



BO1619255

FOI 297/18/19 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 am seeking documents under the Freedom of Information Act 1982. I seek access to the February to April 2018 calendar and diary of Air Marshal Leo Davies.”

Excluding private email addresses, signatures, personal (PMKeYS) numbers and mobile telephone numbers that may be contained in documents that fall within the scope of this FOI request. In addition, I do not require 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 have identified one consolidated document as matching the description of the request.

Decision

4. I have decided to:
- a. partially release this document in accordance with section 33(a)(ii) [Documents affecting the defence of the Commonwealth] and section 47F [public interest conditional exemptions-personal privacy] of the FOI Act; and
 - b. remove 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 document 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 advice provided by the Office of the Chief of Air Force (OCAF).

Reasons for decision

Section 33(a)(ii) – Documents affecting the defence of the Commonwealth

6. Upon examination of the document, I have identified information that, if released, would or could reasonably be expected to cause damage to the defence of the

Commonwealth. Paragraph 5.34 of the Guidelines, per previous Administrative Appeals Tribunal (AAT) decisions, indicates that the term ‘defence of the Commonwealth’ includes:

‘... protecting the Defence Force from hindrance or activities which would prejudice its effectiveness.’

7. The document contains information relating to classified Defence meetings, events and/or locations. Release of this information could reasonably be expected to prejudice the effectiveness of the Defence Force and its operations.

Section 47F - Personal privacy

8. Upon examination of the document, I have identified information, specifically names and personal information of third parties involved in this matter. In determining whether release of this personal information is unreasonable, I took into account, inter alia:

- a. the extent to which the information is well known;
- b. whether the persons to whom the information relates is known to be (or to have been) associated with the matters dealt within the document; and
- c. the availability of the information from publicly accessible sources.

9. Against these criteria, I found:

- a. the specific identified information is not well known;
- b. the persons to whom the information relates is not widely known to be (or to have been) associated with the matters dealt with in the document; and
- c. the specific identified information is not publicly available from publicly accessible sources.

10. With reference to the assessment above, I consider the release of personal identifying information would be an unreasonable disclosure of personal information and therefore conditionally exempt under section 47F(1) of the FOI Act.

Sections 47F - Public interest considerations

11. Section 11A(5) of the FOI Act allows access to conditionally exempt document unless, in the circumstances, access to the document would be contrary to the public interest.

12. In assessing whether disclosure of the conditionally exempt material is, on balance, contrary to the public interest, I have considered the range of relevant factors that favour access to a document set out in section 11B(3) [public interest exemptions – factors favouring access] of the FOI Act. While disclosure may promote some of the objects of the FOI Act, as information held by Government is a national resource, I do not consider it would increase public participation in government processes, nor would it increase scrutiny or discussion of government activities. On balance, I believe the potential prejudice to the privacy of persons other than the applicant outweighs any potential benefit from promoting the objects of the FOI Act. I have therefore decided that it would be contrary to the public interest to release information and find it exempt under section 47F of the FOI Act.

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Group Captain Debbie Richardson
Accredited Decision Maker
Royal Australian Air Force