
From: FOI Case Management
Subject: Defence FOI xxx/YY/YY - Acknowledgement, due date and disclaimer

s22



Dear <Applicant name>

Acknowledgement

I refer to your correspondence of <DD Month YEAR> seeking access, on behalf of xxxxx, to documents held by the Department of Defence (Defence), under the *Freedom of Information Act 1982* (FOI Act). This email is to advise you that your request has been received and allocated for Case Management.

The scope of your request is:

...insert request details.

Disclaimer

Where staff details are captured in documents within the scope of your FOI request, this information will be redacted; this includes private email addresses, signatures, personnel (PMKeyS) numbers and mobile telephone numbers, unless you specifically request such details. Defence excludes duplicates of documents and any documents sent to or from you. Furthermore, Defence only considers final versions of documents.

Charges

Defence may impose a charge for the work involved in providing access to the documents in accordance with the *Freedom of Information (Charges) Regulations 2019*. We will notify you if your request attracts a charge. Please note that there is no charge for documents that contain the personal information of the applicant.

Timeframe

The statutory timeframe to provide you with a decision on your request ends on < DD Month Year >. This period may be extended if we need to consult with third parties, or for other reasons. We will advise you if this happens.

[FOR USE DURING DECEMBER/JANUARY] However, please note that Defence is subject to a stand-down period from 24 December 2022 to 3 January 2023 (inclusive). We seek your agreement to a 30-day extension of time under section 15AA of the FOI Act. If you agree to the extension, the new statutory timeframe to provide you with a decision will end on < DD Month Year >.

[FOR USE DURING COVID LOCKDOWNS] – Due to the current ACT COVID-19 restrictions, there may be delays in processing your FOI request. We will be in contact if we require your agreement to an extension of time under section 15AA of the FOI Act. We appreciate your patience and assistance during this time.

Please note that where the due date falls on a Saturday, Sunday or public holiday, the timeframe will expire on the next working day. This is in accordance with the FOI Guidelines issued by the Office of the Australian Information Commissioner under section 93A of the FOI Act.

Proof of Identity

In order for us to process your request could you please provide proof of identity as listed below by DATE.

- One certified copy of identification of a primary identity document - Australian driver's license, passport or birth certificate; and
- One certified copy of a secondary identity document - Medicare card, Australian senior's card or RSL membership card.

Where necessary, proof of name change may also be required to establish proof of identity.

Disclosure Log

Documents released under the FOI Act may be published on Defence's disclosure log, located on our website.

Contact Details

We will contact you via the email address you have provided. Please advise if you would prefer us to use an alternative means of contact.

I am the Case Manager for this request. Should you have any questions relating to your request, please do not hesitate to contact me via email: FOI.CaseManagement@defence.gov.au.

Kind regards

<Insert signature block>

From: FOI Case Management
Subject: Defence FOI xxx/23/24 - Consultation notice of practical refusal substantial and unreasonable diversion of resources

s22

Dear [applicant name]

Freedom of information request no. [Insert FOI number]

I refer to your request for access to documents relating to [subject of request] under the *Freedom of Information Act 1982* (FOI Act).

I am writing to tell you that I believe that the work involved in processing your request in its current form would substantially and unreasonably divert the resources of this agency from its other operations due to its [size/complexity/broad scope/other]. This is called a 'practical refusal reason' (section 24AA).

On this basis, I intend to refuse access to the documents you requested. However, before I make a final decision to do this, you have an opportunity to revise your request. This is called a 'request consultation process' as set out under section 24AB of the FOI Act. You have 14 days to respond to this notice in one of the ways set out below.

Why the Accredited Decision Maker intends to refuse your request

In your request you sought documents relating to (what are they after eg all documents, materials and information). Please be advised that approximately XXX documents are covered by the scope of the request. There are approximately XXX pages contained within those documents. There are also approximately XXX third parties to be consulted on release of the documents.

Taking the above into consideration, under section 24AA of the FOI Act and for the purposes of section 24 of the FOI Act, Defence considers that a 'practical refusal reason' exists in relation to your FOI request. Specifically, Defence considers that the work involved in processing the request in its current form would substantially and unreasonably divert the resources of the Defence from its other operations. In particular, a very significant amount of resources would have to be diverted to arrange for the required searches to be undertaken, to then review any documents that were identified as being possibly relevant to your request. And finally, to undertake the decision making process on any documents that did meet the parameters of your request.

This diversion would constitute a significant drain on the resources of the agency, and would have an unreasonable, substantial and adverse effect in the ability of areas to conduct their normal business.

In accordance with section 24AB of the FOI Act, Defence is required to consult with you advising of the intention to refuse access to your request in its current form.

Request consultation process

You now have an opportunity to revise your request to enable it to proceed.

Revising your request can mean narrowing the scope of the request to make it more manageable or explaining in more detail the documents you wish to access. For example, by providing more specific information about exactly what documents you are interested in, our agency will be able to pinpoint the documents more quickly and avoid using excessive resources to process documents you are not interested in.

Before the end of the consultation period, you must do one of the following, in writing:

- withdraw your request
- make a revised request

- tell us that you do not wish to revise your request.

The consultation period runs for 14 days and starts on the day after you receive this notice.

During this period, you are welcome to seek assistance from the contact person listed below to revise your request. If you revise your request in a way that adequately addresses the practical refusal grounds outlined above, we will recommence processing it. (Please note that the time taken to consult you regarding the scope of your request is not taken into account for the purposes of the 30 day time limit for processing your request.)

If you do not do one of the three things listed above during the consultation period, your request will be taken to have been withdrawn.

Kind regards,

[Insert Signature Block]

From: FOI Case Management
Subject: Defence FOI XXX/22/23 - section 24AB - insufficient information to identify documents consultation notice

Good morning/afternoon,

I refer to your email attached. Unfortunately, in its current form your request is not considered valid under section 15(2)(b) [Requests for access] of the *Freedom of Information Act 1982* (FOI Act) as you have not provided such specific information concerning the documents as is reasonably necessary to enable a responsible officer of the agency to identify them.

Section 24(1) of the FOI Act provides that:

(1) If an agency or Minister is satisfied, when dealing with a request for a document that a practical refusal reason exists in relation to the request (see section 24AA), the agency or Minister:

(a) must undertake a request consultation process (see section 24AB); and

(b) if, after the request consultation process, the agency or Minister is satisfied that the practical refusal reason still exists—the agency or Minister may refuse to give access to the document in accordance with the request.

Section 24AA(1) of the FOI Act provides that:

(1) For the purposes of section 24, a practical refusal reason exists in relation to a request for a document if either (or both) of the following applies:

(a) the work involved in processing the request:

(i) in the case of an agency – would substantially and unreasonably divert the resources of the agency from its other operations; or

(b) the request does not satisfy the requirement in paragraph 15(2)(b) (identification of documents).

In accordance with section 24AB of the FOI Act, Defence is required to consult with you advising of the intention to refuse access to your request in its current form.

In accordance with paragraph 24AB(2)(c) of the FOI Act, I am the nominated person with whom you should contact with a view to agreeing to one of the following options:

- a. withdraw your request
- b. revise your request; or
- c. indicate that you do not wish to revise your request.

In accordance with section 24AB(9) of the FOI Act, Defence is only required to undertake this consultation process once, and you must contact me within 14 days to discuss.

Accordingly, prior to the Department accepting your request, I seek clarification as to the documents you wish to obtain.

In particular, I seek clarification as to , but not limited to: <insert what needs to be clarified> THIS PARAGRAPH NEEDS TO BE AMENDED TO SUIT THE SPECIFIC CIRCUMSTANCES OF THE REQUEST.

- The dates/range,
- Location,

- Defence Group/s or Service/s responsible,
- Title/s or content of files,
- Area/unit in defence,
- Names of authors, to whom would it have been sent.

I encourage you to contact me so I can assist you in moving forward with your inquiry.

Kind regards,

Subject: Defence FOI xxx/yy/yy - Acknowledgement of request for annotation/amendment

Good morning/afternoon <applicant>

I refer to your correspondence, dated <DD Month Year>, in which you sought to amend/annotate XXXXX under section 48 of the *Freedom of Information Act 1982*.

Your request has been referred to the appropriate departmental area for consideration.

The statutory deadline for you to receive a response to your request is: <DD Month Year>.

Should you have any questions relating to your request, please do not hesitate to contact this office via email to FOI.CaseManagement@defence.gov.au.

Regards
<signature block>

From: FOI Case Management
Subject: Defence FOI xxx/YY/YY - Administrative release

s22



Good morning/afternoon <applicant name>,

Ref: FOI xxx/yy/yy

Thank you for your time on the phone this morning / afternoon

As discussed, / I tried to contact you via phone this morning / afternoon to advise that the *[action area]* (ie RAAF Coordinator) has determined they are able to release the document/s you are seeking administratively, outside the Freedom Of Information (FOI) Act.

Defence endeavours to manage these types of requests administratively, outside the provisions of the FOI Act. If you agree to your request being processed administratively, can you please respond to this email advising that you **agree to withdraw your FOI request and have the documents released to you administratively.**

There is no review process under an administrative release. Should you not be satisfied with the documents you have received administratively, you may submit a new FOI request.

If you do not agree to an administrative release, this office will continue to process your request under the FOI Act.

I would be grateful if you could please respond via return email by COB **Day Month Year** *[2 business days]*.

Do not hesitate to contact me on the phone number below, should you require any further information.

Kind Regards,

<signature block>

From: FOI Case Management
Subject: Defence FOI request XXX/22/23 Access to be sought administratively

Good morning/afternoon

Thank you for your request under the *Freedom of Information Act 1982* (FOI Act) for access to personnel records held by the Department of Defence.

Access to personnel records for ex-serving and current serving members is processed by Defence administratively in the first instance, outside of the FOI Act.

The following link contains detailed instructions for requesting these records:

<https://www.defence.gov.au/about/accessing-information/personal-information-requests>.

On the basis that you have not yet requested these records through Defence's established administrative process, your request for these records under the FOI Act cannot at this time be processed. This is because the FOI Act clearly stipulates that a person must not make an FOI request for access to personnel records unless the person has requested access to the records in accordance with the administrative processes available to them.

The relevant provisions of the FOI Act are provided below. Please contact me if you have any questions.

15 Requests for access

- (1) *Subject to section 15A, a person who wishes to obtain access to a document of an agency or an official document of a Minister may request access to the document.*

15A Request for access to personnel records

- (1) *In this section:*

personnel records, in relation to an employee or former employee of an agency, means those documents containing personal information about him or her that are, or have been, kept by the agency for personnel management purposes.

- (2) *Where:*

- (a) *there are established procedures in an agency (apart from those provided for by this Act) in accordance with which a request may be made by an employee of the agency for access to his or her personnel records; and*
- (b) *a person who is or was an employee of the agency wishes to obtain access to his or her personnel records;*
the person must not apply under section 15 for access to such records unless the person:
 - (c) *has made a request for access to the records in accordance with the procedures referred to in paragraph (a); and*
 - (d) *either:*
 - (i) *is not satisfied with the outcome of the request; or*
 - (ii) *has not been notified of the outcome within 30 days after the request was made.*

Kind regards

From: FOI Case Management
Subject: Defence FOI XXX/22/23 - Notification of extension for third party consultation

Dear <Applicant name>

I refer to your correspondence of <DD Month YEAR>, seeking access under the *Freedom of Information Act 1982* (FOI Act) to the following documents:

...insert request details.

For business: The Accredited Decision Maker has determined that your request includes documents which contain information about the business, commercial or financial affairs of an organisation, or a person's business or professional affairs. In accordance with section 27 of the FOI Act, we are required to consult with the person or organisation concerned before making a decision on the release of the documents.

For personal: The Accredited Decision Maker has determined that your request includes documents which contain another individual's personal information. In accordance with section 27A of the FOI Act, we are required to consult with that individual before making a decision on the release of the documents.

Section 15(6) of the FOI Act provides for a 30-day extension to allow for this consultation process. Therefore, the deadline for providing you with a decision on your request now ends on <DD Month YEAR>.

Privacy

We are not able to disclose your identity without consent. However, in our experience, third parties will generally be more likely to object to the release of their information if they do not know who the applicant is.

Please advise if you consent to the FOI Directorate providing your name to third parties for the purpose of this consultation by: COB <DD Month YEAR>. If we do not hear from you by this date, we will proceed on the basis that you do not consent to us disclosing your name.

Please contact our office via email: FOI.CaseManagement@defence.gov.au if you have any questions.

Kind regards

<Insert signature block>

From: FOI
Subject: Defence FOI Acknowledgement - Inquiry Number XXXX

Good morning/afternoon,

Thank you for contacting Freedom of Information at the Department of Defence. [\[Attach applicants FOI request to this email\]](#)

We have received your email and you will be advised of the status of your inquiry by an FOI team member soon.

In order for us to process your request could you please provide proof of identity as listed below by **DATE**.

- One certified copy of identification of a primary identity document - Australian driver's license, passport or birth certificate; and
- One certified copy of a secondary identity document - Medicare card, Australian senior's card or RSL membership card.

