information Directorate - Reviews
 Department of Defence
 CP1-6-029
 PO Box 7910
 CANBERRA BC ACT 2610

Australian Information Commissioner

21. Under the provisions of section 54 of the FOI Act, you are also entitled to request an external review of this decision by the Australian Information Commissioner. You have 60 days to lodge such a request, using one of the contact methods below:

Email: enquiries@oaic.gov.au
Phone: 1300 363 992
Fax: 02 9284 9666
Post: GPO Box 2999
Canberra ACT 2601

Complaints

22. You may complain to Defence, the Information Commissioner or the Commonwealth Ombudsman about an action taken by Defence in the exercise of its power or the performance of its functions under the FOI Act. There is no fee for making a complaint. Should you wish to complain to the Department of Defence, your complaint can be addressed to Mr Tony Corcoran using the contact details below:

Email: tony.corcoran@defence.gov.au
Post: Tony Corcoran
Assistant Secretary Information Management and Access Branch
CP1-6-14
PO Box 7911
CANBERRA BC ACT 2610

23. Contact details for the Commonwealth Ombudsman are below:

Phone: 1300 362 072)
Fax: 02 6276 0123
Post: Commonwealth Ombudsman
GPO Box 442
CANBERRA ACT 2601

24. Contact details for the Information Commissioner are above.

25. Should you have any questions in regard to this matter please contact this office.

Yours sincerely



Natalie Carpenter
Acting Director
Information Access

16 February 2016

Enclosure:

1. Document in the form for release