



DEFENCE FOI 558/21/22 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:

I request documents on Defence processes or internal advice on providing information to Defence Portfolio Ministers Offices.

I also request the names and positions of officials who would be aware of what is provided to Ministerial Offices and authorise its provision.

I request Defence processes during the recent caretaker period (2022) and current processes post-election.

Information is to be interpreted as any product provided to a Ministerial Office which may include (but not limited to) briefs, submissions, advice, media, Freedom of Information requests, talking points etc

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 14 documents as matching the description of the request.

4. Two additional documents were generated under section 17 of the FOI Act matching the description of the request. This was done on the basis that an existing document could not be produced containing the information:

- a. The documents were produced by using a computer or other equipment that is ordinarily available to the agency for retrieving or collating stored information; and
- b. Producing the documents did not substantially and unreasonably divert resources of the agency from its other operations.

5. The decision in relation to each document is detailed in a schedule of documents.

6. I have added an FOI reference number and Item/Serial number to each of the documents, which corresponds with the schedule.

Exclusions

7. Personal email addresses, signatures, PMKeyS 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

8. I have decided to:
 - a. release 13 documents in full; and
 - b. 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.

Material taken into account

9. 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 relevant staff in Ministerial and Executive Coordination and Communication Division.

Reasons for decision

Section 47F - Personal privacy

10. Upon examination of the documents, I identified information, belonging to other people other than the applicant. This material satisfies the definition of personal information in section 4 of the FOI Act.

11. In accordance with subsection 47F(2) of the FOI Act, in determining whether disclosure of this information would involve the unreasonable disclosure of personal information, I had regard to:

- a. the extent to which the information is well known;
- b. whether the person to who the information relates is known to be (or to have been) associated with matters dealt with in the documents; and
- c. the availability of the information from publically accessible sources.

12. Against those criteria I have found:

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

13. Accordingly, I have decided that the disclosure of this information would be an unreasonable disclosure of personal information belonging to another person and is therefore conditionally exempt under section 47F of the FOI Act. My public interest considerations are set out below.

Sections 47F - Public interest considerations

14. I have found that some of the identified documents are conditionally exempt under section 47F of the FOI Act. Section 11A(5) of the FOI Act provides that, if a document is

conditionally exempt, it must be disclosed 'unless (in the circumstances) access to the document at that time would, on balance, be contrary to the public interest'.

15. I considered the factors favouring disclosure set out in section 11B(3) of the FOI Act. The relevant factors being that disclosure may promote some of the objects of the FOI Act, as information held by the Government is a national resource. However, disclosure of this information would not increase public participation in the Defence process (section 3(2)(a) of the FOI Act), nor would it increase scrutiny or discussion of Defence activities (section 3(2)(b) of the FOI Act) in a meaningful way.

16. 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. could reasonably expect to harm the interests of an individual or group of individuals;
- b. prejudice the protection of an individual's right to privacy; and
- c. could reasonably be expected to prejudice the management function of an agency

17. Accordingly, I considered that the public interest factors against disclosure outweigh the factors for disclosure of the exempt material. Therefore I decided it would be contrary to the public interest to release the specific information and consider it exempt under section 47F of the FOI Act.

18. None of the factors listed in section 11B(4) [Irrelevant Factors] of the FOI Act were taken into account when making my decision.

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Bronwyn Graham
Accredited Decision Maker
Associate Secretary Group