Where necessary, proof of name change may also be required to establish proof of identity.

Kind regards

[\[Insert Signature Block\]](#)

From: FOI Case Management
Subject: Defence FOI XXX/YY/YY - FOI Act Third Party Consultation - Personal information
Attachments: C - FS - Consultation Under section 27A (Personal Information).pdf

s22



Dear <(First name or Rank) Surname>

The Department of Defence has received a request for access to documents under the *Freedom of Information Act 1982* (FOI Act) which seeks access to documents **about you / which contain your personal information**. A copy of the documents **is/are** enclosed.

<Applicant name> has agreed to be identified as the applicant for the purposes of this consultation process. //OR//
The applicant has not provided consent to release their name to you.

Consultation - Personal

Under the FOI Act, where an Australian Government agency receives a request for access to documents containing another person's personal information, and the agency believes that the other person may object to the release of the documents, the agency is required to consult that person before making a decision to grant access. As such, I am contacting you because the Accredited Decision Maker considers that you may object to the release of the information contained within the documents.

Under section 27A of the FOI Act you are invited to comment on the release of your personal information, which means information that could be used to identify you and says something about you. Some information in the attachment has been left in for context.

Delete highlighted text if no redactions / proposed redactions have been prepared, or remove highlight and adapt.

The areas in the attached documents that are highlighted as proposed redactions, represent material the Accredited Decision Maker does not intend to release to the applicant, or over which you are not being consulted (such as other people's information). Defence will consult with other parties whose personal information appears in the documents where appropriate (Delete last sentence if not relevant). The attached fact sheet provides more information about this consultation.

Next Steps

Please review the attached documents, and let us know if any of the material in the documents would reveal information about you that would impact your personal privacy.

If you wish to object to the release of the documents, please let us know, including the reasons why you object, as this will assist the Accredited Decision Maker in making their decision.

In deciding whether to release the documents, we will consider:

- whether the information is well known
- whether the information about you is, or was known to be, associated with the matters dealt with in the document
- whether the information is available from publicly accessible sources.

If you wish to object to the release of the documents, please let us know, including the reasons why you object, as this will assist the ADM in making their decision. Please note that it is not sufficient to simply assert that the release

of the documents^s would reveal your personal information.

While your comments will be given careful consideration, the final decision about whether to release the documents^s rests with the ADM.

Review Rights

If the ADM decides not to accept your objections, you will be provided with rights for a review of the decision. The documents^s will not be provided to the applicant until the review process has been finalised, or you indicate that you do not wish to exercise your rights of review.

If your objections are accepted by the Accredited Decision Maker, we will not contact you further.

Timeframe

To assist the Department to meet its obligations under the FOI Act, please provide your response by **COB XX Month XXXX**. If you do not reply by this time, or you have not been granted an extension of time to provide your response, the ADM will make a decision in the absence of your advice.

Please return your response to me via email to FOI.CaseManagement@defence.gov.au.

Please contact me if you have any queries about this consultation or the FOI process. A copy of the FOI Act can be found online.

Kind regards

<Insert signature block>

From: FOI Case Management
Subject: Defence FOI xxx/YY/YY - FOI Act Third Party Consultation - Business information
Attachments: Section 47 - Trade secrets or commercially valuable information.pdf; Section 47G - Business information.pdf

s22



Dear <Title> <Surname> / <Company name>

The Department of Defence (Defence) has received a request for access to documents under the *Freedom of Information Act 1982* (FOI Act) which seeks access to documents **about your business/organisation / which contain your business/organisation's information**. A copy of the documents **is/are** enclosed.

<Applicant name> has agreed to be identified as the applicant for the purposes of this consultation process. //OR// The applicant has not provided consent to release their name to you.

Consultation - Business

Under the FOI Act, where an Australian Government agency receives a request for access to documents containing another **business/organisation's** information, and the agency believes that the **business/organisation** may object to the release of the documents, the agency is required to consult that **business/organisation** before making a decision to grant access. As such, I am contacting you because the Accredited Decision Maker (ADM) considers that you may object to the release of **some of** the information contained within the documents.

In accordance with section 27 of the FOI Act, you are invited to comment on the release of your business information. You may wish to contend that **some of** the information in the documents **should be exempt on the grounds of business information**.

The areas in the attached documents **that are covered by a black box represent material the ADM does not intend to release to the applicant, or information we are not consulting you on. Defence will consult with other parties whose personal or business information appears in the documents, where appropriate.**

Next Steps

Please review the attached documents **s**, and let us know if any of the material in the documents **s**:

- contains **s** information that is considered trade secrets or commercially valuable information (section 47 of the FOI Act)
- contains **s** information about your business or professional affairs, or your organisation's commercial or financial affairs (section 47G of the FOI Act).
- in the case of section 47G, please provide advice about how the release would be contrary to the public interest.

We have attached fact sheets for you about each of the exemptions, and the public interest considerations.

If you wish to object to the release of the documents **s**, please let us know, including the reasons why you object, as this will assist the ADM in making their decision. Please note that it is not sufficient to simply assert that the release of the documents **s** would involve a disclosure of your **business/organisations's** information about.

While your comments will be given careful consideration, the final decision about whether to release the documents **s** rests with the ADM.

Review Rights

If the ADM decides not to accept your objections, you will be provided with rights for a review of the decision. The documents will not be provided to the applicant until the review process has been finalised, or you indicate that you do not wish to exercise your rights of review.

If your objections are accepted by the Accredited Decision Maker, we will not contact you further.

Timeframe

To assist Defence meet its obligations under the FOI Act, please provide your response by **XX Month XXXX**. If you do not reply by this time, or you have not been granted an extension of time to provide your response, the ADM will make a decision in the absence of your advice.

Please return your response to me via email to FOI.CaseManagement@defence.gov.au.

Please contact me if you have any queries about this consultation or the FOI process. A copy of the FOI Act can be found via this [link](#).

Kind regards

<Insert signature block>

Subject: Freedom of Information (FOI) request XXX/XX/XX - consultation under section 26 of the FOI Act

Dear <Title> <Name>,

The Department of Defence has received a request for access to documents under the *Freedom of Information Act 1982* (FOI Act) which seeks access to documents <summary of scope>. A copy of the documents is/are enclosed.

<Applicant name> has agreed to be identified as the applicant for the purposes of this consultation process. //OR//
The applicant has not provided consent to release their name to you.

Consultation – Commonwealth-State Relations

Under the FOI Act, where an Australian Government agency receives a request for access to documents affecting Commonwealth-State relations, and the agency believes that the relevant State may object to the release of the documents, the agency is required to consult the authority of the State before making a decision to grant access. As such, I am contacting you because the Accredited Decision Maker (ADM) considers that you may object to the release of some of the information contained within the documents.

In accordance with section 26A of the FOI Act, you are invited to comment on the release of attached information. Section 47B [public interest conditional exemptions - Commonwealth-State relations] of the FOI Act provides an exemption if disclosure of the documents would cause damage to the working relations of the Commonwealth and one or more States. I seek your comments on whether you consider that disclosure of any of the information in the attached documents would cause such damage to DFES.

The areas in the attached documents that are covered by coloured boxes represent material the ADM does not intend to release to the applicant. Defence will consult with other parties whose information appears in the documents, where appropriate.

Next Steps

Please review the attached documents, and let us know if any of the material in the documents:

- contains information that, if released, would:
 - cause damage to relations between the Commonwealth and WA
 - divulge information or matter communicated in confidence to the Commonwealth
- provide advice about how the release would be contrary to the public interest.

If you wish to object to the release of the documents, please let us know, including the reasons why you object, as this will assist the ADM in making their decision. Please note that it is not sufficient to simply assert that the release of the documents would involve a disclosure of your State agency's information.

While your comments will be given careful consideration, the final decision about whether to release the documents rests with the ADM.

Review Rights

If the ADM decides not to accept your objections, you will be provided with rights for a review of the decision. The documents will not be provided to the applicant until the review process has been finalised, or you indicate that you do not wish to exercise your rights of review.

If your objections are accepted by the ADM, we will not contact you further.

Timeframe

To assist the Department to meet its obligations under the FOI Act, please provide your response by **COB XX Month XXXX**. If you do not reply by this time, or you have not been granted an extension of time to provide your response, the ADM will make a decision in the absence of your advice.

Please return your response to me via email to FOI.CaseManagement@defence.gov.au.

Please contact me if you have any queries about this consultation or the FOI process. A copy of the FOI Act can be found online.

Kind Regards,

<Insert signature block>

Subject: FOI XXX/17/18 - Notification of extension for foreign government consultation - s15(7)

Good morning/afternoon <applicant>,

1. I refer to FOI XXX/17/18, in which you sought access, under the *Freedom of Information Act 1982* (FOI Act), to documents relating to (paraphrase or include scope).
2. On <date>, following your payment of the deposit towards the FOI processing charges, we notified you that the statutory deadline for a response to this request was <date>.
3. Your request was forwarded to <XXX> Group for consideration. <Name>, Accredited Decision Maker <Group> Group has advised that your request covers documents which contain information relating to a foreign government.
4. <Name> has determined that there is requirement to consult the foreign government in accordance with section 15(7) of the FOI Act, before making a decision on the release of the documents.
5. Subsection 15(8) of the FOI Act provides for an extension of 30 days to the statutory time limit for processing requests. Therefore, the deadline for providing you with the decision on your request is now <date>.
6. I would be grateful if you could confirm if the FOI Directorate could disclose your identity as the applicant to the third party for the purpose of consultation.
7. In the past consultation with foreign governments has taken a considerable amount of time. While we will endeavour to progress this matter in a timely manner, I wish to foreshadow that I may be required to contact you to seek a further extension, in accordance with section 15AA of the FOI Act.
8. Should you have any questions relating to your request, please do not hesitate to contact me.

Yours sincerely,

From: FOI Case Management
Sent: Monday, 5 November 2018 10:33 AM
Subject: Defence FOI Request xxx/YY/YY – Decision/Decision and documents

s22

Dear <Applicant>

Please find attached the Decision <and documents> relating to Defence FOI XXX/YY/YY. A schedule of documents is also attached.

Third party consultation (Remove section if redundant)

As advised on <DD Month YYYY>, the decision maker decided to consult with a third party/third parties regarding their information in the document/s. In response to the consultation, the third party/some/all of the third parties has/have objected to the release of some/all of the information in the document/s.

The decision maker does not agree with some/all of the third party/ies' objections. In accordance with section 27A(5) [decision to give access] of the FOI Act, I am now required to advise the third party/ies of the decision maker's decision to release some/all of the information to which they have objected. The third party/ies now have until <DD Month YYYY> to appeal the decision. The Department is prevented from providing the document/s to you until the results of all review or appeal provisions are known under section 27A(6) [access not to be given until review or appeal opportunities have run out] of the FOI Act. Document/s can only be provided when all review rights have been exercised. I will write to you after <DD Month YYYY> to inform you of the outcome of the review process.

FOI Disclosure Log (Remove section for documents containing personal or business information)

In accordance with the requirements of section 11C of the FOI Act, Defence is required to publish details of information released under the FOI Act. Defence publishes identified documents relating to finalised requests within ten working days of receipt by the applicant. Defence will also publish the statement of reasons with privacy deletions.

Review Rights

If you disagree with the decision made by the Department of Defence or the Minister under the *Freedom of Information Act 1982* (the FOI Act), you can ask for the decision to be reviewed. You may want to seek review if you sought certain documents and were not given full access, if your application to have your personal information amended was not accepted or your comments in response to formal consultation were not accepted.

You must apply in writing and should include a copy of the notice of the decision provided and the points to which you are objecting and why. You may apply directly to the Information Commissioner, within 60 days of receiving your decision.

Further information about the external review process or how to make a complaint to the Information Commissioner is available:

Online: www.oaic.gov.au

Post: GPO Box 5218 Sydney NSW 2000

Email: enquiries@oaic.gov.au

Regards

<SIGNATURE BLOCK>

From: FOI Case Management
Sent: Monday, 5 November 2018 10:33 AM
Subject: Defence FOI Request xxx/YY/YY – Decision/Decision and documents
Attachments: C - FS - Applicant review rights.pdf

s22



Dear <Applicant>

Please find attached the Decision <and documents> relating to Defence FOI XXX/YY/YY. A schedule of documents is also attached.

Under section 54 of the FOI Act, you are entitled to request a review of this decision. Your review rights are attached.

Receipt of documents (remove if not relevant)

Please let me know how you would like to receive the documents being released to you under the FOI Act. You may:

- nominate a support person to receive the documents on your behalf,
- elect to receive the documents by registered post, or
- elect to receive the documents by email.

Support services (tailor as relevant)

APS employees can obtain help and advice on dealing with difficult matters through the Defence Employee Assistance Program by calling Converge International on 1300 687 327.

ADF members and their families can access a range of support services through the Defence Community Organisation and via the Defence Family Hotline on 1800 624 608. Refer to <https://www.defence.gov.au/adf-members-families> to learn more about the support services available.

