



DEFENCE FOI 409/22/23 STATEMENT OF REASONS UNDER THE FREEDOM OF INFORMATION ACT

1. I refer to the application by [REDACTED] (the applicant) under the *Freedom of Information Act 1982* (FOI Act) for access to:

...most recent assessment of the state of, and future plans for, Brisbane's Victoria Barracks.

Background



FOI decision maker

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

Documents identified

5. I identified one document as matching the description of the request.

Decision

6. I have decided to partially release the document 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

7. In making my decision, I had regard to the:
- terms of the request;
 - content of the identified documents in issue;
 - relevant provisions in the FOI Act;
 - Guidelines published by the Office of the Australian Information Commissioner under section 93A of the FOI Act (the Guidelines); and
 - responses received as part of the third party consultation.

Reasons for decision

Section 47F – Public interest conditional exemptions - personal privacy

8. Section 47F(1) of the FOI Act 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).

9. The FOI Act shares the same definition of ‘personal information’ as the Privacy Act 1988 (Cth). The Guidelines provide that:

6.128 Personal information means 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.*

10. I found that the document contains personal information of individuals other than the applicant. This includes names, signatures and positions, which would reasonably identify the third parties.

11. In my assessment of whether the disclosure of personal information is unreasonable, I considered the following factors in accordance with section 47F(2):

- 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.

12. The release of the information of the individuals identified in the document could reasonably be expected to cause harm to their privacy. Taking into account the above factors, I consider that the release of the personal information of the individuals would be an unreasonable disclosure of personal information.

13. Accordingly, I am satisfied that the information is conditionally exempt under section 47F of the FOI Act.

Public interest considerations – section 47F

14. Section 11A(5) of the FOI Act states:

The agency or Minister must give the person access to the document if it is conditionally exempt at a particular time unless (in the circumstances) access to the document at that time would, on balance, be contrary to the public interest.

15. I have considered the factors favouring disclosure as set out in section 11B(3) [factors favouring access] of the FOI Act. The relevant factors being whether access to the document would:

- (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.*

16. In my view, 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).

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:

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

18. 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 this to be distinct from this being of interest to the public. 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 the document from release to the public at large.

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

20. 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.

tom.

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tom.

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Tom
Accredited Decision Maker
Environment and Engineering Branch
Security and Estate Group
Department of Defence