



**Australian Government**  
**Department of Defence**

Reference:

**FOI 369/16/17 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:

*"...any briefs, reports or emails to or from the Minister for Defence or Assistant Minister for Defence relating to the appointment of Sheikh Mohamadu Nawas Saleem to the Religious Advisory Committee to the Services. ... seeking documents generated between 6 March 2015 and 5 Jun 2015."*

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

**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 one document as matching the description of the request. The document contains 3 attachments.

**Decision**

4. I have decided to:
- a. partially release the 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.
  - 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 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 a third party.

## **Reasons for decision**

### **Section 47F - Personal Privacy**

6. Upon examination of the documents, I identified information, specifically personal information relating to a third party.
7. 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.
8. I found that the:
  - a. specific personal information listed is not well known
  - b. individuals whose personal information is contained in the documents are not widely known to be associated with the matters dealt with in the documents
  - c. information is not readily available from publicly accessible sources.
9. Against these criteria, I found that the specific information is not well known and the specific information is not available from publicly accessible sources.
10. As such, I consider that the release of this information would be an unreasonable disclosure of personal information and is conditionally exempt under section 47F of the FOI Act.

### **Public interest considerations – Section 47F**

11. I have found that the identified documents are conditionally exempt under section 47F 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.
12. 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.
13. However, the disclosure of this information would not increase public participation in the Defence process, nor would it increase scrutiny or discussion of Defence activities.
14. 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
15. 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 of the FOI Act.
16. None of the factors listed in section 11B(4) [Irrelevant Factors] were taken into account when making my decision.

### Further Information

17. 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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Dr Jodi Bailey  
Accredited Decision Maker  
Defence People Group

15 Aug 2017