Regards

<SIGNATURE BLOCK>

DEFENCE FOI [XXX/XX/YY]

STATEMENT OF REASONS UNDER THE FREEDOM OF INFORMATION ACT 1982

1. I refer to the request by [INSERT APPLICANT NAME] (the applicant), dated and received on [INSERT DATE REQUEST FINAL SCOPE RECEIVED] by the Department of Defence (Defence), for access to the following documents under the *Freedom of Information Act 1982* (Cth) (FOI Act):

... [QUOTE OR ACCURATELY PARAPHRASE THE TERMS OF THE FINAL AGREED SCOPE OF THE REQUEST] ...

Background

s22

2. On [INSERT DATE ORIGINAL FOI REQUEST RECEIVED], the applicant submitted a request under the FOI Act to Defence in the following terms:

... [INSERT QUOTE OR ACCURATELY PARAPHRASE THE TERMS OF THE ORIGINAL FOI REQUEST] ...

[Explain the background for the request. Relevant information could include: informal revisions of scope, any correspondence entered into by the applicant or Defence, any other background material that provides context for the processing of the request.]

Option: For when the timeframe has been extended

3. On [INSERT DATE], with the applicant's written agreement Defence extended the period for dealing with the request from [INSERT DATE] until [INSERT DATE] in accordance with section 15AA [extension of time with agreement] of the FOI Act.
4. On [INSERT DATE], Defence applied to the Information Commissioner for an extension of time to deal with the request, as 30 days was insufficient for Defence to deal adequately with the request given its complexity and/or volume. On [INSERT DATE], the Information Commissioner agreed to extend the period for Defence to deal with the request from [INSERT DATE] until [INSERT DATE] under section 15AB [extension of time for complex or voluminous requests] of the FOI Act.
5. On [INSERT DATE], the period for dealing with the request was extended from [INSERT DATE] until [INSERT DATE] under section 15(6) [extension of processing period to comply with requirements of section 26A, 27 or 27A] of the FOI Act to enable consultation with [INSERT] in accordance with section [XX] of the FOI Act.
6. On [INSERT DATE], Defence applied to the Information Commissioner for further time to deal with the request. On [INSERT DATE], under section 15AC [decision not made on request within time—deemed refusal] of the FOI Act, the Information Commissioner allowed for Defence to deal with the request until [INSERT DATE].

Option: For when formal consultation has occurred

7. On [INSERT DATE SECTION 24AB CONSULTATION NOTICE SENT], Defence formally consulted with the applicant in accordance with section 24AB of the FOI Act.
8. On [INSERT DATE], the applicant [SELECT ONE] revised the scope of the request **or** refused to revise the scope of the request.

FOI decision maker

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

Documents identified

10. I have identified [INSERT NO.] documents as falling within the scope of the request.
11. The decision in relation to each document is detailed in the schedule of documents.

Exclusions

12. **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

13. I have decided to:

Options (retain and tailor those most relevant):

- a. release **x document(s)** in full;
- b. partially release **x document(s)** 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(s) **XX(x) [insert full name of the section exactly as it appears in the legislation]** of the FOI Act;
- c. refuse access **to x document(s)** on the grounds that the **document(s) is/are** considered exempt under section **XX(x) [insert full name of the section exactly as it appears in the legislation]** of the FOI Act;
- d. refuse the request **or [PART OF/ITEM XX]** of the request under section 24A [requests may be refused if documents cannot be found, do not exist or have not been received] of the FOI Act;
- e. refuse the request under section 24(1)(b) [power to refuse request – diversion of resources etc.] of the FOI Act; and
- f. remove irrelevant material in accordance with section 22 of the FOI Act.

Material taken into account

14. In making my decision, I have had regard to:

- a. the terms of the request;
- b. the content of the identified documents in issue;
- c. relevant provisions of 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. *[Include any other sources i.e. third party consultation responses or advice received from third parties (e.g. formal consultation under section 27 or 27A of the FOI Act), officers within Defence – specify which area provided the advice. When doing this, also include a statement under the relevant exemption section on how this advice was used to make your decision]*

REASONS FOR DECISION

Section 22 – Access to edited copies with exempt or irrelevant matter deleted

15. Section 22 of the FOI Act permits an agency to prepare and provide an edited copy of a document where the agency has decided to refuse access to an exempt document or that to give access to a document would disclose information that would reasonably be regarded as irrelevant to the request for access.
16. Documents [XX] contain exempt material and information (eg. mobile telephone numbers, signatures) that does not relate to the request.
17. I am satisfied that it is reasonably practicable to remove the exempt and irrelevant material and release the documents to you in an edited form.

Section 22 – Access to edited copies with exempt or irrelevant matter deleted

18. Where a decision maker denies access to a document, section 22(1) of the FOI Act requires that they consider releasing the document with exempt matter deleted, if possible.
19. Paragraph 3.98 of the Guidelines provides that:
...an agency or minister should take a common sense approach in considering whether the number of deletions would be so many that the remaining document would be of little or no value to the applicant.
20. I have considered disclosing the documents to you with deletions, but have decided to refuse access to the documents as it/they would be meaningless and of little or no value once the exempt material is removed.

s22

Section 24A – Requests may be refused if documents cannot be found, do not exist or have not been received

21. Section 24A(1) of the FOI Act states:
 - (1) An agency or Minister may refuse a request for access to a document if:
 - (a) all reasonable steps have been taken to find the document; and
 - (b) the agency or Minister is satisfied that the document:
 - (i) is in the agency's or Minister's possession but cannot be found; or

(ii) does not exist.

22. Paragraph 3.94 of the Guidelines advises the detail this statement of reasons should include to refuse a request under section 24A(1):

...the statement of reasons given to the applicant should sufficiently identify the document, explain why it cannot be found or is known not to exist or to be in the agency's possession, describe the steps the agency took to search for the document, and note the limitations of any search...

23. To ensure that all reasonable steps have been taken in relation to this request, every reasonable avenue of locating potential documents matching [Item(s) X / and Y] [have / has] been exhausted.
24. In relation to [PART OF/ITEM XX] of the request...
Detail the searches undertaken and what they revealed/why the document is known not to exist. Must address the dates of the searches, the search parameters, time taken to conduct the search and whether any relevant backups were examined. e.g. 'the Defence Records Management System Objective was searched for files containing the words XXXX. No records were found matching the applicant's scope.'
25. I am satisfied that all reasonable steps have been taken to locate the document/s sought by the applicant. I am satisfied that the document/s cannot be found or do not exist, and refuse the request under section 24A(1) of the FOI Act.

Section 33(a)(i) – Documents affecting national security, defence or international relations

26. Section 33(a)(i) of the FOI Act states:

A document is an exempt document if disclosure of the document under this Act:

- (a) would, or could reasonably be expected to, cause damage to:
(i) the security of the Commonwealth

27. In regard to the terms 'would, or could reasonably be expected to' and 'damage', the Guidelines provide:

5.16 The test requires the decision maker to assess the likelihood of the predicted or forecast event, effect or damage occurring after disclosure of a document.

5.17 The use of the word 'could' in this qualification is less stringent than 'would', and requires analysis of the reasonable expectation rather than certainty of an event, effect or damage occurring. It may be a reasonable expectation that an effect has occurred, is presently occurring, or could occur in the future.

...

5.31 The meaning of 'damage' has three aspects:

- i. that of safety, protection or defence from something that is regarded as a danger. The AAT has given financial difficulty, attack, theft and political or military takeover as examples.*
- ii. the means that may be employed either to bring about or to protect against danger of that sort. Examples of those means are espionage, theft, infiltration and sabotage.*
- iii. the organisations or personnel providing safety or protection from the relevant danger are the focus of the third aspect.*

28. In regard to 'security of the Commonwealth', the Guidelines provide at paragraph 5.29:

The term 'security of the Commonwealth' broadly refers to:

- (a) the protection of Australia and its population from activities that are hostile to, or subversive of, the Commonwealth's interests*
- (b) the security of any communications system or cryptographic system of any country used for defence or the conduct of the Commonwealth's international relations (see definition in s 4(5)).*

29. **Provide the evidence you relied on to make this decision**
e.g. the report identifies tactical movements and patterns used by the RAAF.
30. I have identified material in the documents which, upon release, could reasonably be expected to cause damage to the security of the Commonwealth by ... **[Explain your reasons for making this decision, including how or why damage could be caused to the security of the Commonwealth]**
31. Accordingly, I am satisfied the [documents/information] is exempt under section 33(a)(i) of the FOI Act.

Section 33(a)(ii) – Documents affecting national security, defence or international relations

32. Section 33(a)(ii) of the FOI Act states:

A document is an exempt document if disclosure of the document under this Act:

- (a) would, or could reasonably be expected to, cause damage to:*
- (ii) the defence of the Commonwealth*

33. In regard to the terms 'would, or could reasonably be expected to' and 'damage', the Guidelines provide:

5.16 The test requires the decision maker to assess the likelihood of the predicted or forecast event, effect or damage occurring after disclosure of a document.

5.17 The use of the word 'could' in this qualification is less stringent than 'would', and requires analysis of the reasonable expectation rather than certainty of an event, effect or damage occurring. It may be a reasonable expectation that an effect has occurred, is presently occurring, or could occur in the future.

...

5.31 The meaning of 'damage' has three aspects:

- i. that of safety, protection or defence from something that is regarded as a danger. The AAT has given financial difficulty, attack, theft and political or military takeover as examples.*
- ii. the means that may be employed either to bring about or to protect against danger of that sort. Examples of those means are espionage, theft, infiltration and sabotage.*
- iii. the organisations or personnel providing safety or protection from the relevant danger are the focus of the third aspect.*

34. In regard to 'defence of the Commonwealth', the Guidelines, at paragraph 5.34, refer to previous Administrative Appeals Tribunal (AAT) decisions which provide that the term includes:
- a. meeting Australia's international obligations;
 - b. ensuring the proper conduct of international defence relations;
 - c. deterring and preventing foreign incursions into Australian territory; and
 - d. protecting the Defence Force from hindrance or activities which would prejudice its effectiveness.
35. I have identified material in the documents which, upon release, would cause, or could reasonably be expected to cause, damage to the defence of the Commonwealth. The documents *identify/explain/show....* **[Provide the evidence you relied on in making your decision to use this exemption].**
36. **Explain how/why damage to the defence of the commonwealth could occur based on the evidence you provided above. You must address how the release of the document will likely cause the damage claimed.**
(Note: 'Defence of the Commonwealth' is not defined in the Act, but has been held to include meeting Australia's international obligations, ensuring the proper conduct of international defence relations, deterring and preventing foreign incursions into Australian territory and protecting the Defence Force from hindrance or activities which would prejudice its effectiveness.)
37. Accordingly, I am satisfied that the **[documents/information]** is exempt under section 33(a)(ii) of the FOI Act.

Section 33(a)(iii) – Documents affecting national security, defence or international relations

38. Section 33(a)(iii) of the FOI Act states:

A document is an exempt document if disclosure of the document under this Act:

- (a) would, or could reasonably be expected to, cause damage to:*
(iii) the international relations of the Commonwealth

39. In regard to the terms 'would, or could reasonably be expected to' and 'damage', the Guidelines provide:

5.16 The test requires the decision maker to assess the likelihood of the predicted or forecast event, effect or damage occurring after disclosure of a document.

5.17 The use of the word 'could' in this qualification is less stringent than 'would', and requires analysis of the reasonable expectation rather than certainty of an event, effect or damage occurring. It may be a reasonable expectation that an effect has occurred, is presently occurring, or could occur in the future.

...

5.31 The meaning of 'damage' has three aspects:

- i. that of safety, protection or defence from something that is regarded as a danger. The AAT has given financial difficulty, attack, theft and political or military takeover as examples.*

- ii. *the means that may be employed either to bring about or to protect against danger of that sort. Examples of those means are espionage, theft, infiltration and sabotage.*
- iii. *the organisations or personnel providing safety or protection from the relevant danger are the focus of the third aspect.*

40. In regard to 'international relations', the Guidelines provide at paragraph 5.36:

The phrase 'international relations' has been interpreted as meaning the ability of the Australian Government to maintain good working relations with other governments and international organisations and to protect the flow of confidential information between them. The exemption is not confined to relations at the formal diplomatic or ministerial level. It also covers relations between Australian Government agencies and agencies of other countries.

41. I find that disclosure of the documents exempted under section 33(a)(iii) of the FOI Act would cause, or could reasonably be expected to cause, damage to the international relations of the Commonwealth. The documents *[identify/explain/show] ... [Provide the evidence you relied on in making your decision to use this exemption].*

42. **Explain how/why damage to the international relations of the commonwealth could occur based on the evidence you provided above.**
(Must address how the release of the document will likely cause the damage claimed. Note 'International relations' has been interpreted as meaning the ability of the Australian Government to maintain good working relations with other governments and international organisation and to protect the flow of confidential information between them, including relations between government agencies. The expectation of damage to international relations must be reasonable in all the circumstances, having regard to the nature of the information, the circumstances in which it was communicated, and the nature and extent of the relationship. There must be real and substantial grounds for the conclusion that are supported by evidence. Further, loss of trust and confidence in Australian government or one of its agencies is a speculative damage which meets the threshold for damage.)

