



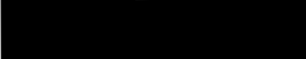
Australian Government
Department of Defence
Defence Support and Reform Group

Ministerial and Information
Management Branch
Department of Defence

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Our reference: FOI 278/13/14



By email: 

Dear 

1. I refer to your email of 12 February 2014, in which you requested access, under the *Freedom of Information Act 1982* (FOI Act), to:

"a copy of the Statement of Work applicable to the contract for civilian contracted health practitioner services delivered to 324 CSS HSF  that was current for the period 31 Oct 10 through to 14 Jan 12. I believe it was renewed around 11 Aug 11."

Background

2. On 14 February 2014, you agreed to pay FOI charges associated with the processing of your request, and authorised the payment of deposit against those charges. As such, the FOI charges were imposed. Accordingly, the statutory deadline for you to receive a response to your request was due to expire on 14 March 2014.

3. On 19 February 2014, we advised you that the FOI decision maker had decided to consult a third party, under section 27A [Consultation – documents affecting personal privacy] of the FOI Act. Accordingly, the statutory deadline for you to receive a response of your request was extended by 30-days, and now expires on 13 April 2014.

4. The purpose of this letter is to provide you with the decision in response to your request.

Decision making authority

5. Group Captain C Wallis, Director of Coordination – Air Force, is the accredited decision maker, under the FOI Act, in relation to your request.

Documents identified

6. Group Captain Wallis identified the following two documents that match the description of your request:
- a. Attachment A Statement of Work initialled 11 August 2011; and
 - b. Attachment B Statement of Work – Medical Officer initialled 11 August 2011.

Decision

7. Group Captain Wallis decided to release the documents with deletions made in accordance with section 22 [Access to edited copies with exempt of 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

8. In making her decision, Group Captain Wallis had regard to:
- a. the content of the documents in issue;
 - b. relevant provisions in the FOI Act;
 - c. paragraph 6.29 of the Guidelines issued by the Office of the Australian Information Commissioner under section 93A of the FOI Act;
 - d. principles on open public sector information issued by the Information Commissioner; and
 - e. outcome of third party consultation.

Reasons for decision – Section 47F

9. Upon examination of the documents, Group Captain Wallis identified a signature of a person other than you. Group Captain Wallis considered that disclosure of this material would constitute an unreasonable disclosure of personal information of a third party.

10. To determine whether the disclosure of the identified personal information was unreasonable, Group Captain Wallis had regard to the criteria specified in section 47F(2) of the FOI Act.

11. Section 47F(2) states;

47F Public interest conditional exemptions – personal privacy

General Rule

(2) In determining whether the disclosure of the document would involve the unreasonable disclosure of personal information, an agency or Minister must have regard to the following matters:

- (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 publicity accessible sources;*
- (d) any other matters that the agency or Minister considers relevant.*

12. Against the above criteria, Group Captain Wallis found:
- a. the specific personal information listed is not well known;
 - b. the individuals whose personal information is contained in the documents are known to be associated with the matters dealt with in the documents;
 - c. the information is not readily available from publicly accessible sources; and
 - d. the material considered to be exempt is information that the individual would reasonably be expected not to have disclosed to a third party without their consent.
13. Based on the assessment above, Group Captain Wallis considered that the release of the signatures would be an unreasonable disclosure of personal information and therefore conditionally exempt under section 47F of the FOI Act.
14. Subsection 11A(5) of the FOI Act, requires that 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

15. In assessing whether the disclosure of the identified personal information is contrary to the public interest, Group Captain Wallis considered the factors that favour access to a document set out in section 11B(3) of the FOI Act [Public interest exemptions – factors]. Group Captain Wallis noted that that disclosure may promote some of the objects of the FOI Act, as information held by the Government is a national resource. However, Group Captain Wallis considered disclosure of this information would not increase public participation in the Defence process, nor would it increase scrutiny or discussion of Defence activities.
16. Group Captain Wallis noted that release of the material may be of some interest to you. However, it would not inform public debate on any matter of public importance in any meaningful way. Additionally, Group Captain Wallis advised that the deleted material would not allow you any further access to your own personal information.
17. In coming to the above decision, Group Captain Wallis also considered subsection 11B(4) [Public interest exemptions – irrelevant factors] of the FOI Act, which lists factors which must be taken into account in deciding whether access would, on balance, be contrary to the public interest. Group Captain Wallis advised that none of the factors she took into account were listed under subsection 11B(4) of the FOI Act.
18. Based on the above, Group Captain Wallis considered that, on balance, the public interest factors against disclosure outweigh the factors for disclosure of the identified personal information. Therefore, Group Captain Wallis decided that it would be contrary to the public interest to release information considered exempt under section 47F of the FOI Act.

Payment of charges

19. In our letter dated 14 February 2014, after deducting free decision making time, the department estimated the cost associated with processing your request to be [REDACTED]. You agreed to pay charges for the administration of your request and paid the required deposit of [REDACTED] on 14 February 2014.
20. Upon completion of your request, after deducting the free decision making time, the actual amount for processing your request was calculated to be [REDACTED]. As mentioned in our letter of 14 February 2014, the amount payable can only be more than the preliminary

assessment if the decision is to release all of the documents in full. Therefore, the remaining balance is the difference between actual charges and the deposit you have already made.

21. Accordingly, you are required to pay the remaining [REDACTED] in order to finalise your request. Please complete and return to the FOI Directorate the form at Enclosure 1. This form is your payment authority and enables the department to finalise your request without delay. Upon receipt of the form an invoice will be generated, noting that this can take up to three business days. However, the documents authorised for release will be promptly forwarded to you, following the receipt of your completed form.

Disclosure Log

22. 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 five working days following receipt by the applicant. Defence will also publish this decision notice with privacy deletions.

Rights of review

23. The FOI Act provides for rights of review of decisions. A copy of the fact sheet, "Freedom of Information – Your Review Rights" is at Enclosure 2.

Further advice

24. The FOI Act may be found at <http://www.comlaw.gov.au/Details/C2012C00231>.

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

Yours sincerely



John Peterson
Case Officer
Freedom of Information

27 March 2014

Enclosures:

1. Payment Authorisation Balance of Charges Form
2. Fact Sheet: Freedom of Information – Your Review Rights