



Australian Government
Department of Defence

Reference: R34614676

FOI 352/17/18 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:

*“Item 1: the promotions track for Lieutenant Chloe Griggs (nee Wootten) between 2010 and 2015, by which time she had become a commander,
Item 2: documents showing who sat on any promotions panels that considered such matters.*

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, and documents sent to and from me. Furthermore, only final versions of documents need to be considered.

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 three documents matching the description of the request.

Decision

4. I have decided to:

- a. release two documents in full;
- 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; and
- c. remove irrelevant material as referred to in the scope of the request in accordance with subsection 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);
- e. advice from Navy; and
- f. comments received from third parties as a result of consultation.

Reasons for decision

Section 47F - Personal privacy

6. Upon examination of the documents, I identified information, specifically personal information relating to a member of the Australian Defence Force.
7. Subsection 47F(1) conditionally exempts a document if its disclosure would involve the unreasonable disclosure of personal information about any person (including a deceased person).
8. Personal information is defined in section 4 of the FOI Act as having the same meaning as that defined in the *Privacy Act 1988* which is:

Information of an opinion about an identified individual, or an individual who is reasonably identifiable:

- a. *whether the information or opinion is true or not; and*
 - b. *whether the information or opinion is recorded in a material form or not.*
9. In accordance with subsection 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 or to have been associated with the matters dealt with in the documents; and
 - c. the availability of the information from publicly accessible sources; and
 - d. release of the information would cause stress on the third parties.
 10. Against those criteria, I found that:
 - a. the specific personal information is not well known;
 - b. the personal information is not readily available from publicly accessible sources;
 - c. release of the information would cause stress on the third parties; and
 - d. no public purpose would be achieved through release of the information.

11. Noting the findings against the above criteria, I have decided that the disclosure of this information would be an unreasonable disclosure of personal information belonging to other persons. Accordingly, I consider the documents to be conditionally exempt under section 47F of the FOI Act.

12. Subsection 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.

Public interest considerations – Section 47F

13. I considered the factors favouring disclosure set out in subsection 11B(3) of the FOI Act. The relevant factors are that disclosure may promote some of the objects of the FOI Act, as information held by the Government is a national resource and it would allow the applicant access to his own personal information.

14. However, the disclosure of this information would not increase public participation in the Defence process (subsection 3(2)(a) of the FOI Act), nor would it increase scrutiny or discussion of Defence activities (subsection 3(2)(b) of the FOI Act).

15. 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
- b. the interests of an individual or group of individuals.

16. On balance, I consider that the benefit to the public from disclosure is outweighed by the benefit to the public of withholding the information. In particular, I am satisfied that allowing the applicant access to his own personal information is not unduly affected by the privacy deletions made under s47F. The public interest is better served in this case by maintaining the personal privacy of third parties, whose personal information is found within this document.

17. I have decided that it would be contrary to the public interest to release the information considered exempt under subsection 47F(1) of the FOI Act.

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

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Melissa Davidson
Accredited Decision Maker
Associate Secretary Group