43. Accordingly, I am satisfied that the **[documents/information]** is exempt under section 33(a)(iii) of the FOI Act.

Section 33(b) – Documents affecting national security, defence or international relations

44. Section 33(b) of the FOI Act states:

A document is an exempt document if disclosure of the document under this Act:

- (b) *would divulge any information or matter communicated in confidence by or on behalf of a foreign government, an authority of a foreign government or an international organization to the Government of the Commonwealth, to an authority of the Commonwealth or to a person receiving the communication on behalf of the Commonwealth or of an authority of the Commonwealth.*

45. I find that disclosure of the documents exempted under section 33(b) of the FOI Act would divulge information or matter communicated in confidence by or on behalf of a **[Option (choose one): foreign government OR an authority of a foreign government OR an international organisation]** to **[Options (choose one): the Government of the Commonwealth OR an authority of the Commonwealth OR a person receiving the**

communication on behalf of the Commonwealth]. In making this decision... **[Provide the evidence you relied on in making the decision to exempt the material/document.]**

46. **Provide your reasons for making this decision, including how the information/document divulge information of a foreign government to the Commonwealth.**
(Must address how the information was communicated in confidence. Consider whether the information is, in fact, confidential in character and whether it was communicated in circumstances importing an obligation of confidence.)
47. Accordingly, I am satisfied that the **[documents/information]** is exempt under section 33(b) of the FOI Act.

Section 38 – Documents to which secrecy provisions of enactments apply

48. Section 38 of the FOI Act states, in part:
- (1) Subject to subsection (1A), a document is an exempt document if:
- (a) disclosure of the document, or information contained in the document, is prohibited under a provision of an enactment...; and
- (b) either:
- (i) that provision is specified in Schedule 3; or
- (ii) this section is expressly applied to the document, or information, by that provision, or by another provision of that enactment or law or any other enactment....
- ...
- (2) Subject to subsections (3) and (3A), if a person requests access to a document, this section does not apply in relation to the document so far as it contains personal information about the person.
- ...
49. Schedule 3 of the FOI Act identifies the secrecy provisions applicable to section 38, which states, in part:
- Schedule 3 – Secrecy provisions*
Defence (Inquiry) Regulations, subregulation 63(2).
50. Relevantly, the Guidelines, at paragraph 5.121, provide:
- Section 38 does not apply to documents in so far as they contain personal information about the applicant (s 38(2)). The exception applies only to personal information about the applicant and not to 'mixed personal information', that is, personal information about the applicant which, if disclosed, would also reveal personal information about another individual. If the FOI applicant's information can be separated from any third party personal information, the FOI applicant's information will not be exempt under s 38(1) and can be disclosed. The decision maker may consider providing access to an edited copy (s 22).*

Options (select from below as appropriate):

If IOI conducted under the 2018 Regulations:

51. There are **XX documents** which contain information from an Inquiry Officer Inquiry appointed pursuant to the *Defence (Inquiry) Regulations 2018* (the Regulations), and it

is appropriate to consider what effect this may have on the release of these documents under the FOI Act.

52. Section 79(2) of the Regulations prescribes the continued application of regulation 63 of the 1985 Regulations. Section 79(3) of the Regulations applies the protection of section 38 of the FOI Act to inquiry information protected by the 1985 Regulations.
53. Sub-regulation 71 of the Regulations expressly applies section 38 of the FOI Act to Inquiry Officer Inquiry records and Inquiry Officer Inquiry reports. **OR**

If COI conducted under the 1985 Regulations:

54. There are **XX documents** which contain information from a Court of Inquiry appointed pursuant to the *Defence (Inquiry) Regulations 1985* (1985 Regulations), and it is appropriate to consider what effect this may have on the release of these documents under the FOI Act.
55. On 18 June 2013, the 1985 Regulations were amended. The provisions previously applied by sub-regulation 63(2) are now provided for under sub-regulation 63(1) of the 1985 Regulations. On 15 March 2018, the Regulations were enacted, repealing the 1985 Regulations.
56. Section 78(2) of the Regulations prescribes the continued application of regulation 63 of the 1985 Regulations. Section 78(3) of the Regulations applies the protection of section 38 of the FOI Act to Court of Inquiry information protected by the 1985 Regulations.
57. Sub-regulation 42 of the Regulations expressly applies section 38 of the FOI Act to Court of Inquiry records and Court of Inquiry reports. **OR**

If IGADF inquiries conducted prior to 1 October 2016:

58. There are **XX documents** which contain information from an IGADF inquiry appointed pursuant to the *Defence (Inquiry) Regulations 1985* (1985 Regulations), and it is appropriate to consider what effect this may have on the release of these documents under the FOI Act.
59. On 18 June 2013, the 1985 Regulations were amended. The provisions previously applied by sub-regulation 63(2) are now provided for under sub-regulation 63(1) of the 1985 Regulations. On 15 March 2018, the Regulations were enacted, repealing the 1985 Regulations.
60. Section 84(1)(c) of the Regulations prescribes the continued application of regulation 63 of the 1985 Regulations. Section 84(2) of the Regulations applies the protection of section 38 of the FOI Act to IGADF inquiry information protected by the 1985 Regulations.

Options (select ONE):

61. In considering the documents identified as meeting the scope of the applicant's request, I have identified a considerable amount of information that I consider to be mixed personal information which cannot be separated from other parties. I have

decided not to release this information, in accordance with section 38(1) of the FOI Act. I have provided further consideration below at, 'Section 47F – 'Public interest conditional exemptions - personal privacy' **OR**

62. As there is no personal information of the applicant within the identified documents, I am satisfied these documents are exempt under section 38(1) of the FOI Act.

Section 42 – Documents subject to legal professional privilege

63. Section 42(1) of the FOI Act states:

A document is an exempt document if it is of such a nature that it would be privileged from production in legal proceedings on the ground of legal professional privilege.

64. I find that **XX documents** contain legal advice which would be privileged from production in legal proceedings on the ground of legal professional privilege (LPP).
65. The Guidelines provide, at paragraph 5.129, that in considering whether LPP exists, the following factors should be considered:
- *whether there is a legal adviser-client relationship*
 - *whether the communication was for the purpose of giving or receiving legal advice, or use in connection with actual or anticipated litigation*
 - *whether the advice given is independent*
 - *whether the advice given is confidential*
66. I am satisfied that the legal adviser-client relationship had been established, as the advice was provided by lawyers, who were acting in their capacity as independent professional advisers.
67. I am satisfied that the specific material contained in the documents was created for the dominant purpose of [**Option (choose one): giving or receiving legal advice OR use in actual or anticipated litigation**], and that advice was provided independently. I also note there is no evidence to suggest that privilege has been waived by the client or the legal adviser.
68. Finally, I am satisfied the advice was provided in confidence given the disseminating legal marker attached to the documents. Further, I note that while the material in question is contained in documents being disclosed to more than one person in Defence, I have considered that this is to be expected due to the nature of the work undertaken. This matter of disclosure within an organisation is discussed at paragraph 5.148 of the Guidelines, which provides that '[m]odern organisations often work in teams and several people may need to know about privileged communications...'.
69. Accordingly, I am satisfied that the **documents/information** is exempt under section 42 of the FOI Act.

Section 47C – Public interest conditional exemptions - deliberative processes

70. Section 47C(1) of the FOI Act states:

(1) A document is conditionally exempt if its disclosure under this Act would disclose matter (deliberative matter) in the nature of, or relating to, opinion, advice or recommendation

obtained, prepared or recorded, or consultation or deliberation that has taken place, in the course of, or for the purposes of, the deliberative processes involved in the functions of:

- (a) an agency; or*
- (b) a Minister; or*
- (c) the Government of the Commonwealth.*

71. **Provide the evidence you relied on in making the decision to apply this exemption**

72. **Explain the reasons for making the decision to apply this exemption**

73. **Explain how the effect of the disclosure would be substantial and adverse**

74. Section 47C(2)(b) of the FOI Act provides that deliberative matter does not include purely factual material. The Guidelines, at paragraph 6.73, state that:

[p]urely factual material' does not extend to factual material that is an integral part of the deliberative content and purpose of a document, or is embedded in or intertwined with the deliberative content such that it is impractical to excise it.

75. Accordingly, I am satisfied that the **documents/information** contains matter that meets the definition of deliberative material, and that where the content is purely factual, it is embedded in, or intertwined with the deliberative content and cannot be excised. Therefore, I have decided that the relevant information is conditionally exempt under section 47C of the FOI Act.

Section 47E(c) – Public interest conditional exemptions – certain operations of agencies

76. Section 47E(c) 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:

- (c) have a substantial adverse effect on the management or assessment of personnel by the Commonwealth or by an agency*

77. The Guidelines provide, at paragraph 6.113, that:

Where the document relates to the agency's policies and practices relating to the assessment and management of personnel, the decision maker must address both elements of the conditional exemption in s 47E(c), namely, that:

- an effect would reasonably be expected following disclosure*
- the expected effect would be both substantial and adverse.*

78. I find that the material/document specified relates to ...

Option (choose ONE to finish sentence):

- a) the management of personnel – including the broader human resources policies and activities, recruitment, promotion, compensation, discipline, harassment and occupational health and safety because...; **OR**

- b) the assessment of personnel – including the broader performance management policies and activities concerning competency, in-house training requirements, appraisals and underperformance, counselling, feedback, assessment for bonus or eligibility for progression because...

Provide your reasons for applying this exemption.

e.g. ... upon assessment of the document I found that it contained information concerning the management and behaviour of personnel including [description of information].

- 79. *Releasing the information potentially identifying individuals involved in the investigation, information detailing how the investigation was conducted and who conducted the investigation could reasonably be expected to have a substantial adverse effect on Defence's management of investigations. Maintaining the integrity of the investigation is paramount. Releasing details about the investigation could adversely affect Defence's ability to conduct future investigations if employees felt Defence lacked integrity with respect to protecting the confidentiality of investigation records; thus affecting the proper and efficient conduct of the operations of Defence.*
- 80. *Based on my consideration of the above I am of the view that release of third party interviews, findings and recommendations would have a substantial adverse effect on the individuals, management and assessment of personnel, and the efficient and proper conduct of the operations of Defence.*
- 81. Accordingly, I am satisfied that the documents/information is conditionally exempt under section 47E(c) of the FOI Act.

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

- 82. Section 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 the agency.

- 83. The Guidelines, at paragraph 6.123, provide that:

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.

Option: If removing staff personal/contact information

- 84. In the case of 'ABK' and Commonwealth Ombudsman [2022] AICmr 44, the Information Commissioner (IC) found that where the direct email addresses and phone numbers of agency staff are not publicly known, they should be conditionally exempt under section 47E(d). The IC made this determination due to reasonable expectation that the release of direct contact details would undermine the operation of established channels of communication with the public. Further, the IC accepted that staff who were contacted directly could be subject to excessive and abusive communications, which may give rise to work health and safety concerns.

85. I am satisfied that were the contact details of Defence personnel made publicly available, it would have substantial adverse effects on the proper and efficient operation of existing public communication channels. Further, I am satisfied of a reasonable expectation that the information could be used inappropriately, in a manner which adversely affects the health, wellbeing and work of Defence personnel. Disclosure of names, email addresses and phone numbers could, therefore, reasonably be expected to prejudice the operations of Defence.
86. The Guidelines provide, at paragraph 6.120, that I should consider whether disclosure of the information 'would, or could reasonably be expected to lead to a change in the agency's processes that would enable those processes to be more efficient.' Given that the direct contact details within **the document/s** are not publicly available and that more appropriate communication channels are already available, I am satisfied that release of the information could reasonably be expected to lead to a change in Defence's processes that would not lead to any efficiencies.
87. Accordingly, I am satisfied that all staff information contained within the documents is conditionally exempt under section 47E(d) of the FOI Act.
88. **Explain the evidence you relied on in making your decision to apply this exemption**
e.g. the information was gathered as part of an investigative process where personnel were interviewed voluntarily with an expectation of confidentiality.
89. **Explain how disclosure of the document/material would substantially adversely affect the conduct of operations of the agency**
e.g. Army would lose the ability to gather information at the level and quality that is currently available in day to day operations.
90. The Guidelines provide, at paragraph 6.120, that I should consider whether disclosure of the **documents/information** 'would, or could reasonably be expected to lead to a change in the agency's processes that would enable those processes to be more efficient.' Given *[insert brief explanation of why these documents would not lead to a efficient change e.g. the nature of the documents]*, I am satisfied that release of the **documents/information** could reasonably be expected to lead to a change in Defence's processes that would not lead to any efficiencies.
91. Accordingly, I am satisfied that the **documents/information** is conditionally exempt under section 47E(d) of the FOI Act.

Section 47F – Public interest conditional exemptions - personal privacy

92. 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).

93. 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.

94. I found that the **information/document/s** contain personal information of *[another]* person/s. This includes their *[list – eg. names, training information, qualifications]* which would reasonably identify a third party/parties.
95. 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;
 - d. the effect the release of the personal information could reasonably have on the third party; and
 - e. [add any other evidence you relied on in making the decision to apply this exemption].
96. **Explain your reasons for using this exemption**
e.g. I found that the specific personal information listed is not well known, individuals whose personal information is contained in the documents are not widely known to be associated with the matters dealt with in the document and the information is not readily available from publicly accessible sources.
97. Accordingly, I am satisfied that the **documents/information** is conditionally exempt under section 47F of the FOI Act.

