



Australian Government
Department of Defence

Reference: AM3132644

FOI 362/16/17 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:

“...1. The Directive/Terms of Reference that lead to the AM198044 HQJOC Findings of Field Allowance Audit of Task Group Sites report circa June 2009.

2. The text covering the report, if any, that went with AM198044 HQJOC Findings of Field Allowance Audit of Task Group Sites report circa June 2009.

3. The executive correspondence which implemented the AM198044 HQJOC Findings of Field Allowance Audit of Task Group Sites report circa June 2009.

4. Any correspondence documenting the follow-on discussions to DB HQJOC C1449511 dated 06 Aug 09 between the then CJOPS LTGEN Evans and the CDF ACM Houston.

5. Documents relating to the Tier 2 FA entitlement in the MEAO being changed around 2014, 2015.

I require personal email addresses and signatures, however I do not require personnel (PMKeyS) numbers and mobile telephone numbers.”

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.

Decision

3. I have decided to:

- a. partially release one document for Item 1 of the request 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;
- b. refuse access to documents of the request under subparagraph 24A(1)(b)(ii)[Requests may be refused if documents cannot be found, do not exist or have not been received] of the FOI Act; and
- c. 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

4. 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 from Headquarters Joint Operations Command Ministerial Liaison Officer.

Reasons for decision

Conditional Exemption - Section 47F(1) - Personal Privacy

5. Upon examination of the document, I identified information, specifically names and signatures of individuals other than the applicant.
6. 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,
 - c. the availability of the information from publicly accessible sources, and
 - d. the effect the release of the personal information could reasonably have on the third party.
7. I found that the:
- a. specific personal information listed is not well known, and
 - b. information is not readily available from publicly accessible sources.
8. The release of the names and signatures of personnel identified in the document could reasonably be expected to cause harm to their privacy. I consider that the release of the personal information of individuals other than the applicant would be an unreasonable disclosure of personal information and is conditionally exempt under section 47F(1) of the FOI Act.

Public interest considerations – Section 47F(1)

9. I have found that the identified document is conditionally exempt under section 47F(1) of the FOI Act. 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.
10. I considered the factors favouring disclosure set out in section 11B(3) of the FOI Act. The relevant factor is that disclosure may promote some of the objects of the FOI Act, as information held by the Government is a national resource.
11. However, the disclosure of this 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).
12. 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.

13. 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(1) of the FOI Act.

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

Section 24A – Request may be refused if documents cannot be found, do not exist or have not been received

15. Section 24A(1) of the FOI Act states:

(1) *an agency or Minister may refuse a request for access to a document if:*

(a) *all reasonable steps have been taken to find the document; and*

(b) *the agency or Minister is satisfied that the document:*

(i) *is in the agency's or Minister's possession but cannot be found; or*

(ii) *does not exist.*

16. I have consulted with Headquarters Joint Operations Command (HQJOC) and am advised that no documents can be located for Items 2, 3, 4 and 5 of the request. I am advised that HQJOC undertook searches of the Electronic Document Register System (EDMS) and Document Records Management System (DRMS) for documents relating to the application.

17. With respect to Items 2 and 3 of the application, AM198044 does not appear to have been attached to any report nor was it implemented. A document similar to AM198044, AM197157 was located and describes itself as an enclosure to C1449511. C1449511 has no discernable enclosures listed.

18. With respect to Item 4, no documents were located that referenced follow-up discussions regarding C1449511. Similarly, for Item 5, no documents relating to 'Tier 2 FA entitlements in the MEAO being changed around 2014, 2015' were located.

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Date: 2017.07.25 11:59:40 +10'00'

N.A. CRAM
Group Captain
Accredited Decision Maker
Joint Operations Command Group

25 July 2017