1. I refer to your email, dated 18 January 2012, in which you requested access, under the Freedom of Information Act 1982 (FOI Act), to:

"...the decision document and implementation plan resulting from the Inquiry Officer Inquiry Report into allegations of unacceptable comments posted on Facebook by members of Forces Command, 14 June 2011."

2. 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

3. Colonel S.A. Stuart, Deputy Chief of Staff, Army Headquarters is the authorised decision maker, under the FOI Act, in relation to your request.

Documents identified

4. Colonel Stuart identified one document which falls within the scope of your request.

Decision

5. Colonel Stuart examined the identified document and decided to release it with deletions, in accordance with sub paragraph 22(1)(a)(i) [access to copies with exempt or irrelevant matter deleted] of the FOI Act, as the deleted material is considered exempt under section 47F [public interest conditional exemptions – personal privacy] of the FOI Act. Colonel Stuart found that the document also contained some material which pertained to a matter unrelated to the Facebook Inquiry, and he considered to be irrelevant to the scope of your request. As such, this material was removed in accordance with section 22 of the FOI Act.

Defending Australia and its National Interests
6. Copies of relevant sections of the FOI Act are available at:


Material taken into account

7. In making his decision, Colonel Stuart had regard to:

- the content of the document in issue;
- relevant provisions in the FOI Act; and
- the guidelines published by the Office of the Australian Information Commissioner under section 93A of the FOI Act (the guidelines).

Reasons for decision

8. Upon examination of the document, Colonel Stuart identified information, specifically individuals' ranks and names, the disclosure of which he considered would constitute an unreasonable disclosure of personal information.

9. In accordance with subsection 47F(2), in determining whether the disclosure of this information would involve the unreasonable disclosure of personal information, Colonel Stuart 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 matter dealt with in the documents; and
c. the availability of the information from publicly accessible sources.

10. Against the above criteria, Colonel Stuart found that:

a. the specific personal information is not well known to the general community; and
b. this specific information is not readily available from publicly accessible sources.

11. Noting the findings against the above criteria, Colonel Stuart has decided that the disclosure of this information would be an unreasonable disclosure of personal information belonging to another person. Accordingly, he considered the material to be conditionally exempt under section 47F of the FOI Act.

Public interest considerations – section 47F

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

13. In assessing whether the disclosure is on balance, contrary to the public interest, Colonel Stuart considered the relevant factors set out in section 11B(3) [public interest exemptions – factors] of the FOI Act, which favours access to a document. Colonel Stuart noted that disclosure of this information would not increase public participation in the Defence process, nor would it increase scrutiny or discussion of Defence activities.
14. While Colonel Stuart noted that release of this information may be of some interest to you, it would not inform public debate on any matter of public importance in any meaningful way. Additionally, he noted that disclosure would not promote oversight of public expenditure.

15. In coming to the above decision, Colonel Stuart had regard to subsection 11B(4) of the FOI Act. Accordingly, Colonel Stuart considered that, on balance, the public interest factors against disclosure outweigh the factors for disclosure of the identified document.

16. A copy of the document in the form approved for release is at Enclosure 1.

Payment of Charges

17. In our letter, dated 25 January 2012, the department estimated the cost associated with processing your request to be $... You agreed to pay charges for the administration of your request and paid the preliminary assessment amount in full on 2 February 2012.

18. Upon completion of your request the actual FOI processing charges matched the estimated charges amount. As such, no further charges are payable in relation to this request.

Rights of review


FOI Disclosure Log

20. In accordance with the requirements of section 11C [publication of information in accessed documents] 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 two working days of receipt by the applicant. Defence will also publish this decision notice with privacy deletions.

Further advice

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

Yours sincerely

Theresa Stinson
Assistant Director – Media Case Management
Freedom of Information

24 February 2012

Enclosures:
1. Copy of document in form approved for release
2. Fact Sheet: Freedom of Information – Your Review Rights