



DEFENCE FOI 536/21/22 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:

“A copy of the Department of Defence [sic] & GHD Pty Ltd RAAF Base Pearce/Bullsbrook Training Area (3TU) Detailed Site Investigation report and appendices dated May 2020, as well as any other reports that pertain to the same in respect of PFAS contamination related to either site that are not made publicly available through the Defence website.”

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 (3) documents as matching the description of the request.

Exclusions

4. 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

5. I have decided to 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

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 level of technical detail provided on the Defence internet in respect of PFAS contamination; and
 - e. response from a third party consultation.

Reasons for decision

Section 47F – Public interest conditional exemptions - personal privacy

7. Section 47F of the FOI Act states that:

- (1) *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).*
- (2) *In determining whether the disclosure of the document would involve the unreasonable disclosure of personal information, an agency or Minister must have regard to the following matters:*
 - (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;*
 - (d) *any other matters that the agency or Minister considers relevant.*

8. Upon examination of the documents, I identified that certain material contains personal information of individuals other than the applicant.

9. The Guidelines state at paragraph 6.140, 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 within the documents; and
- c. the availability of the information from publicly accessible sources.

10. Against the criteria, I found:

- a. the author of the document is identifiable;
- b. the specific personal information listed is not well known;
- c. the information is not readily available from publicly accessible sources; and
- d. no public purpose would be achieved through release.

11. I have identified information regarding staff members in relation to the company involved in the report that is not publicly available. Disclosure of this information, would, or could have a substantial adverse effect on the future supply of information to Defence. The release of individual's personal contact details identified in the documents could also reasonably be expected to cause harm to their privacy.

12. Taking into account the above factors, I consider that the release of personal information other than the applicant would be an unreasonable disclosure of personal information and conditionally exempt under section 47F of the FOI Act.

Public interest considerations

13. 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 the time would, on balance, be contrary to the public interest*'.

14. In assessing whether disclosure is on balance, contrary to the public interest, I considered the Guidelines together with a range of factors set out in section 11B(3) of the FOI Act, which favours access to a document to:

- (a) *promote the objects of this 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;*
- (d) allow a person to access his or her own personal information.*

15. I note that disclosure of the requested documents may promote some of the objects of the FOI Act, as information held by the Government is a national resource. However, disclosure of the specific conditionally exempt material would not increase public participation in the Defence process, nor would it increase scrutiny or discussion of Defence activities.

16. While I consider that release of the material removed under section 47F of the FOI Act may be of some interest to the applicant, I consider the public interest is better served in protecting the specific material from disclosure. Disclosure of the conditionally exempt material would not inform public debate on any matter of public importance in any meaningful way. Furthermore, the public interest is better served in protecting the privacy of individuals whose personal details are contained within these documents from release to the public at large.

17. Paragraph 6.22 of the Guidelines specifies a non-exhaustive list of public interest factors against disclosure. The factors that I find particularly relevant to this request are that the release of this information could reasonably be expected to prejudice or harm:

- a. the protection of an individual's right to privacy;*
- b. the agency's ability to obtain similar information in the future;*
- c. the interests of an individual or group of individuals; and*
- d. the management function of an agency.*

18. It is for these reasons that I find that the public interest factors against disclosure outweigh the factors for disclosure and deem the information exempt under section 47F of the FOI Act.


19. In coming to the above decision, I considered factors outlined in section 11B(4) [irrelevant factors] of the FOI Act. None of these factors were taken into account in making my decision.

Further information

20. Upon examination of the documents, I identified information that was in the public interest and was of the same technical complexity of other detailed site investigation reports specifically undertaken by the PFAS contamination Investigation and Management program.

21. I note some of the information contained within the documents is redacted with black fill. I confirm Defence received the documents in this format.



Lyn 
 Accredited Decision Maker
 Security & Estate Group