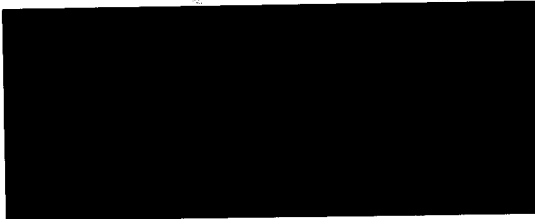




**Australian Government**  
**Department of Defence**

Our reference: 402/14/15



By email: [Redacted]

Dear [Redacted]

**NOTICE OF DECISION ON FREEDOM OF INFORMATION REQUEST**

1. I refer to your email, dated 12 June 2015 in which you agreed to the following revised scope for your request under the *Freedom of Information Act 1982* (FOI Act):

*“copy of the signed AC977 (Credit Card Purchase Authorisation) for account code 23214, worth more than \$2000, from People Policy and Culture Division, Defence People Group in FY 2014/15.”*

**Background**

2. On 16 June 2015, I advised you that the due date for this request was 12 July 2015 (a Sunday). In accordance with the FOI Guidelines issued by the Australian Information Commissioner, if the last day for notifying a decision falls on a Saturday, Sunday or a public holiday, the timeframe will expire on the first day following which is none of those days. As such, the due date for you to receive a response is 13 July 2015.

3. 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**

4. Mr Andrew Cosh, Director, Defence People Group is the authorised officer pursuant to section 23 of the FOI Act to make a decision on this FOI request.

**Documents identified**

5. Following a search of Defence's financial management system, one transaction was identified as falling within the scope of the request. However, when Mr Cosh obtained a copy of that document, he noticed that the transaction had been put through on a different procurement form, AB714 (Procurement Decision Record) rather than on the ACC977 (credit Card Purchase Authorisation) form.

6. Despite the use of the different procurement form, Mr Cosh has decided to release the AB714 form to you as it matches the scope of the substance of your request.

## Decision

7. Following examination of the document, Mr Cosh has decided to release the identified document with deletions made in accordance with section 22 [Access to edited copies with exempt or irrelevant matter deleted] of the FOI Act, on the grounds that the redacted material is exempt under section 47F [Public interest conditional exemptions – personal privacy] of the FOI Act. A copy of the document in the form approved for release is at enclosure 1.

## Material taken into account

8. In making his decision, Mr Cosh 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. advice received from officers within the department.

## Reasons for decision

### Section 47F – Public interest conditional exemptions – personal privacy

9. Upon examination of the only document within the scope of the request, Mr Cosh found that it contained personal information relating to Defence employees, specifically personal signatures and employee identity numbers, which he considered satisfied the definition of personal information detailed in section 4 of the FOI Act.

10. In accordance with section 47F(2) of the FOI Act, in determining whether the disclosure of the identified personal information would be unreasonable, Mr Cosh had regard to:

- 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; and
- c. the availability of the information from publicly accessible sources.

11. Against these three criteria, Mr Cosh found:

- a. the specific pieces of personal information are not well known; and
- b. while the person to whom the information relates is performing their usual duties and therefore is associated with the matters dealt with in the documents, the specific pieces of personal information are not readily available from publicly accessible sources.

12. Based on the above criteria, Mr Cosh considered that the release of the specific pieces of personal information would be an unreasonable disclosure of personal information and are therefore conditionally exempt under section 47F of the FOI Act.

13. Section 11A(5) of the FOI Act requires Defence to allow access to exempt documents unless, in the circumstances, access to the documents would, on balance, be contrary to the public interest.

**Public interest considerations – section 47F**

14. In assessing whether disclosure of the conditionally exempt material is, on balance, contrary to the public interest, Mr Cosh considered the range of factors that favour access to a document set out in section 11B(3) [Public Interest Exemptions – factors favouring access] of the FOI Act. The release of this specific material may be of some interest to you. Disclosure may also promote some of the objects of the FOI Act, as information held by Australian Government agencies is a national resource and may promote accountability.

