



Australian Government
Department of Defence

BN42064232

DEFENCE FOI 321/21/22 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:

“Australian Service Contingents 1 and 2 were awarded the Meritorious Unit Citation for service as part of the UN in Rwanda. Army deemed two Canadian soldiers were eligible to wear the MUC for their service with ASC 1 in 1994 and a formal offer was made to the Canadian Government. I would like to ask for a copy of all documents related to the Australian government's offer and the Canadian government's acceptance.”

FOI decision maker

2. I am the authorised officer pursuant to section 23 of the FOI Act to make a decision on this FOI request.

Documents identified

3. I identified three documents as matching the description of the request.

Exclusions

4. Personal email addresses, signatures, PMKeyS and other identification numbers and mobile telephone numbers contained in documents that fall within the scope of the FOI request, duplicates of documents, and documents sent to or from the applicant are excluded from this request. Defence has only considered final versions of documents.

Decision

5. I have decided to:

- a. partially release three documents 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; and
- 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

6. 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 received from the Department of Defence Directorate of Honours and Awards

Reasons for decision

Section 47F - Personal privacy

7. Subsection 47F(1) of the FOI Act states:

‘A document is conditionally exempt if its disclosure under this Act would involve unreasonable disclosure of personal information about any person (including a deceased person).’

8. ‘Personal information’ is defined in section 4 of the FOI Act as:

‘information or an opinion about an identified individual, or an individual who is reasonably identifiable

(a) whether the information or opinion is true or not; and

(b) whether the information or opinion is recorded in a material form or not.’

9. Upon examination of the documents, I identified information, specifically the names, addresses, email addresses and telephone numbers of several officers of the Canadian Government.

10. When assessing whether the disclosure of this document is unreasonable, I 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 the above criteria I found:

- a. that the specific personal information is not well known; and
- b. the information is not readily available from publicly accessible sources.

12. Taking into account the above factors, I consider that the release of the material would be an unreasonable disclosure of personal information of a third party and could reasonably be expected to cause harm to their privacy. I therefore have decided that this information is conditionally exempt under section 47F(1) of the FOI Act.

13. Section 11A(5) of the FOI Act requires an agency to allow access to an exempt document unless, in the circumstances, access to the document would, on balance, be contrary to the public interest. My public interest considerations are set out below.

Public interest considerations

14. Having determined that the identified information is conditionally exempt under section 47F of the FOI Act, I considered whether access to the document would, on balance, be contrary to the public interest for the purposes of subsection 11A(5).

Factors in favour of disclosure

15. The following are factors that may be in favour of disclosing the information:
- a. promote the objects of the FOI Act (including all the matters set out in sections 3 and 3A);
 - b. inform debate on a matter of public importance;
 - c. promote effective oversight of public expenditure; and
 - d. allow a person to access his or her own personal information.

Factors in favour of non-disclosure

16. The following are factors that may be in favour of not disclosing the information:
- a. the detail is not well known;
 - b. the information is not readily available from publicly accessible sources; and
 - c. disclosure sheds no light on the proper functioning of government.

17. 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:

- a. the protection of an individual's right to privacy;
- b. the interests of an individual or a group of individuals; and
- c. the management function of an agency.

18. The information relates to personal information identifying foreign government officials.

19. None of the factors listed in section 11B(4) of the FOI Act were taken into account when making this decision.

20. After weighing all of the above, I consider that, on balance the public interest factors against disclosure outweigh the factors for disclosure. I have therefore decided that it would be contrary to the public interest to release the information and consider it exempt under section 47F of the FOI Act.

Further Information

21. Whilst not falling within the scope of your FOI application, a copy of the Canada Gazette promulgating the Canadian Government's formal approval for the two Canadian soldiers to accept and wear the Meritorious Unit Citation, was located on the Canada Gazette website. You may like to retain this in your records.

PeterBavington

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Peter Bavington
Accredited Decision Maker
Defence People Group