



Objective Reference: AHQ/OUT/2022/BQ4489428

DEFENCE FOI 274/22/23 – STATEMENT OF REASONS UNDER THE FREEDOM OF INFORMATION ACT

1. I refer to the application by [REDACTED], received 30 November 2022 by the Department of Defence, under the *Freedom of Information Act 1982* (FOI Act) for access to:

Access to documents relating to the Job or Employment Specifications for Army Photographers and Army Reporters for the period of 2004 – 2009.

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, totalling 45 pages, as matching the scope of this 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:
- 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 sections 47E(d) [public interest conditional exemptions – certain operations of agencies] of the FOI Act
 - 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).

Reasons for Decision

Section 22 – Edited copies with exempt or irrelevant matter deleted

7. Section 22 of the FOI Act provides that if an agency or Minister decides:

- (i) *to refuse access to an exempt document; or*
- (ii) *that to give access to a document would disclose information that would reasonably be regarded as irrelevant to the request for access*

and it is reasonably practicable to prepare a copy of the document modified by deletions, the agency or Minister must give the applicant access to the edited copy.

8. The documents provided at Item 1, Document 3 contain signatures that do not relate to the scope of the request. I consider this information as outside the scope of this request.

9. Considering all of the above, I decided that it was reasonably practicable to remove the material that did not fall within scope of this request and release the documents in that form.

Section 47E(d) – public interest conditional exemptions – certain operations of agencies

10. Subsection 47E(d) of the FOI Act states:

A document is conditionally exempt if its disclosure under this Act would, or could reasonably be expected to, do any of the following:

- (d) have a substantial adverse effect on the proper and efficient conduct of the operations of an agency.*

11. In relation to section 47E(d), the FOI Guidelines explain that for this exemption to apply, *the predicted effect must bear on the agency's 'proper and efficient' operations, that is, the agency is undertaking its expected activities in an expected manner.*"

12. The Guidelines advise me to consider whether the information could be reasonably be expected to lead to a change in the agency's processes that would enable those processes to be more efficient. I do not consider that releasing the information could reasonably be expected to improve information Defence provides to commanders and staff officers when planning and implementing programs.

13. Names, positions/ranks and contact details of employees of the Commonwealth, including Defence, are exempt under section 47E(d) of the FOI Act on the basis that the relevant departments and agencies all have procedures in place to manage contact with members of the public and answer queries, and that disclosure of direct contact details would have a substantial adverse effect on the proper and efficient conduct of their operations.

14. Noting the above I am satisfied that the information contained in these documents is conditionally exempt under section 47E(d) of the FOI Act.

Public interest considerations – Section 47E(d)

15. I have found that some of the identified documents are conditionally exempt under section 47E(d) of the FOI Act. Section 11A(5) 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’.

16. 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 and it would allow the applicant access to their own personal information.

17. 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).

18. 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 personnel management function of an agency.

19. While I consider the release of the material removed under sections 47E(d) may be of some interest to the applicant, disclosure of the conditionally exempt material would not inform public debate on any matter of public importance in any meaningful way. There is also a strong public interest in maintaining the confidentiality of the material being investigated and the personal information of individuals identified in the documents.

20. Noting all 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 considered exempt under subsection 47E(d) of the FOI Act.

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

Accredited Decision Maker
Army