



Australian Government
Department of Defence

Reference: R29667231

FOI 296/16/17 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:

“In the early 2000s the Department approved the issue of the Australia Service Medal (ASM) with 'SPECIAL OPS' Clasp to ARMY ammunition technical personnel (RAAOC ATO & AT) for approved Improvised Explosive Device Disposal (IEDD) actions. I am seeking documents or a comprehensive list, under the FOI Act 1982, that details the names of ALL personnel who received the ASM under this approval”

excluding personal email addresses, signatures, PMKeys numbers and mobile telephone numbers, contained in documents that fall within the scope of the FOI request. In addition, excluding duplicates of documents

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. I identified two documents as matching the description of the request.

Decision

4. I have decided to
- a. partially release two documents 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 ; and
 - b. removed irrelevant material as referred to in the scope of the request in accordance with section 22(1)(b)(ii) 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. advice received from officers within Defence People Group.

Section 47F – Personal privacy

6. Upon examination of the documents, I found that they contained the personal identifying information of personnel other than the applicant. This material satisfies the definition of personal information in section 4 [interpretation] of the FOI Act.

7. In accordance with section 47F(2) of the FOI Act, in determining whether the disclosure of this information would involve the unreasonable disclosure of personal information, 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.

8. Against those criteria I have found that the specific information is not readily available from publicly available sources, nor is the information well known. I have therefore determined that the identified material is conditionally exempt under section 47F of the FOI Act.

Public interest considerations

9. Section 11A(5) of the FOI Act, 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*”.

10. In balancing the public interest in this case, I have considered the following factors set out in section 11B(3) of the FOI Act, in favour of disclosure:

- a. Promoting the objects of the FOI Act;
- b. Inform debate on a matter of public importance;
- c. Promote effective oversight of public expenditure;
- d. Allow a person access to his or her personal information.

11. Factors favouring disclosure in this case are that doing so may promote some of the objects of the FOI Act, as information held by the Government is considered to be a national resource. Doing so in this case would allow the applicant access to his personal information. The remaining factors contained in section 11B(3) are not relevant in this case.

12. On balance, however, I consider that the benefit to the public resulting from the disclosure is outweighed by the benefits of withholding the information. In particular, I am satisfied that allowing the applicant access to his personal information is not unduly affected by the deletions made under section 47F. The public interest is better served in this case by maintaining the personal privacy of third parties named from public disclosure.

13. In coming to my decision, I also considered section 11B(4) [public interest exemptions – irrelevant factors] of the FOI Act.

14. 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.

Further Information

15. 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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Theresa Stinson
Accredited Decision Maker
Associate Secretary Group