



FOI 237/15/16 STATEMENT OF REASONS UNDER THE FREEDOM OF INFORMATION ACT

1. I refer to the application by [REDACTED] under the *Freedom of Information Act 1982* (FOI Act), for access to:

“...the mobile phone records of the then Assistant Defence Minister Stuart Robert MP for the period 15 to 22 August 2014 inclusive. I seek access only to so much of these documents as would indicate that Mr Robert used his departmental phone while in China, and do not require any further detail on the precise use of the device.”

FOI decision maker

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

Documents identified

3. I identified one document as matching the description of the request.

Decision

4. I have decided to partially release the identified document in accordance with section 22 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

5. 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); and
 - e. the third party response to formal consultation.

Reasons for decision

Section 47F - Personal privacy

6. Upon examination of the document, I found that it contained a mobile telephone number, which has subsequently been reallocated by the department to another individual. I consider the information constitutes personal information as described in section 4 of the FOI Act.

7. Section 47F(2) of the FOI Act requires that I consider the following criteria:

- 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 accessible sources; and
- d. any other matters that the agency or Minister considers relevant.

8. After assessing the above criteria I am satisfied that the identified information is not well known and is not publicly accessible. I took into account that although the scope of the request identifies an individual, that the mobile telephone number itself is not well known.

9. On this basis I consider that disclosure of the specific personal information is considered an unreasonable disclosure and, accordingly, I consider the information to be conditionally exempt under section 47F of the FOI Act.

Sections 47F - Public interest considerations

10. Section 11A(5) of the FOI Act requires Defence to allow access to a conditionally exempt document unless access to the document would be contrary to the public interest.

11. Section 11B(3) of the FOI Act [Public interest exemptions – factors] sets out a number of factors favouring access that a decision maker must take into account when determining where the public interest lies. I have had regard to the factors set out in section 11B(3) in making this decision.

12. In determining where the public interest lies in this case I have taken into the account that disclosure would promote some the objectives of the FOI Act, specifically that information held by the Government is a national resource and that public access to such information should be facilitated as far as is possible.

13. However, I do not consider that disclosure of the personal information would further inform the public debate on the matters contained in the document in any meaningful way, nor would disclosure promote oversight of public expenditure or allow a person to access his or her personal information.

14. I have taken into account that disclosure of the specific information could reasonably be expected to prejudice an individual's right to privacy.

15. In weighing up these factors, I have determined that the information is exempt under section 47F(1) of the FOI Act.

Section 22 – Edited copies with exempt matter deleted

16. Section 22 of the FOI Act provides that where it is reasonably practicable to prepare a copy of the document modified by deletions, the agency or Minister must give the applicant access to the edited copy.

Yours sincerely



Natalie Carpenter
Accredited Decision Maker
Associate Secretary Group
4 April 2016