



Australian Government
Department of Defence
Defence Support and Reform Group

Information Management
and Access Branch
Department of Defence

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Our reference: FOI 353/14/15



Dear 

NOTICE OF DECISION ON FREEDOM OF INFORMATION REQUEST

1. I refer to your email, dated 2 May 2015, in which you requested access, under the *Freedom of Information Act 1982* (FOI Act), to:

"...the budgeted costs related to Price [sic] Harry of the United Kingdom's attachment to the Australian Defence Forces, that are above and beyond normal operating costs..."

Background

2. The purpose of this letter is to provide you with the decision relating to the documents that are the subject of your request.

FOI decision maker

3. Lieutenant Colonel (LTCOL) Damien Spendelove, Chief Legal Officer, Office of the Chief of Army, is the authorised officer pursuant to section 23 of the FOI Act to make a decision on this FOI request.

Documents identified

4. LTCOL Spendelove identified one document as matching the description of your request. The document in the form approved for release is at Enclosure 1.

Decision

5. LTCOL Spendelove has decided to partially release the document with deletions made in accordance with subsection 22(1) [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 [personal privacy] of the FOI Act.

Material taken into account

6. In making his decision, LTCOL Spendelove 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; and
 - d. the *Guidelines published by the Office of the Australian Information Commissioner under section 93A of the FOI Act* (the Guidelines).

Reasons for decision

Personal privacy – Section 47F of the FOI Act

7. The document contains signatures of APS personnel and the PMKeyS number of an ADF member.
8. To determine whether the disclosure of the identified personal information was unreasonable, LTCOL Spendelove had regard to the criteria specified in section 47F(2) of the FOI Act:
- a. the extent to which the information is well known;
 - b. whether the persons to whom the information relates are 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.
9. Against these three criteria, LTCOL Spendelove found:
- a. the specific personal information listed is not well known;
 - b. the individuals whose personal information is contained in the document are not widely known to be associated with the matters dealt with in the documents; and
 - c. the information is not readily available from publicly accessible sources.

10. With reference to the assessment above, LTCOL Spendelove considers that the release of signatures and PMKeyS numbers would be an unreasonable disclosure of personal information and therefore conditionally exempt under section 47F(1) of the FOI Act.

11. Section 11 (5) of the FOI Act requires Defence to allow access to conditionally exempt documents unless access to the documents would be contrary to the public interest.

Public interest considerations – Section 47F

12. When assessing whether disclosure is on balance, contrary to the public interest, LTCOL Spendelove has considered the guidelines provided by the Australian Information Commissioner, together with a range of factors that favour access to a document as set out in section 11B(3) [Public interest exemptions – factors] of the FOI Act.

13. LTCOL Spendelove has considered the public interest in promoting the objects of the FOI Act. In this regard, he is satisfied that the identified personal information would not inform public debate on any matter of public importance. Additionally, the disclosure of this information would not promote oversight on public expenditure or allow a person to access his or her own personal information.

14. In coming to his decision, LTCOL Spendelove also considered subsection 11B(4) [public interest exemptions – irrelevant factors] of the FOI Act listing factors that must not be taken into account in deciding whether access would, on balance, be contrary to the public interest. None of the factors he took into account were listed under subsection 11B(4) of the FOI Act.

15. LTCOL Spendelove found that the public interest factors against disclosure outweigh the factors for disclosure of the identified personal information and deem the information exempt under section 47F of the FOI Act.

Disclosure Log

16. 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

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

Further information

18. The FOI Act may be accessed at: <http://www.comlaw.gov.au/Details/C2015C00013>.

19. All departmental action on your request is now complete. Should you have any questions in regard to this matter please contact this office.

Yours sincerely



Case Officer
Freedom of Information

18 May 2015

Enclosures:

1. Document in the form for release
2. Fact Sheet: Freedom of Information – Your Review Rights