15. However, the disclosure of this specific information would not increase public participation in the Defence process, nor would it increase scrutiny or discussion of Defence activities. The disclosure of the information would not promote oversight of public expenditure. Moreover, the publication of the person's signature and employee identity number could reasonably be expected to prejudice the protection of individual's right to privacy. It could also reasonably be expected to harm the interests of the individual if their signature and unique employee identity number were released publicly.

16. Release of this information could also reasonably be expected to prejudice an agency's ability to obtain similar information in the future and through that could reasonably be expected to prejudice the management function of the Department as people would be reluctant to act as the commitment approver if they knew that their personal signature and employee identity number would be released to the public.

17. In coming to this decision, Mr Cosh had regard to subsection 11B(4) [Public Interest Exemptions – irrelevant factors] of the FOI Act, which lists 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 Mr Cosh took into account were listed under subsection 11B(4) of the FOI Act.

18. Accordingly, Mr Cosh considered that, on balance, the public interest factors against disclosure outweigh the factors for disclosure of the deleted material. Further, the nature of this specific information is such that it does not satisfy the factors favouring access in section 11B(3) of the FOI Act and therefore should not be released.

19. On this basis, Mr Cosh decided that it would be contrary to the public interest to release the information considered exempt under section 47F of the FOI Act. Nonetheless, the vast majority of the document has been released, with the exception of an individual's personal information.

**FOI Disclosure Log**

20. 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 will publish identified documents relating to requests within five working days of receipt by the applicant. Defence will also publish this decision notice with privacy deletions.

## **Your Review Rights**

### ***Internal Review***

21. Under the provisions of section 54 of the FOI Act, you are entitled to request a review of this decision. You must request a review, in writing, within 30 days of the date of this letter, or the date you receive the documents. Requests can be sent to:

Email: [FOIRReview@defence.gov.au](mailto:FOIRReview@defence.gov.au)  
 Fax: 02 626 62112  
 Post: Freedom of Information Directorate - Reviews  
 Department of Defence  
 CP1-6-029  
 PO Box 7910  
 CANBERRA BC ACT 2610

### ***Australian Information Commissioner***

22. Under the provisions of section 54 of the FOI Act, you are also entitled to request an external review of this decision by the Australian Information Commissioner. You have 60 days to lodge such a request, using one of the contact methods below:

Email: [enquiries@oaic.gov.au](mailto:enquiries@oaic.gov.au)  
 Phone: 1300 363 992  
 Fax: 02 9284 9666  
 Post: GPO Box 2999  
 Canberra ACT 2601

### ***Complaints***

23. You may complain to Defence, the Information Commissioner or the Commonwealth Ombudsman about an action taken by Defence in the exercise of its power or the performance of its functions under the FOI Act. There is no fee for making a complaint. Should you wish to complain to the Department of Defence, your complaint can be addressed to Mr Tony Corcoran using the contact details below:

Email: [Tony.corcoran@defence.gov.au](mailto:Tony.corcoran@defence.gov.au)  
 Post: Tony Corcoran  
 Assistant Secretary Information Management and Access Branch  
 CP1-6-14  
 PO Box 7911  
 CANBERRA BC ACT 2610

24. Contact details for the Commonwealth Ombudsman are below:

Phone: 1300 362 072)  
 Fax: 02 6276 0123  
 Post: Commonwealth Ombudsman  
 GPO Box 442  
 CANBERRA ACT 2601

25. Contact details for the Information Commissioner are as on the previous page.

26. Should you have any questions in regard to this matter please contact this office.

Yours sincerely



Michelle Rueckert  
Assistant Director

Freedom of Information  
Department of Defence  
CP1-6-001, PO Box 7910  
CANBERRA BC ACT 2610

Phone Number: 02 626 62200  
Fax: 02 626 62112  
[FOI@defence.gov.au](mailto:FOI@defence.gov.au)

13 July 2015

Enclosures:

1. Documents in the form for release