



Australian Government
Department of Defence
Defence Support and Reform Group

Ministerial and Information
Management Branch
Department of Defence

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Our reference: [REDACTED]

[REDACTED]

By email: [REDACTED]

Dear [REDACTED]

1. I refer to your email, dated 10 December 2014, in which you requested access, under the *Freedom of Information Act 1982* (FOI Act), to:

“...communication between the Minister for Defence or his office and the department of Defence concerning media reports on December 5 2014 of receipts of dinners attended by the Defence Minister and his office.”

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.

Decision

4. Ms Sansom has decided to partially release the documents with deletions made 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 conditionally exempt under section 47F [public interest conditional exemptions - personal privacy] of the FOI Act. Documents in the form for release are at Enclosure 1.

Material taken into account

5. In making her decision Ms Sansom had regard to:
- a. the terms of the request;
 - b. contents of the documents in scope;
 - 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 47F [Personal Privacy]

6. Upon examination of the documents, Ms Sansom identified information, specifically, a personal mobile phone number and personal information 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.

7. 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.

8. 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.

9. 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

10. 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.

11. 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.*

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

13. 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.

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

15. 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.

16. 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

17. 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 2.

Further information

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

19. 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. Documents in the form for release
2. Fact Sheet: Freedom of Information – Your Review Rights