



**Australian Government**  
**Department of Defence**  
Defence Support and Reform Group

Ministerial and Information  
Management Branch  
Department of Defence

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Our reference: FOI 302/13/14



Dear 

1. I refer to your Freedom of Information (FOI) request, dated 26 February 2014, in which you sought:

*"...documents under the Freedom of Information Act 1982 on Operation Vista. Operation Vista was an Airforce led evacuation operation of non essential Australians from Cambodia from 5th Jul - 14th Jul 1997.*

*In particular, I am looking for the After Action Report or Post Operational Report that was completed when the operation ended."*

**FOI decision maker**

2. Group Captain Catherine Wallis, Director Coordination - Air Force, is the authorised officer pursuant to section 23 of the FOI Act to make a decision on this FOI request.

**Documents identified**

3. Group Captain Wallis identified one document matching your request.

**Decision**

4. Following examination of the document, Group Captain Wallis decided to partially release it 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 deleted material is considered exempt under section 47F [public interest conditional exemptions-personal privacy] of the FOI Act.

## Reasons

### Material taken into account

5. In making her decision Group Captain Wallis had regard to:
- a. the content of the document in issue;
  - b. relevant provisions in the FOI Act;
  - c. paragraph 6.29 the Guidelines published by the Office of the Australian Information Commissioner under section 93A of the FOI Act (the Guidelines); and
  - d. principles on open public sector information issued by the Information Commissioner.

### Exemption claim - Section 47F of the FOI Act

6. Upon examination of the document, Group Captain Wallis identified names, Service numbers, and signatures of persons other than you. Group Captain Wallis considered that the disclosure of this material would constitute an unreasonable disclosure of personal information of a person other than you.

7. The Guidelines note that *'the personal privacy exemption is designed to prevent 'unreasonable' invasion of third parties privacy'*. In accordance with subsection 47F(2), in determining whether the disclosure of this information would involve the unreasonable disclosure of personal information, Group Captain Wallis 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;
- c. the availability of the information from publicly accessible sources; and
- d. any other matters that the agency considers relevant.

8. Against those criteria, Group Captain Wallis found that:

- a. the specific personal information is not well known;
- b. the people to whom the information relates are not known to have been associated with the matters dealt with in the documents;
- c. the personal information is not readily available from publicly available sources;
- d. the material considered to be exempt is information that the individuals would reasonably be expected not to have disclosed to a third party without their consent; and
- e. the material is so intertwined with personal information of third parties that it would be unreasonable to disclose it.

### Rights of access – section 11A

9. Subsection 11A(5) of the FOI Act provides that conditionally exempt matter must be released unless, in the circumstances, access to that document at this time would, on balance, be contrary to the public interest. The Guidelines state (at 6.8-6.9):

*...The term 'public interest' is necessarily broad and non-specific because what constitutes the public interest depends on the particular facts of the matter and the context in which it is being considered...*

*To conclude that, on balance, disclosure of a document would be contrary to the public interest is to conclude that the benefit to the public resulting from disclosure is outweighed by the benefit to the public of withholding the information. The decision maker must analyse, in each case, where on balance the public interest lies, based on the particular facts of the matter at the time the decision is made.*

**Public interest considerations – section 47F**

10. In assessing whether disclosure of the conditionally exempt material is, on balance, contrary to the public interest, Group Captain Wallis considered the range of factors that favour access to a document set out in subsection 11B(3) [public interest exemptions – factors favouring access] of the FOI Act. Group Captain Wallis noted that disclosure may promote some of the objects of the FOI Act, as information held by the Government is a national resource. However, the disclosure of this information would not increase public participation in Government processes, nor would it increase scrutiny or discussion of Government activities.

11. Group Captain Wallis noted that the release of this material may be of some interest to you; however, it would not inform public debate on any matter of public importance in any meaningful way. Additionally, the deleted material would not allow you any further access to your own personal information.

**Irrelevant factors – section 11B (4)**

12. In coming to the above decision, Group Captain Wallis had regard to subsection 11B(4) [irrelevant factors] of the FOI Act, which lists factors which must not be taken into account in deciding whether access would, on balance, be contrary to the public interest. None of the factors Group Captain Wallis took into account were listed under subsection 11B(4) of the FOI Act.

13. Accordingly, Group Captain Wallis considered that, on balance, the public interest factors against disclosure outweigh the factors for disclosure of the exempt material contained in the documents. Therefore, Group Captain Wallis decided that it would be contrary to the public interest to release the information considered under subsection 47F of the FOI Act.

**Payment of Charges**

14. In our letter, dated 5 March 2014, after deducting the free decision making time, the department estimated the cost associated with processing your request to be [REDACTED]. You agreed to pay charges for the administration of your request on 6 March 2014.

15. Upon completion of your request, after deducting the free decision making time, the actual amount for processing exceeded the original estimate provided to you. However, as explained in the above mentioned letter the amount payable can only be more than the preliminary assessment if the decision is to release all of the documents requested in full. Accordingly, you are only required to pay the outstanding amount of [REDACTED]. A copy of the final payment authorisation form is at Enclosure 1.

**Further information**

16. The FOI Act may be accessed at: <http://www.comlaw.gov.au/Details/C2011C00803>.

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

Yours sincerely



Phillip Connelly  
Case Officer  
Freedom of Information

24 April 2014

Enclosures:

1. Payment authorisation: final charges.