Reference: DGHC/OUT/2016/R25583235

FOI 270/15/16 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:

   '... copies of all Australian Defence Human Research Ethics Committee (EC00101) Adverse Event and Serious Adverse Event Report forms submitted from January 1 2014 onward.'

FOI decision maker

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

Documents identified

3. Two adverse event report forms have been identified as matching this request. I have elected to include one further document for release which (whilst not an EC00101) would materially constitute an adverse event document within the date range sought. The details of the documents are listed in the schedule of documents at Enclosure 1.

4. I have added an FOI reference number and Item/Serial number to each of the documents, which corresponds with the schedule.

Decision

5. I have decided to partially release 3 documents on the grounds that the deleted material is considered exempt under section 47F [public interest conditional exemptions-personal privacy] of the FOI Act.

6. Taking into account that the Department excludes personal email addresses, signatures, PMKeys numbers and mobile telephone numbers, contained in documents that fall within the scope of an FOI request. I have also decided to remove irrelevant material from 3 of the identified documents.

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); and
e. advice provided by Joint Health Command research management staff whose duties relate to the requested documents.

Reasons for decision

8. Upon examination of the documents I found that they contained contact details of non Commonwealth Research Officers and Research Supervisors together with signatures of administrative staff charged with the management of complaints records.

9. 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 personal information is well known;
(b) whether the person or people 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) whilst some of the personal information might be known to certain elements and interest groups, the person/s to whom the information relates, is not known to be, or to have been, associated with the matters dealt with in the document by the general community; and
(c) the specific information is not readily available from publicly accessible sources.

11. Noting the findings against the above criteria, I decided that the disclosure of this type of information as contained in the documents would constitute an unreasonable disclosure of personal information. 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.

Public interest considerations – section 47F Exemptions

13. It is important to note that conditionally exempt documents do carry a public interest test. In making my determination 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 the personal information as advised above does not detract from the sense of the document and the public disclosure of government-held information.

16. I considered that there is a public interest in protecting the privacy of individuals whose personal details as identified in paragraph 8 above appear in the documents. Taking all of the above into consideration, on balance, I considered that disclosure of personal information would be contrary to the public interest.

17. 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. No irrelevant factors were taken into account as were listed under subsection 11B(4) of the FOI Act.

18. Accordingly, I considered that the public interest factors against disclosure outweigh the factors for disclosure of the elements 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 47 F of the FOI Act.

Yours sincerely

Paul Naveau
Accredited Decision Maker
Joint health Command
VCDF Group

15 April 2016