Section 47G – Public interest conditional exemptions – business

98. Section 47G(1)(a) of the FOI Act states:
- (1) A document is conditionally exempt if its disclosure under this Act would disclose information concerning a person in respect of his or her business or professional affairs or concerning the business, commercial or financial affairs of an organisation or undertaking, in a case in which the disclosure of the information:*
- (a) would, or could reasonably be expected to, unreasonably affect that person adversely in respect of his or her lawful business or professional affairs or that organisation or undertaking in respect of its lawful business, commercial or financial affairs.*
99. I note that the use of the word ‘could’ in this provision requires only reasonable consideration of the possibility that disclosure may cause the consequences specified.
100. The Guidelines explain, at paragraph 6.188:

The test of reasonableness applies not to the claim of harm but to the objective assessment of the expected adverse effect....These considerations require a weighing of a public interest against a private interest, preserving the profitability of a business, but at this stage it bears only on the threshold question of whether the disclosure would be unreasonable.

101. The Guidelines also state, at paragraph 6.184:

The operation of the business information exemption depends on the effect of disclosure rather than the precise nature of the information itself. Nevertheless, the information in question must have some relevance to a person in respect of his or her business or professional affairs or to the business, commercial or financial affairs of an organisation or undertaking (s 47G(1)(a)).

102. The Guidelines go on to provide, at paragraph 6.192, '[t]he term 'business affairs' has been interpreted to mean 'the totality of the money-making affairs of an organisation or undertaking as distinct from its private or internal affairs'.

103. **Explain your reasons for using this exemption**

e.g. If a document is generated with the names of the organisations which are being investigated for noncompliance, it is reasonable to expect that the release of that information would unreasonably affect their business affairs in the following adverse ways:

- a. It would adversely impact the organisations reputation and therefore reduce their cliental; which in turn will directly impact the organisation's 'money making affairs'; and*
- b. Provide a competitive advantage to competitors who would use the information to capture the market which would impact the organisations 'money making affairs.'*

104. Accordingly, I am satisfied that the documents/information is conditionally exempt under section 47G(1)(a) of the FOI Act.

Public interest considerations - sections 47C, 47E(c), 47E(d), 47F and 47G

105. 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.

106. 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;*
- (d) allow a person to access his or her own personal information.*

107. 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).
108. 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:

Option (retain relevant considerations from below):

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

109. *Explain your reasons why each of the above factors against disclosure apply and how this outweighs the factors for disclosure.*

Option: If removing staff personal/contact information under s 47E(d)

110. It is in the public interest that Defence efficiently and productively operates with regard for the health and wellbeing of its personnel. As I have established above at [paragraph 77](#), the release of the names, email addresses and phone numbers of Defence personnel can reasonably be expected to prejudice the management and personnel management functions of Defence. Existing communication channels and processes enable efficient and appropriate liaison with the public. The direct contact details of Defence personnel should, therefore, not be disclosed, as the public interest against their disclosure outweighs the public interest in their release.
111. I have not taken any of the factors listed in section 11B(4) [irrelevant factors] of the FOI Act into account when making this decision.
112. I am satisfied, based on the above particulars, the public interest factors against disclosure outweigh the factors for disclosure, and that, on balance, it is against the public interest to release the information to you. Accordingly, I find that the information is exempt under sections *[INSERT RELEVANT SECTION NO.]* of the FOI Act.

FURTHER INFORMATION

Option: Retain or tailor paras below, where relevant

113. Include in this section any additional information that the applicant should be made aware of. This may include why documents were not found, why documents were not created to begin with etc.

114. 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.
115. Some of the documents matching the scope of this request contained a dissemination limiting marker (DLM). Where documents have been approved for public release, the DLM has been struck through.

[Insert Signatory Name]

Accredited Decision Maker

[INSERT GROUP/SERVICE]

Department of Defence

Item	Document	Date	Document description or title	Pages	Decision	Reason for decision under the FOI Act
1	1	1/6/2019	Email: Record of conversation		Partial release	Deletions made in accordance with section 22 of the FOI Act on the grounds that the deleted material is exempt under section XX(x) of the FOI Act.
	2	11/7/2019	Statement		Partial release	Deletions made in accordance with section 22 of the FOI Act on the grounds that the deleted material is irrelevant.
2	1	12/7/2019	Email: Further detail		Refuse access	The document is considered exempt under section XX(x) of the FOI Act.
	2	13/7/2019	Ministerial submission 91-20135		Partial release	Deletions made in accordance with section 22 of the FOI Act on the grounds that the deleted material is exempt under sections XX(x) and XX(x) of the FOI Act.
3	1	11/7/2019	Report		Full release	

s22

s22

s22

From: FOI Case Management
To: Enterprise Web
Subject: Due date: XX/XX/2024 - FOI XXX/23/24 - Documents for publication on FOI Disclosure Log

s22

Dear Enterprise Web,

Please see attached documents for a finalised FOI decision that has been approved for publication on the FOI Disclosure Log.

I would be grateful if this could be arranged for publication on **XX Month 2024**.

Title (appropriate for the internet without abbreviations)	Insert title
FOI reference no	XXX/23/24
Date of access (documents received by applicant)	XX/XX/2024
Agency	Highlight applicable decision maker - Department of Defence - Office of the Minister for Defence
No documents to be added (entry on disclosure log only)	For access to the document please email foi@defence.gov.au

Thank you and regards

[Signature Block]

From: FOI Case Management
Sent: Friday, 26 June 2020 7:43 AM
Subject: Defence FOI XXX/YY/YY - Notification of extension for third party consultation

Good morning/afternoon <applicant name>

I refer to your FOI request FOI XXX/YY/YY.

Your request was forwarded to <Group name> for consideration. The Accredited Decision Maker (ADM) has advised that your request covers documents which contain information of a <commercial and/or personal> nature of a number of third parties.

The ADM has determined that there is requirement to consult the third parties under section 27 and/or 27A of the FOI Act, before they can finalise their decision relating to the release of documents relevant to your request.

Section 15(6) of the FOI Act provides for an extension of 30 days to be added to the statutory time limit for processing requests. Therefore, the deadline for providing you with the decision on your request is now: <DD MONTH YEAR>

Please advise if you consent to FOI Directorate naming you as the applicant to third parties for the purpose of consultation by: COB <DD MONTH YEAR>

While you are under no obligation to reveal your identity as the applicant and we will not disclose your identity without consent, in our experience, third parties will generally be more likely to object to the release of their information if they do not know who the applicant is.

Should you have any questions relating to your request, please do not hesitate to contact our office via telephone on (02) 6266 2200 or via email to FOI.CaseManagement@defence.gov.au.

Regards

<signature block>

From: FOI Case Management
Subject: Defence FOI Request XXX/XX/XX - Section 15AA request for extension

s22



Good morning/afternoon <applicant>,

<Thank you for *returning my call / speaking with me* this morning/afternoon>. OR <I attempted to call you at <time> to discuss your FOI request but was unsuccessful>.

The current statutory deadline for you to receive a response to your Defence FOI request is <DD Month YYYY>.

Due to <the processing demands associated with your request OR a number of staff being on leave OR OTHER REASON> our office is seeking your agreement to a 30 day extension of the statutory deadline under section 15AA [extension with agreement] of the FOI Act. We will endeavour to process your request as soon as we can.

Should you agree, the statutory deadline for you to receive a response to your request will expire on <DD Month YYYY>.

It would be much appreciated if you could confirm your agreement to this extension of time via e-mail by close of business <DD Month YYYY> [48 hours later].

I am the Case Manager for your request and should you have any questions regarding this matter please do not hesitate to contact me.

Kind regards,

[SIGNATURE]

From: FOI Case Management
Subject: Defence FOI xxx/yy/yy - Request for extension by agreement

Good morning/afternoon <Applicant name>

I refer to your request FOI xxx/yy/yy.

Please note the Department of Defence observes a period of reduced activity and staffing through December and January (Christmas/New Year period) each year. This office has determined that it may not be possible to finalise your FOI request by <DD Month Year> as it falls within the reduced activity period.

For this reason, this office is seeking your agreement to a 30 day extension of the statutory deadline under section 15AA [extension with agreement] of the *Freedom of Information Act 1982*. Should you agree, the statutory deadline for you to receive a response to your request will be <DD Month Year>. We will still endeavor to complete your request as soon as possible.

I would appreciate your response by COB <DD Month Year>. A formal acknowledgement to you request will follow.

Regards

<signature block>

Subject: FOI Heads Up: Media/Sensitive – Applicant Name, Media Outlet/Activist – DB Title

s22



KEY DATES:

Received by Defence – XX/XX/XXXX

Due to Applicant – XX/XX/XXXX

ACTION AREA:

<Group/Service> - The FOI Directorate will send the tasking instructions soon (FOI xxx/xx/xx)

INFORMATION:

<Group/Service> - for your awareness...

Good morning/afternoon,

Defence has received a Freedom of Information request from the applicant from media outlet or Activist for access to the following:

"<.....insert scope>"

Kind regards,

<insert signature block>

Subject: Decision Alert (FOI xxx/xx/xx) – Applicant Name (Individual / Activist / Name of organisation) – DB Title (lowercase)

s22



Good morning/afternoon

Please find attached the [statement of reasons and/or document/s], prepared in response to a FOI request from Name of applicant from Name of organisation. The decision is to [partially release/provide full access/deny access] to document/s to the applicant on [date]. or [no documents were discovered in scope of (Item x) the request. The decision will be provided to the applicant on] [date].

Ministerial talking points are also attached. The subject matter contact officer is [Name] on [phone number].

Background of request

On [Date] the applicant, [Name] sought access to:

"<insert scope>."

If you have any questions please contact me.

Kind regards

From: FOI Case Management
Subject: Defence FOI XXX/YY/YY - Third party has not sought review
Attachments: FOI - Your Review Rights.pdf

s22



Dear <Applicant>,

In our decision letter dated <DD Month YYYY> you were advised that in accordance with section 27A(6) [access not to be given until review or appeal opportunities have run out] of the FOI Act, documents were unable to be provided at the time as the third parties had 30 days to appeal the decision to release their <personal/business> information.

The third parties had until <DD Month YYYY> to appeal the decision. As they have not chosen to appeal the decision the outstanding documents can now be released.

Please find the documents for FOI XXX/YY/YY attached.

Rights of review

The FOI Act provides for rights of review of decisions. A copy of fact sheet “Freedom of Information – Your Review Rights” setting out your rights of review is attached.

Further advice

All departmental action on your request is now complete. Should you have any questions in regard to this matter please contact this office by email at foi.casemanagement@defence.gov.au.

Regards

[SIGNATURE]

From: FOI Case Management
Subject: Defence FOI XXX/YY/YY - Third party has requested internal review

s22



Dear <Applicant>,

In our decision letter dated <DD Month YYYY> you were advised that documents could not be provided at that time under section 27A(6) [access not to be given until review or appeal opportunities have run out] of the FOI Act, as third parties have 30 days to appeal the decision to release their <personal/business> information.

The third parties have requested an internal review of the decision. Accordingly, I will write to you after the completion of the review.

The review is currently due to be completed by <DD Month YYYY> (30 days from when the third party requested the review).

Further advice

Should you have any questions in regard to this matter please contact this office by email at foi.casemanagement@defence.gov.au.

Regards

[SIGNATURE]

From: FOI Case Management
Subject: FOI XXX/YY/YY - Third party has external review options
Attachments: FOI - Your Review Rights.pdf

s22



Dear <Applicant>,

On <DD Month YYYY> we informed you that relevant third parties had requested an internal review in relation to the release of their <personal/business> information.

The review has been finalised, and the third parties have been advised of the outcome.

In accordance with section 27A(6) [access not to be given until review or appeal opportunities have run out] of the FOI Act, documents cannot be provided at this time until it becomes apparent that no third parties choose to request an external review.

Third parties have until <DD Month YYYY> to seek an external review.

After this date you will be informed if any action is taken. If no third parties have requested an external review, the documents will be provided to you.

Should you have any questions in regard to this matter please contact this office by e-mail at foi.casemanagement@defence.gov.au.

Yours sincerely,

[SIGNATURE]

From: FOI Case Management
Subject: Defence FOI XXX/YY/YY - Third party has requested external review

s22



Dear <Applicant>,

In our decision letter dated <DD Month YYYY> you were advised that documents could not be provided in accordance with section 27A(6) [access not to be given until review or appeal opportunities have run out] of the FOI Act, until it became apparent that no third parties chose to request an external review.

The third parties have now requested an external review of the decision. Accordingly, you will be contacted once the review is completed to be advised of the outcome.

Should you have any questions in regard to this matter please contact this office by email at foi.casemanagement@defence.gov.au.

