



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 227/14/15

[REDACTED]

[REDACTED]

Dear [REDACTED]

1. I refer to your email, dated 24 January 2015, in which you requested access, under the *Freedom of Information Act 1982* (FOI Act), to:

“[item 1] documents relating to the cancellation of DI(G) ADMIN 55-1 ISSUE NO ADMIN B/9/96 of 27 AUG 96; and

[Item 2] all material (memorandums; email letters; minutes of meetings; references to secondary material used in decision making processes; loose minutes; interagency correspondence with civil aviation bodies; etc.) that were created, used or “went in” to cancelling the above mentioned policy.”

Background

2. I also refer to the Preliminary Assessment of Charges relating to this request that this office sent on 28 January 2015. On the same day, you requested a waiver of charges. By email dated 26 February 2015, Mr Nathan Costigan, Assistant Director FOI, provided you with a response. Following receipt of your signed deposit authorisation on 13 March 2015 an invoice was sent to you. Your request was recommenced on 26 March 2015 following the payment of your deposit.

3. 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

4. I am the decision maker authorised pursuant to section 23 of the FOI Act to make a decision on this FOI request.

Documents identified

5. I identified 20 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, I have added an FOI item number to each of the documents, which corresponds with the schedule.

Decision

6. I have decided to:
- a. release in full eight documents; and
 - b. partially release 12 documents with deletions made in accordance with subsection 22(1) [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

7. In making my decision I had regard to:
- a. the terms of the request;
 - b. the content of the identified documents 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 provided by the responsible areas within the department.

Reasons for decision

Section 22 – Irrelevant Information

8. Upon examination of the documents, I found that some documents contained material regarding matters that do not relate to the scope of your request. I considered that the material would disclose information that would reasonably be regarded as irrelevant to the scope of your request. As such, in accordance with subparagraph 22(1)(a)(ii) of the FOI Act, I have decided to remove the material.

Section 47F – Personal Privacy

9. Upon examination of the documents, I identified information, specifically, signatures and personal mobile telephone 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, 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 documents; and
- c. the availability of the information from publicly accessible sources.

10. Against those criteria, I found that:

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

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

12. 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.

Section 47F – Public interest considerations

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

14. 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.*

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

16. I did not consider 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.

17. Taking all of the above into consideration, on balance, I considered that disclosure of the signatures, contact details and mobile telephone numbers, would be contrary to the public interest.

18. In coming to the above decision, I 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 I took into account were listed under subsection 11B(4) of the FOI Act.

19. Accordingly, I 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, I decided that it would be contrary to the public interest to release the information considered exempt under section 47F of the FOI Act.

Payment of Charges

20. In our letter, dated 26 February 2015, after deducting the free decision making time, the department estimated the cost associated with processing your request to be [REDACTED]. You paid the required deposit towards the processing of your request on 26 March 2015.

21. Upon completion of your request, I have decided to cap the charges payable at the deposit amount already paid. No further payment is required.

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

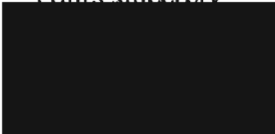
23. In accordance with the requirements of section 11C of the FOI Act, Defence is required to publish details of information released under the FOI Act. Defence publishes identified documents relating to requests within five working days of receipt by the applicant. Defence will also publish this decision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

Further information

24. The FOI Act may be accessed at: <http://www.comlaw.gov.au/Details/C2015C00013>

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



Linda McCann
Director
Freedom of Information

14 April 2015

Enclosures:

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