



## **FOI 295/18/19 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:

*I request file notes, memo's, emails, phone transcripts, correspondences, but not limited to, between the Australian Defence Force, (in particular ADF Recruiting & ADF Security Officers) and the "Private Contracting Vetting Agencies" employed on behalf of the ADF in relation to the decision taken by the Minister (The Hon Darren Chester) in August 2018 that bans all "non-citizens" from serving due to vetting concerns.*

*I do not require private email addresses, signatures, personnel PMKeyS numbers or mobile telephone numbers contained in documents that fall within the scope of this FOI request. I also exclude duplicates of documents and only require final versions of documents.*

### **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 nine documents as matching the description of the request.
4. The decision in relation to each document is detailed in a schedule of documents.
5. I have added an FOI reference number and Item/Serial number to each of the documents, which corresponds with the schedule.

### **Decision**

6. I have decided to:
  - a. partially release eight documents in accordance with section 22 [access to edited copies with exempt or irrelevant matter deleted] of the FOI Act; and
  - b. partially release one document 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 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); and
- e. advice provided by the Australian Government Vetting Agency.

### **Reasons for decision**

#### **Section 22 – Access to edited copies with exempt or irrelevant matter deleted**

8. Section 22(1)(a)(ii) of the FOI Act permits the deletion of information that would be reasonably regarded as irrelevant to the request. Parts of the documents identified in the schedule contain information relating to meeting minutes which discuss a variety of topics as well as specifics of an individual's case which is unrelated to your request.

9. I have determined that this information falls outside the terms of your request and I have deleted this material under section 22 of the FOI Act.

#### **Section 47F – Personal privacy**

10. Upon examination of the document (Item 8 Serial 1), I identified information, specifically the names, date of birth and candidate number of an individual other than the applicant.

11. Section 47F(1) conditionally exempts a document if its disclosure would involve the unreasonable disclosure of personal information about any person (including a deceased person).

12. When assessing whether the disclosure of personal information is unreasonable, I considered the following factors:

- 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; and
- c. the availability of the information from publicly accessible sources.

13. Against the criteria, I found:

- a. the specific personal information listed is not well known;
- b. the individual whose personal information is contained in the document is not widely known to be associated with the matters dealt with in the document; and
- c. the personal information is not readily available from publicly accessible sources.

14. Taking into account the above factors, I consider that the release of the personal details of the individual would be an unreasonable disclosure of personal information and is conditionally exempt under section 47F(1) of the FOI Act.

15. Section 11A(5) provides that if a document is conditionally exempt, it must be disclosed unless (in the circumstances) access to the document at that time would, on balance, be contrary to the public interest. My public interest considerations are below.

#### **Section 47F – Public interest considerations**

16. In determining whether to release the document, I considered the Guidelines, together with a range of factors that favour access to a document set out in section 11B(3) [public interest exemptions-factors favouring access] of the FOI Act. I had regard to whether giving

access to the applicant would, on balance, be contrary to the public interest. Specifically I considered if disclosure of the document would:

- a. promote the objects of the FOI Act;
- b. inform debate on a matter of public importance; or
- c. promote effective oversight of public expenditure.

17. I found that disclosure of the information would not increase public participation in the Defence process (section 3(2)(a) of the FOI Act), nor would it increase scrutiny or discussion of Defence activities (section 3(2)(b) of the FOI Act).

18. Paragraph 6.22 of the Guidelines specifies a non-exhaustive list of public interest factors against disclosure. The factors I find particularly relevant to this request are that release of this information could reasonably be expected to prejudice or harm:

- a. the protection of an individual's right to privacy; and
- b. the interests of an individual or group of individuals.

19. It is for those reasons that I find that the public interest factors against disclosure outweigh the factors for disclosure and I deem the information exempt under section 47F of the FOI Act.

20. None of the factors listed in section 11B(4) [Irrelevant factors] were taken into account when making my decision.

#### **Further information**

21. Some of the documents matching the scope of this request contained a dissemination limiting marker. As the documents are approved for public release the marker has been struck through.

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Date: 2019.03.12 13:14:18 +11'00'

Accredited Decision Maker  
Defence People Group

12 March 2019