Regards

[SIGNATURE]

From: FOI Case Management
Subject: FOR ACTION: FOI Tasking - FOI xxx/YY/YY

Dear **[recipient]**

This is a formal tasking relating to a request made on **[date]** by **[applicant]** under the *Freedom of Information Act 1982* (FOI Act) for:

[request].

Talking Points will be required as this FOI request has been classified as '*Media/Sensitive*'.

Action required

Phase 1: Identify the documents and appoint an Accredited Decision Maker (ADM) – due by [date]

1. Notify who has been appointed as the ADM and if the documents can be released administratively outside the FOI Act.
2. Send the following:
 - Digitally signed [Document Search Checklist](#) with screenshots.
 - In-scope documents with no redactions in PDF format.
Note: For DSN documents, please email on the DPN when DSN documents provided.
 - [Draft Schedule of Documents](#) (SOD) if there are five or more documents.

Phase 2: Draft documents – due by [date]

Prepare and send:

1. [Statement of Reasons](#) (SOR) ([SOR Guidance](#)) as a word document (unsigned).
2. Draft in scope documents – combined into one single PDF document with **proposed** redactions unapplied - marked with relevant [exemption codes](#) using the [FOI redaction tool](#) in PDF.
3. [Schedule of Documents](#) (SOD), in word format if applicable.
4. Prepare draft '[Talking Points](#)' in Word Format – email relevant Strategic Communications adviser for clearance.

FOI Directorate (FOID) will review the draft decision package and provide feedback to the ADM and/or FOI Co-ord.

Phase 3: Final documents – due by [date]

Please discuss feedback provided on the draft decision package with the FOID, then prepare and send the final decision package:

1. SOR electronically signed by the ADM.
2. Documents in the form approved for release in PDF format with redactions applied.
3. SOD in PDF format.
4. Final, cleared Talking Points in PDF format – SES Band 2/2 Star clearance.

Consultation

Please consider/identify third party consultations early so that statutory time limits can be managed. The ADM is required to authorise these consultations and approve documents for release to any third parties which the FOI team will then coordinate. Extra time is provided when third party consultation is required.

If the ADM considers there is a requirement to liaise with the offices of the Minister, Secretary, CDF or VCDF, please advise as soon as possible which the FOI team will facilitate.

Timeframes

Under the FOI Act, Defence has **30 calendar days** to provide a decision and documents to the applicant. Documents and draft decisions must be reviewed by FOID before they can be signed by the ADM. Failure to provide the documents to FOID and appoint an ADM in a timely manner will impact on the time the ADM has available to make their decision within the legislated timeframe.

Templates and examples

Please [click here](#) to access the ADM Reference Guide. If you require assistance with drafting the SOR please contact me and I can provide sample wording to consider.

FOI Case Manager

I am the Case Manager for this request and am here to help you process this request. Please contact me early to discuss any questions or concerns.

Kind regards,

<SIGNATURE BLOCK>

From: FOI Case Management
Subject: FOR ACTION: FOI Tasking - FOI xxx/YY/YY

Dear **[recipient]**

This is a formal tasking relating to a request made on **[date]** by **[applicant]** under the *Freedom of Information Act 1982* (FOI Act) for:

“[request]”.

This FOI request has been identified as a routine request. Please advise of any sensitivities or media/parliamentary attention in relation to this topic.

Action required

Phase 1: Identify the documents and appoint an Accredited Decision Maker (ADM) – due by [date]

1. Notify who has been appointed as the ADM. Alternatively, let us know if the documents can be released administratively outside the FOI Act.
2. Send the following:
 - Digitally signed [Document Search Checklist](#) with screenshots.
 - In-scope documents with no redactions in PDF format.
Note: For DSN documents, please email on the DPN when DSN documents provided.
 - Draft [Schedule of Documents](#) (SOD) if there are five or more documents.

Phase 2: Draft decision package – due by [date]

Prepare and send the draft:

1. [Statement of Reasons](#) (SOR) as a word document (unsigned) (for guidance see [Statement of Reasons Guidance Notes](#)).
2. In-scope documents, combined into one single PDF document, with **proposed** redactions unapplied but marked with relevant [exemption codes](#) using the [FOI redaction tool](#).
3. [Schedule of Documents](#) (SOD) in word format (if applicable).

The FOI Directorate (FOID) will review the draft decision package and provide feedback to the ADM and/or FOI Co-ord.

Phase 3: Final decision package – due by [date]

Please discuss any feedback provided on the draft decision package with the Case Manager, then prepare and send the final decision package in PDF format:

1. SOR digitally signed by the ADM.
2. Documents in the form approved for release with redactions applied.
3. SOD (if applicable).

Consultation

Please consider/identify consultations early so that statutory time limits can be managed. The FOID will coordinate any consultation.

Timeframes

Under the FOI Act, Defence has **30 calendar days** to provide a decision and documents to the applicant. Documents and draft decisions must be reviewed by the FOID before they can be signed by the ADM. Failure to complete phase 1 by the due date will impact on the time the ADM has available to make their decision within the legislated timeframe.

Additional guidance

Please [click here](#) to access the ADM Reference Guide. If you require assistance with drafting the SOR please contact me and I can provide sample wording to consider.

FOI Case Manager

I am the Case Manager for this request and am here to help you process this request. Please contact me early to discuss any questions or concerns.

Regards

<SIGNATURE BLOCK>

From: FOI Case Management
Subject: FOR ACTION: FOI Tasking - FOI xxx/YY/YY

Dear **[recipient]**

This is a formal tasking relating to a request made on **<DD Month YYYY>**, by **<applicant name>** to **amend/annotate** their personal record maintained by Defence under section 48 of the *Freedom of Information Act 1982* (FOI Act). The applicant has requested their personal record be **amended/annotated** to include the following details:

“[insert requested amendments/annotations]”

Action required

Phase 1: Prepare draft decision and appoint an Accredited Decision Maker (ADM) – due by [date]

1. Acknowledge receipt of this request.
2. Appoint an Accredited Decision Maker (ADM) and advise the FOI Case Manager.
3. Review relevant evidence and determine if requested amendment / annotation is appropriate.
4. Prepare and send the draft [Statement of Reasons](#) (SOR) as a word document (unsigned) to the FOI Case Manager:

The FOI Directorate (FOID) will review the draft decision package and provide feedback to the ADM and/or FOI Co-ord.

Phase 2: Final decision package – due by [date]

Please discuss any feedback provided on the draft decision package with the Case Manager, then prepare and send the final decision package in PDF format:

1. SOR digitally signed by the ADM.
2. Documents in the form approved for release (if required).

Timeframes

Under the FOI Act, Defence has **30 calendar days** to provide a documents to the applicant. Documents and draft decision must be reviewed by the FOID before they can be signed by the ADM.

Additional guidance

Please [click here](#) to access the ADM Reference Guide. If you require assistance with drafting the SOR please contact me and I can provide sample wording to consider.

FOI Case Manager

I am the Case Manager for this request and am here to help you process this request. Please contact me early to discuss any questions or concerns.

Regards

<SIGNATURE BLOCK>

From: FOI Case Management
Subject: For Action: FOI Inquiry XXX - Advice on Scope - Due Midday/COB DAY XXX
MONTH 20XX

Dear **[recipient]**

Action required by **COB/midday <day of the week> [date]**

1. Review the scope and advise if the request can be actioned in its current form.
2. If the scope cannot be actioned in its current form, please advise why and provide suggested revisions that could be made to the applicants scope.
3. Advise of other business areas that may hold documents or have an equity in this request.

Defence has received a request under the *Freedom of Information Act 1982* (FOI Act) from **[applicant]** on **<DD Month YYYY>** for:

"[request]".

Your area has been identified as potentially holding documents relevant to the scope of the request.

This is not a tasking to undertake document searches. Once your response is received or if we do not receive a response by the due date, a formal tasking will be sent.

Regards

<First name>

Freedom of Information Team

Media and Information Disclosure Branch
Ministerial & Executive Coordination and Communication Division
Department of Defence

[Freedom of information requests](#) | [About](#) | [Defence](#)

From: FOI Case Management
Subject: Defence FOI XXX/23/24 - possible s24AA Practical Refusal

Good morning/afternoon,

Defence are looking at going down the Practical Refusal path as the request is too large to process. To enable us to do this we require the following information:

- approximate number of documents covered by the scope of the request
- approximate number of pages contained within those documents
- approximate number of third parties that may need to be consulted

These approximate numbers may be obtained by sampling some of the documents.

Can you please provide the requested information by **DATE**.

Regards.

[signature]

From: [Information Access](#)
To: [Information Access](#)
Subject: IAU to Stakeholder – PMKeyS SURNAME – Personnel Records Request [SEC=OFFICIAL]
Date: Tuesday, 27 February 2024 1:09:35 PM
Attachments: s22

OFFICIAL

Good Morning/Afternoon XXXX,

The Information Access Unit (IAU) has received the below request for personnel records.

As **stakeholder area** is the identified custodian of the required information, please see the below request for your action:

- Members full name:
- DOB:
- Service:
- Service Number/PMKeyS:
- Current Unit:
- Files requested: Personnel
- How files are to be administered: release by IAU through Service Connect

This application has been received through Service Connect and all POI requirements have been met.

Please find attached the following resources the IAU has created to guide Defence information custodians in responding to requests that the IAU receive through Service Connect:

- Process flow: A simple overview of the custodian actions required to respond to a SC request.
- Defence Information Custodians – Processing ServiceConnect Requests for Records – This SOP provides additional guidance on the custodian request processing including, receiving, redacting and uploading to OBJ.

Once the requested information has been collated and redacted, please place a copy in the attached link and reply to this email to let the IAU know the records are ready for Release. This will allow IAU to finalise the enquiry.

If you have any questions or require any assistance, please contact us on 1800 333 362 or via email at information.access@defence.gov.au.

Kind Regards,

FIRST

Customer Support Officer
Information Access Unit
South East Zone | Service Delivery Division
Security and Estate Group

Department of Defence

T: 1800 333 362 E: information.access@defence.gov.au

IMPORTANT: This email remains the property of the Department of Defence. Unauthorised communication and dealing with the information in the email may be a serious criminal offence. If you have received this email in error, you are requested to contact the sender and delete the email immediately.

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EULOGY

Subject: YYMMDD – 8XXXXXXX SURNAME Given Name – Service Type – Eulogy – Attached

Thank you for contacting the Information Access Unit.

Please find attached the requested eulogy information for [Deceased member's name].

This information is to be treated in accordance with the requirements of the Privacy Act 1988 and safeguarded against loss, improper access or disclosure.

Regards

FIRST LAST

Customer Support Officer
Information Access Unit
South East Zone | Service Delivery Division
Security and Estate Group

Department of Defence

T: 1800 333 362 E: information.access@defence.gov.au

UNKOWN EULOGY

Subject: YYMMDD – 8XXXXXXX SURNAME Given Name – Service Type – Eulogy – Nil
Service Found

Thank you for contacting the Information Access Unit.

Please be advised that the Information Access Unit (IAU) has conducted a thorough search of Defence Records and with the information provided, we cannot confirm XXXXXX as having served in the ADF; as a result the eulogy information cannot be provided.

If you are able to provide further information, IAU will attempt to locate appropriate records and produce the requested eulogy information.

Alternatively, if you would like to request a review of the outcome of your request or would like further information, please contact IAU via reply email.

IAU wish to advise that a request for review does not guarantee a change in the outcome of your original request.

If you have any questions or require any assistance, please contact us on 1800 333 362 or via email at information.access@defence.gov.au.

Regards

FIRST LAST

Customer Support Officer
Information Access Unit
South East Zone | Service Delivery Division
Security and Estate Group

Department of Defence

T: 1800 333 362 E: information.access@defence.gov.au

ADO SERVICE REPORT

Subject: YYMMDD – 8XXXXXXX SURNAME Given Name – Service Type – Service Report
– Attached

Good Morning/Afternoon

Thank you for your application for your service record.

Please find attached your ADO service record for your membership.

If you have any further queries, please contact us on the number below or via our e-mail address.

Kind Regards,

FIRST

Customer Support Officer
Information Access Unit
South East Zone | Service Delivery Division
Security and Estate Group

Department of Defence

T: 1800 333 362 E: information.access@defence.gov.au

AWE Template

Email to s47E(d)

Subject: YYMMDD – 8XXXXXXX SURNAME Given Name – Service Type – AWE –
Attached

Good morning/afternoon,

Please find below the discharge details of [Deceased member's name] regarding service in the Royal Australian Navy / Royal Australian Naval Reserve, as requested.

(copy and paste details here)

This information is to be treated in accordance with the requirements of the Privacy Act 1988 and safeguarded against loss, improper access or disclosure.

Kind Regards,

FIRST

Customer Support Officer
Information Access Unit
South East Zone | Service Delivery Division
Security and Estate Group

Department of Defence

T: 1800 333 362 E: information.access@defence.gov.au

PASSWORD EMAIL

Subject: YYMMDD – 8XXXXXXX SURNAME Given Name – Service Type – Requestor
Records - PASSWORD

Thank you for contacting the Information Access Unit,

The requested [type of record] record has been digitised and uploaded onto a password secure USB and placed in our outgoing mail. Please note that there are different processing times for different record types and they may arrive on separate USBs.

