



Reference: BS9748431

**FOI 490/19/20 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:

*“Documents, communications (including email, correspondence and text messages), briefing notes and meeting notes from the year 2020 detailing the operational cost (including approximate cost of running it daily, monthly or yearly) of operating the Howard Springs former Inpex workers village for corona virus quarantine.*

*The above request excludes the following documents: Media enquiries, associated responses and related material; Material which relates to Departmental media monitoring and internal reporting; Material which relates to the drafting of media statements.”*

*Excluding personal email addresses, signatures, PMKeys numbers and mobile telephone numbers, contained in documents that fall within the scope of the FOI request. In addition, excluding duplicates of documents, and documents sent to and from you. Furthermore, Defence only considers final versions of documents.*

**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 two documents as matching the description of the request.

**Decision**

4. I have decided to:
- a. deny access to one document as it is considered exempt under Section 47 of the FOI Act; and
  - b. partially release one document in accordance with section 22 [access to edited copies with exempt or irrelevant matter deleted] on the grounds that the deleted material is considered exempt under section 47F [public interest conditional exemptions-personal privacy] of the FOI Act.

**Material taken into account**

5. 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. consultation with Third Parties.

### **Reasons for decision**

#### **Sections 47 Documents disclosing trade secrets or commercially valuable information.**

6. Section 47 of the FOI Act states:

*(1) A document is an exempt document if its disclosure under this Act would disclose:*

*(a) trade secrets; or*

*(b) any other information having a commercial value that would be or could reasonably be expected to be, destroyed or diminished if the information was disclosed*

7. The documents do not contain trade secrets, but they contain “any other information having a commercial value that would be, or could reasonably be expected to be, destroyed or diminished if the information were disclosed”. Releasing the information could reasonably be expected to adversely affect the author’s competitive advantage in the market by disclosing the costing methodology to their competitors.
8. I have therefore determined that the information is exempt under section 47(1)(b) of the Act

#### **Section 22 (where documents are being denied in full)**

9. Subsection 22(1) of the FOI Act requires that where a decision maker denies access to a document they must consider releasing the document with exempt matter deleted, where possible. I have considered disclosing the documents to you with deletions, but have decided against this course of action, as the document would be meaningless and of little or no value once the exempt material is removed.

#### **Section 47F - Personal privacy**

10. Section 47F exempts documents if disclosure would involve the unreasonable disclosure of personal information. Section 47F(1) states:

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

11. Upon examination of the document, I identified personal information, specifically personnel names, contact details and employment identification details.
12. When assessing whether the disclosure of personal information is unreasonable, I considered the following factors:
- 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. the effect the release of the personal information could reasonably have on the third party.
13. I found that the:
- a. specific personal information listed is not well known;

- b. individuals whose personal information is contained in the documents are not widely known to be associated with the matters dealt with in the documents; and
  - c. information is not readily available from publicly accessible sources.
14. Taking into account the above factors, I consider that the release of this material would be an unreasonable disclosure of personal information and find it conditionally exempt under section 47F(1) of the FOI Act.

**Third party consultation**

15. I decided to consult with third parties regarding their information which was contained in the documents. In response to this consultation, some of the third parties have objected to the release of their business information. I agree with their objections
16. A number of the documents matching the scope of this request were classified. I have declassified the versions of the documents that are approved for release.

**Raffaela.Andreoli** Digitally signed by  
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Raffaela Andreoli  
Accredited Decision Maker  
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