




Australian Government
Department of Defence
Defence Support and Reform Group

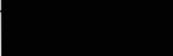
Ministerial and Information
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Department of Defence

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Our reference: FOI 354/13/14



By email: 

Dear 

1. I refer to your letter, dated 10 April 2014 (Enclosure 1), in which you requested access, under the *Freedom of Information Act 1982* (FOI Act), to a range of travel documents.

Background

2. On 22 April 2014, our office informed you that part of your request was transferred to the Department of Finance and Deregulation under section 16(1)(b) of the FOI Act as the content more closely relates to the functions of the Department of Finance and Deregulation. Furthermore, you were advised that FOI Directorate would continue processing the following part of your request, to which you did not advise otherwise:

"Item 1 - Travel documents, including, but not limited to emails to and from a travel service provider and copies of itineraries pertaining to all flights taken by the Aide de Camp accompanying Senator the Hon Kim Carr MP, as Minister for Defence Materiel, for the period 14 December 2011 to 5 March 2012 for International and Domestic flights for Parliamentary business."

3. On 23 April 2014, I informed you that there were no charges associated with processing your request. As such, the statutory deadline for you to receive a response to your request expires on 16 May 2014.

4. 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

5. Mr Marcus Smith, Director Engineer Systems Program Office, Defence Materiel Organisation, was the authorised officer pursuant to section 23 of the FOI Act to make a decision on this FOI request.

Documents identified

6. Mr Smith identified seven documents as matching the description of your request. A schedule of documents is at Enclosure 2. Documents in the form approved for release are at Enclosure 3. For ease of reference and for the purpose of processing this request, the decision maker has added an FOI Item number to each of the documents, which corresponds with the schedule.

Decision

7. Mr Smith has decided to:
- a. release in full five documents; and
 - b. partially release two documents 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 [public interest conditional exemptions-personal privacy].

Material taken into account

8. In making his decision Mr Smith 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);
 - e. the Principles on open public sector information issued by the Information Commissioner; and
 - f. advice from Defence officers with responsibility for matters relating to the documents.

Reasons for decision Section

Section 47F – Personal Privacy

9. Upon examination of the documents, Mr Smith identified information, specifically, signatures and personal identification numbers belonging to people other than you. This material satisfies the definition of personal information in section 4 of the FOI Act. In accordance with section 47F(2) of the FOI Act, in determining whether the disclosure of the identified personal information would be unreasonable, Mr Smith 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 documents; and
- (c) the availability of the information from publicly accessible sources.

10. Against those criteria, Mr Smith found that:

- (a) the specific personal information is not well known to the general community;
- (b) the person to whom the information relates is not known to be, or to have been, associated with the matters dealt with in the documents; and

- (c) the specific information is not readily available from publicly accessible sources.

11. Noting the findings against the above criteria, Mr Smith decided that the disclosure of this information would constitute an unreasonable disclosure of personal information belonging to a person other than the you. Accordingly, Mr Smith considered this material to be conditionally exempt under section 47F of the FOI Act.

12. Subsection 11A(5)[Access to documents on request] of the FOI Act requires the Commonwealth to allow access to such conditionally exempt material unless, in the circumstances and on balance, access would be contrary to the public interest.

Public interest considerations – section 47F

13. In assessing whether disclosure is, on balance, contrary to the public interest, Mr Smith considered the range of factors in favour and against disclosure as set out in section 11B(3) [Public interest exemptions – factors] of the FOI Act. Subsection 11B(3) states *factors favouring access to the document in the public interest include whether access to the document would do any of the following:*

- (a) promote the objects of this Act*
- (b) inform debate on a matter of public importance*
- (c) promote the effective oversight of public expenditure; and*
- (d) allow a person to access his or her own personal information.*

14. Mr Smith considered that disclosure may promote some of the objects of the FOI Act, such as information held by the Government is a national resource and providing oversight in the conduct or administration of an agency or official. 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.

15. Mr Smith noted that release of this material would not serve to amplify public debate on any oversight of public expenditure in any meaningful way, as the principal tenet of this requirement is being met through the release of the documentation regarding the expenditure and its intended use.

16. Mr Smith did not consider that the final consideration was relevant in this instance as the information does not relate to your own personal information.

17. Noting the above, on balance, Mr Smith considered that disclosure of signatures and personal identification numbers of Commonwealth employees would be contrary to the public interest.

18. In coming to the above decision, Mr Smith also considered subsection 11B(4) [Irrelevant factors] of the FOI Act, which lists the 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 listed in section 11B(4) of the FOI Act, had any bearing on my decision.

19. Accordingly, Mr Smith considered that, on balance, the public interest factors against disclosure of the proposed information outweigh the factors for disclosure of the documents that match the scope of the request. Therefore, Mr Smith decided that it would be contrary to the public interest to release the information considered exempt, under section 47F of the FOI Act.

Rights of review

20. 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 4.

FOI Disclosure Log

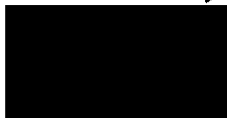
21. In accordance with the requirements of section 11C of the FOI Act, Defence is required to publish details of information released under the FOI Act. Defence publishes identified documents relating to requests within five working days of receipt by the applicant. Defence will also publish this decision notice with privacy deletions.

Further information

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

23. 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



Sally Philp
Assistant Director
Freedom of Information

5 May 2014

Enclosures:

1. FOI request
2. Schedule of documents
3. Documents in the form for release
4. Fact Sheet: Freedom of Information – Your Review Rights