Upon receipt you will be required to enter the password below to gain full access.

Your password: **XXXXXXXXXX (Font size 16)**

The quality of the copy reflects the original documents, which may not be in strict date order and may include blank pages, reflecting historical Defence record keeping practices.

Under the Privacy Act, records that are released are required to redact any names and personal details of third parties. This is to protect the privacy of others whose details may have been included within the records you will be receiving. The attached Fact Sheet provides further information surrounding those requirements.

There may be information contained within the documents that can be difficult to read for a variety of reasons. If you identify that these records may contain information of a sensitive nature, please advise by replying to this email or contacting 1800 DEFENCE.

IMPORTANT: The USB is formatted to work on Microsoft Windows based operating systems. The files on this USB will need to be accessed via Windows 8 or later compatible devices.

If you require access to a PC, we recommend contacting your local RSL / Advocate. Alternatively, visit your local Library.

NOTE: Our outgoing mail system utilises Australia Post; please allow up to 2 weeks for the delivery of the USB.

FIRST LAST

Customer Support Officer
Information Access Unit
South East Zone | Service Delivery Division
Security and Estate Group

Department of Defence

T: 1800 333 362 E: information.access@defence.gov.au

UNKNOWN SERVICE NUMBER AND PMKEYS MBR

Subject: YYMMDD – 8XXXXXXX SURNAME Given Name – Service Type – Requestor
Records – Nil Service Found

Thank you for contacting the Information Access Unit.

Please be advised that the Information Access Unit (IAU) has conducted a thorough search of Defence Records and with the information provided, we cannot confirm you as having served in the ADF; as a result the requested [type of record] records cannot be provided.

For further searches to be conducted, could you please review the information provided to ensure it is correct and provide further details such as a service or PMKeyS number, via Reply email.

IAU wish to advise that a request for further searches does not guarantee a change in the outcome of your original request.

If you have any questions or require any assistance, please contact us on 1800 333 362 or via email at information.access@defence.gov.au.

Regards

FIRST LAST

Customer Support Officer
Information Access Unit
South East Zone | Service Delivery Division
Security and Estate Group

Department of Defence

T: 1800 333 362 E: information.access@defence.gov.au

NIL RECORDS FOUND

Subject: YYMMDD – 8XXXXXXX SURNAME Given Name – Service Type – Requestor
Records – Nil Records Found

Thank you for contacting the Information Access Unit.

Please be advised that the Information Access Unit (IAU) has conducted a thorough search of Defence Records and the requested [Type of Record] records could not be located; as a result these records cannot be provided.

If you would like to request a review of the outcome of your request or would like further information, please contact IAU via Reply email.

IAU wish to advise that a request for review does not guarantee a change in the outcome of your original request.

If you have any questions or require any assistance, please contact us on 1800 333 362 or via email at information.access@defence.gov.au.

Regards

FIRST LAST

Customer Support Officer
Information Access Unit
South East Zone | Service Delivery Division
Security and Estate Group

Department of Defence

T: 1800 333 362 E: information.access@defence.gov.au

SPLIT RELEASE WITH JHC

Subject: YYMMDD – 8XXXXXXX SURNAME Given Name – Service Type – Requestor
Records – Split Release - PASSWORD

Thank you for contacting the Information Access Unit.

The requested [type of record] record has been digitised and uploaded onto a password secure USB and placed in our outgoing mail. Please note that there are different processing times for different record types and they may arrive on separate USBs.

Due to the commencement of the Defence eHealth system (DeHs) in 2014, post 2014 Health information is subject to different processing times and requirements. Where you have fulfilled these requirements, please be advised that these records will be provided on a separate encrypted USB once processed.

Where you have received contact from the IAU requesting additional information, please action this request promptly in order to support the progression and provision of your records held within DeHs.

Upon receipt of the USB you will be required to enter the password below to gain full access.

Your password: XXXXXXXXXXXX (Font size 16)

The quality of the copy reflects the original documents, which may not be in strict date order and may include blank pages, reflecting historical Defence record keeping practices.

Under the Privacy Act, records that are released are required to redact any names and personal details of third parties. This is to protect the privacy of others whose details may have been included within the records you will be receiving. The attached Fact Sheet provides further information surrounding those requirements.

There may be information contained within the documents that can be difficult to read for a variety of reasons. If you identify that these records may contain information of a sensitive nature, please advise by replying to this email or contacting 1800 DEFENCE.

IMPORTANT: The USB is formatted to work on Microsoft Windows based operating systems. The files on this USB will need to be accessed via Windows 8 or later compatible devices.

If you require access to a PC, we recommend contacting your local RSL/ Advocate alternatively, visit your local Library.

NOTE: Our outgoing mail system utilises Australia Post please allow up to 2 weeks for the delivery of the USB.

Please direct any queries to the Information Access Unit at: Information.access@defence.gov.au.

FIRST LAST

Customer Support Officer
Information Access Unit
South East Zone | Service Delivery Division
Security and Estate Group

Department of Defence

T: 1800 333 362 E: information.access@defence.gov.au

PARTIAL RECORDS LOCATED

Subject:

YYMMDD – 8XXXXXXX SURNAME Given Name – Service Type – Requestor Records [Type of record found] – PASSWORD ([Type of record not found] – Nil Record Found)

Example Subject:

240213 – 8123456 BING Chandler – Army – MBR Health – PASSWORD (Psych – Nil Record Found)

Thank you for contacting the Information Access Unit.

The requested record has been digitised and uploaded onto a password secure USB and placed in our outgoing mail. Please note that there are different processing times for Health and Personnel records and they may arrive on separate USBs.

Please be advised that the Information access Unit has conducted a thorough search of Defence Records and advise that the [type of record] records you have requested could not be located; as a result these records cannot be provided.

Upon receipt of the available records you will be required to enter the password below to gain full access.

Your password: XXXXXXXXXXXX (Font size 16)

The quality of the copy reflects the original documents, which may not be in strict date order and may include blank pages, reflecting historical Defence record keeping practices.

Under the Privacy Act, records that are released are required to redact any names and personal details of third parties. This is to protect the privacy of others whose details may have been included within the records you will be receiving. The attached Fact Sheet provides further information surrounding those requirements.

There may be information contained within the documents that can be difficult to read for a variety of reasons. If you identify that these records may contain information of a sensitive nature, please advise by replying to this email or contacting 1800 DEFENCE.

IMPORTANT: The USB is formatted to work on Microsoft Windows based operating systems. The files on this USB will need to be accessed via Windows 8 or later compatible devices.

If you require access to a PC, we recommend contacting your local RSL/ Advocate alternatively, visit your local Library.

NOTE: Our outgoing mail system utilises Australia Post please allow up to 2 weeks for the delivery of the USB.

If you would like to request a review of the outcome of your Personal information request or would like further information, please contact the Information Access Unit via reply email.

The information access unit wish to advise that a request for review does not guarantee a change in the outcome of your original request.

If you have any questions or require any assistance, please contact us on 1800 333 362 or via email us to information.access@defence.gov.au

REPLY IF MEMBER HAS MAC NOT WINDOWS COMPUTER TO ACCESS

Subject:

Thank you for your enquiry.

We are currently unable to provide a secure MAC accessible USB.

A USB that is accessible via a MAC device would have to be unencrypted, which we do not recommend. An unencrypted USB puts your personal health information at a higher risk for a privacy breach and is vulnerable to unauthorised access, especially if your USB was to go missing during transit. The unauthorised person/s would have full access to all of your private information health/medical records stored on that USB.

We suggest one of the following for MAC users.

If you are located in Canberra we can notify you when your USB is ready for collection, this can be an unencrypted USB enabling you to access it via MAC.

Or

We suggest borrowing a friend or family member's Windows based PC/laptop. You would only need it for 5mins so you can initially access the USB to remove the encryption. Removing the encryption would allow you to access the information on a MAC device. You would not need to download any of your health records during this process so all of your information would still be secure.

These are the steps to remove/unencrypt your USB:

1. Unlock your USB - plug your USB into your computer
2. Open the USB drive
3. Left click on USB driver – this will say it is Bitlocker protected.
4. Enter the password and press unlock
5. In the column on the right hand side, right click on the USB drive
6. Click on Manage Bitlocker
7. Choose either change or remove (password)
8. Click on Remove Bitlocker, a prompt with 'are you sure' will appear, Click OK to decrypt.

This will remove the password requirement completely.

If you still require an unencrypted USB, please reply to this email with confirmation that you have read the above information and understand the risks associated with this request.

FIRST LAST

Customer Support Officer
Information Access Unit
South East Zone | Service Delivery Division
Security and Estate Group

Department of Defence

T: 1800 333 362 E: information.access@defence.gov.au

EMAIL

Subject:

FIRST LAST

Customer Support Officer
Information Access Unit
South East Zone | Service Delivery Division
Security and Estate Group

Department of Defence

T: 1800 333 362 E: information.access@defence.gov.au

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Subject:

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Subject:

FIRST LAST

Customer Support Officer
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South East Zone | Service Delivery Division
Security and Estate Group

Department of Defence

T: 1800 333 362 E: information.access@defence.gov.au

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General Enquiries

Subject: Full name - Service (Change the Subject accordingly)

Good Morning/Afternoon XXXX,

Thank you for your enquiry regarding XXXX.

The easiest way to access your records is through one of the 2 methods outlined below and explained in the following link: [Personal information requests](#).

1. **ServiceConnect** - Submitting a personal information request in ServiceConnect is the fastest way to request and access personal information from Defence. ServiceConnect enables applicants to:
 - verify their identity using myGovID
 - track the progress of their request
 - receive their information electronically.
2. **Defence webform** - Alternatively, for those unable to access ServiceConnect, a request for personal information can be submitted through the Defence website form. Applicants will confirm their identity by submitting certified identity documents and will receive information on an encrypted and password protected USB sent via Australia Post.
 - You will be asked to provide the following documents:

Certified Proof of Identity (POI)	One PRIMARY	One SECONDARY
	Australian Driver's Licence, Passport or Birth Certificate	Medicare Card, Australian Seniors Card, or RSL Membership Card
How to Certify Documents	https://immi.homeaffairs.gov.au/help-support/applying-online-or-on-paper/on-paper/certified-copy	
Written Document	"This signature supports my online application for Defence records on [insert date]." followed by a handwritten signature	

Should you have any further enquiries, please contact us on 1800 333 362 or information.access@defence.gov.au.

Kind Regards,

FIRST

Customer Support Officer
Information Access Unit
South East Zone | Service Delivery Division
Security and Estate Group

Department of Defence

T: 1800 333 362 E: information.access@defence.gov.au

EULOGY

Subject: **Full name - Service** (Change the Subject accordingly)

Good Morning/Afternoon XXXX,

Thank you for providing us with the attached eulogy request. This email is to confirm that the Information Access Unit has received your request and will be processed as soon as possible.

We will provide this request to you via email, unless you wish to notify us for an alternative means.

(For requests through Service Connect, remove above sentence and replace with – We will provide this request to you via the ServiceConnect Platform.)

Should you have any further enquiries, please contact us on 1800 333 362 or information.access@defence.gov.au.

Kind Regards,

FIRST

Customer Support Officer
Information Access Unit
South East Zone | Service Delivery Division
Security and Estate Group

Department of Defence

T: 1800 333 362 E: information.access@defence.gov.au

POI MET AND POI NOW MET

Subject: Full name - Service (*Change the Subject accordingly*)

Good Morning/Afternoon XXXX,

Thank you for your request for records, this email is confirmation that the Information Access Unit (IAU) has received your request.

Please be advised the following:

- *The Information Access Unit aims to action requests within 30 days.
If RAAF COS Request – 9-12 weeks' timeframe – contact customer to ascertain if Service Record is preferred*
- All records will be provided to you via **DELETE AS REQUIRED** (encrypted and password protected USB/ServiceConnect Platform/Hardcopy), unless you wish to notify us for an alternative means.

Under the Privacy Act, we are required to redact any names and personal details of third parties within your records. This is to protect the privacy of others whose details may have been included in the records we are releasing to you.

When receiving your records, there may be information contained within the documents that can be difficult to read for a variety of reasons. It's important you have support networks around you when receiving sensitive information.

Should you have any further enquiries, please contact us on 1800 333 362 or via email at information.access@defence.gov.au.

Kind Regards,

FIRST

Customer Support Officer
Information Access Unit
South East Zone | Service Delivery Division
Security and Estate Group

Department of Defence

T: 1800 333 362 E: information.access@defence.gov.au

POI NOT MET

Subject: Full name - Service (**Change the Subject accordingly**)

Good Morning/Afternoon XXXX,

Thank you for your request for records, this email is confirmation that the Information Access Unit (IAU) has received your request.

To proceed with your request, the IAU requires proof of identification documents that have been certified. The below list details what we require in order to proceed with your request:

Certified Proof of Identity (POI)	One PRIMARY	One SECONDARY
	Australian Driver's Licence, Passport or Birth Certificate	Medicare Card, Australian Seniors Card, or RSL Membership Card
How to Certify Documents	https://immi.homeaffairs.gov.au/help-support/applying-online-or-on-paper/on-paper/certified-copy	
Written Document	"This signature supports my online application for Defence records on [insert date]." followed by a handwritten signature	

Once completed, please submit via email address: information.access@defence.gov.au or via post:

Information Access Centre
GPO Box 393
Melbourne Victoria 3000

Should you have any further enquiries, please contact us on 1800 333 362 or via email at information.access@defence.gov.au.

Kind Regards,

FIRST

Customer Support Officer
Information Access Unit
South East Zone | Service Delivery Division
Security and Estate Group

Department of Defence

T: 1800 333 362 E: information.access@defence.gov.au

POI PROVIDED BUT NOT CERTIFIED

Subject: Full name - Service (**Change the Subject accordingly**)

Good Morning/Afternoon XXXX,

Thank you for your request for records which has been received by the Information Access Unit (IAU).

The identity documentation you have provided with the application have not been certified.

It would be appreciated if you could please arrange for the copies of identification documents to be certified as per the requirements from the following link: <https://immi.homeaffairs.gov.au/help-support/applying-online-or-on-paper/on-paper/certified-copy>

Once completed, submit via email to information.access@defence.gov.au or via post, at your earliest convenience:

Information Access Unit
GPO Box 393
Melbourne Victoria 3000

If you require any further assistance with this matter, please contact us on the number below or via our email address.

Kind Regards,

FIRST

Customer Support Officer
Information Access Unit
South East Zone | Service Delivery Division
Security and Estate Group

Department of Defence

T: 1800 333 362 E: information.access@defence.gov.au

POI NOT MET – CURRENT MBR

Subject: Full Name – Service (Change the Subject accordingly)

Good Morning/Afternoon XXXX,

Thank you for your request for records, this email is confirmation that the Information Access Unit (IAU) has received your request.

To proceed with your request, the IAU requires proof of identification documents that have been certified. Alternatively, a current serving member sending a request from a Defence account, with their signature block included, will not need to provide any proof of identity.

If your request has not come from your Defence account, we will instead require the following:

Certified Proof of Identity (POI)	One PRIMARY	One SECONDARY
	Australian Driver's Licence, Passport or Birth Certificate	Medicare Card, Australian Seniors Card, or RSL Membership Card
How to Certify Documents	https://immi.homeaffairs.gov.au/help-support/applying-online-or-on-paper/on-paper/certified-copy	
Written Document	"This signature supports my online application for Defence records on [insert date]." followed by a handwritten signature	

OR as a current Member a request from official work email will be accepted without providing any of the above documents which should include the following:

1. Type of records requested:
2. Pmkeys/service number:
3. Personal email :
4. Mobile number :
5. Postal address (No Work address) :

Once completed, please submit via email address: information.access@defence.gov.au or via post:

Information Access Unit
GPO Box 393
Melbourne Victoria 3000

Should you have any further enquiries, please contact us on 1800 333 362 or via email at information.access@defence.gov.au

Kind Regards,

FIRST

Customer Support Officer
Information Access Unit
South East Zone | Service Delivery Division
Security and Estate Group

Department of Defence

T: 1800 333 362 E: information.access@defence.gov.au

POI MET – RAAF PERSONNEL RECORD REQUESTS

Subject: Full name - Service (*Change the Subject accordingly*)

Include Attachment: [Air Force UPR Business Rules](#)

Good Morning/Afternoon XXXX,

Thank you for your request for records, this email is confirmation that the Information Access Unit (IAU) has received your request.

Please be advised the following:

- *The Information Access Unit aims to action requests within 30 days.
If RAAF COS Request – 9-12 weeks' timeframe – contact customer to ascertain if Service Record is preferred*
- All records will be provided to you via **DELETE AS REQUIRED** (encrypted and password protected USB/ServiceConnect Platform/Hardcopy), unless you wish to notify us for an alternative means.
- Please be advised that your **RAAF Personnel Records** can be access via your DRN account. You can access your Unit Personnel Records (UPR) through Objective IAW [Air Force UPR Business Rules](#) - page 6 – Member File Privileges.

In the event that you do not have DRN access, please reply to this email stating so and further action will be pursued to acquire the records.

Under the Privacy Act, we are required to redact any names and personal details of third parties within your records. This is to protect the privacy of others whose details may have been included in the records we are releasing to you.

When receiving your records, there may be information contained within the documents that can be difficult to read for a variety of reasons. It's important you have support networks around you when receiving sensitive information.

Should you have any further enquiries, please contact us on 1800 333 362 or via email at information.access@defence.gov.au.

Kind Regards,

FIRST

Customer Support Officer
Information Access Unit
South East Zone | Service Delivery Division
Security and Estate Group

Department of Defence

T: 1800 333 362 E: information.access@defence.gov.au

CURRENT MEMBER - HEALTH

Subject: Full Name – Service (Change the Subject accordingly)

Good Morning/Afternoon XXXX,

Thank you for your request for records which has been received by the Information Access Unit (IAU).

Please be advised of the following:

- *The Information Access Unit aims to action requests within 30 days.
If RAAF COS Request – 9-12 weeks' timeframe – contact customer to ascertain if Service Record is preferred*
- Your Medical request will be actioned by Joint Health Command (JHC).
 - Please refer to the following link [JHC HIO Health Records Request](#) for current timeframes.(USE this for internal Request)
 - **The current timeframe for post 2014 medical record requests will be actioned within XX Business days.(for external Request, check website for timeframe)**
- All records will be provided to you via encrypted and password protected USB, unless you wish to notify us for an alternative means.

Under the Privacy Act, we are required to redact any names and personal details of third parties within your records. This is to protect the privacy of others whose details may have been included in the records we are releasing to you.

When receiving your records, there may be information contained within the documents that can be difficult to read for a variety of reasons. It's important you have support networks around you when receiving sensitive information.

Should you have any further enquiries, please contact us on 1800 333 362 or via email at information.access@defence.gov.au

Kind Regards,

FIRST

Customer Support Officer
Information Access Unit
South East Zone | Service Delivery Division
Security and Estate Group

Department of Defence

T: 1800 333 362 E: information.access@defence.gov.au

IAU TO JHC – CURRENT MEMBER

SUBJECT:

URGENT: IAU ACTIVE SERVING - URGENT - PM615 request - SURNAME PMKeyS

STANDARD: IAU ACTIVE SERVING - PM615 request - SURNAME PMKeyS

Good Morning/Afternoon JHC team,

The Information Access Unit (IAU) has received the below request for **Health and Psychology** records.

As the custodian of the required information, please action the following request:

- Reason of Urgency: **(Delete if it is a standard request)**
- Members full name:
- DOB:
- Service:
- Service Number/PMKeyS:
- Mobile Number:
- Personal email address:
- Current Unit:
- Files requested: **DeHS Records and CMR/UMR, Psychology**
- Reference number: **iEt Reference number (Remove if it is an internal request)**
- How files are to be administered: **email, post, USB**
- Address for distribution: **email, postal etc**

Note: Please find the attached vetted application and all the supporting document for your perusal.

Please advise the Information Access Unit (IAU), once the information has been released to the customer, with the following Subject line: **JHC Information released # Incident reference number and Requestors name.**

If you have any questions or require assistance please contact me on my number, listed below, or via reply email.

Kind Regards,

FIRST

Customer Support Officer
Information Access Unit
South East Zone | Service Delivery Division
Security and Estate Group

Department of Defence

T: XX XXXX XXXX E: information.access@defence.gov.au

RAAF PERSONNEL RECORD REQUEST – SOLE REQUEST

Subject: Full name - Service (**Change the Subject accordingly**)

Include Attachment: [Air Force UPR Business Rules](#)

Good Morning/Afternoon XXXX,

Thank you for your request for records.

Please be advised that, as you are a Current Member, your **RAAF Personnel Records** can be access via your DRN account.

You can access your Unit Personnel Records (UPR) through Objective IAW [Air Force UPR Business Rules](#) - page 6 – Member File Privileges.

In the event that you do not have DRN access, please reply to this email stating so and further action will be pursued to acquire the records.

Should you have any further enquiries, please contact us on 1800 333 362 or via email at information.access@defence.gov.au.

Kind Regards,

FIRST

Customer Support Officer
Information Access Unit
South East Zone | Service Delivery Division
Security and Estate Group

Department of Defence

T: 1800 333 362 E: information.access@defence.gov.au

THIRD PARTY – MEMBER DECEASED (ONLY FOR IMMEDIATE NEXT OF KIN)

Subject: Full Name – Service (Change the Subject accordingly)

Good Morning/Afternoon XXXX,

After reviewing your enquiry, please refer to the following information to assist:

1. In accordance with the Privacy Act 1988 and departmental policy, before Defence information can be released relating to an ex-member, the rights of access to the requested information needs to be established and verified. This ensures the ex-member's right to privacy is protected and their personal information is not released inappropriately.
2. Please note that next of kin seeking access to the deceased member's service records, will need to provide the following:

Certified Proof of Identity (POI)	One PRIMARY	One SECONDARY
	Australian Driver's Licence, Passport or Birth Certificate	Medicare Card, Australian Seniors Card, or RSL Membership Card
How to Certify Documents	https://immi.homeaffairs.gov.au/help-support/applying-online-or-on-paper/on-paper/certified-copy	
Proof of Relationship (POR)	Marriage Certificate, Birth Certificate, Death Certificate, Power of Attorney or Statutory Declaration	
Proof of Death (POD)	Proof of death and relationship must be supplied. This can be in the form of a death certificate, picture of headstone, obituary or coroner's report	

The IAU requires certified proof of identification documents. A statutory declaration can be provided as a last resort for POR, if no other documentation can be provided.

Please note: A will cannot be used as proof of relationship, as advised by Defence Legal.

For information, regarding Statutory Declarations refer <https://www.ag.gov.au/legal-system/statutory-declarations/who-can-witness-your-statutory-declaration>

Should you have any further enquiries, please contact us on 1800 333 362 or via email at information.access@defence.gov.au

Kind Regards,

FIRST

Customer Support Officer
Information Access Unit
South East Zone | Service Delivery Division
Security and Estate Group

Department of Defence

T: 1800 333 362 E: information.access@defence.gov.au

THIRD PARTY – MEMBER DECEASED (NOT IMMEDIATE NEXT OF KIN)

Subject: Full Name – Service (Change the Subject accordingly)

After reviewing your enquiry, please refer to the following information to assist:

1. In accordance with the Privacy Act 1988 and departmental policy, before Defence information can be released relating to an ex-member, the rights of access to the requested information needs to be established and verified. This ensures the ex-member's right to privacy is protected and their personal information is not released inappropriately.
2. Only the deceased member's **immediate next of kin** can request records from the Information Access Unit (IAU).
3. If you are not the immediate next of kin for the deceased member, to gain access to these records you will need to contact either Defence Freedom of Information at foi@defence.gov.au, or the National Archives of Australia, further information can be found on their website www.naa.gov.au.

Should you have any further enquiries, please contact us on 1800 333 362 or via email at information.access@defence.gov.au

Kind Regards,

FIRST

Customer Support Officer
Information Access Unit
South East Zone | Service Delivery Division
Security and Estate Group

Department of Defence

T: 1800 333 362 E: information.access@defence.gov.au

THIRD PARTY – INCARCERATED EX-MEMBER

Subject: Full Name – Service (Change the Subject accordingly)

Good Morning/Afternoon,

Thank you for your enquiry regarding XXXX

After reviewing your enquiry, please refer to the following information to assist:

As you have identified this member is currently incarcerated and cannot provide two forms of certified identification, to enable Defence Archives to process your request for records, we will require an official letter or document from the incarceration facility they are in, to confirm their identify and that they are incarcerated.

Please submit the requested letter to information.access@defence.gov.au or via post:

Information Access Unit
GPO Box 393
Melbourne Victoria 3000

Should you have any further enquiries, please contact us on 1800 333 362 or via email at information.access@defence.gov.au

Kind Regards,

FIRST

Customer Support Officer
Information Access Unit
South East Zone | Service Delivery Division
Security and Estate Group

Department of Defence

T: 1800 333 362 E: information.access@defence.gov.au

INCARCERATED EX-MEMBER

Subject: Full Name – Service (Change the Subject accordingly)

Good Morning/Afternoon,

Thank you for your enquiry regarding XXXX

After reviewing your enquiry, please refer to the following information to assist:

Due to your incarceration and the inability to provide two forms of certified identification, to enable Defence Archives to process your request for records, we will require an official letter or document from the incarceration facility to confirm your identify and that you are incarcerated.

Please submit the requested letter to information.access@defence.gov.au or via post:

Information Access Centre
GPO Box 393
Melbourne Victoria 3000

Should you have any further enquiries, please contact us on 1800 333 362 or via email at information.access@defence.gov.au

Kind Regards,

FIRST

Customer Support Officer
Information Access Unit
South East Zone | Service Delivery Division
Security and Estate Group

Department of Defence

T: 1800 333 362 E: information.access@defence.gov.au

IAU TO JHC – THIRD PARTY DECEASED MBR HEALTH REQ

SUBJECT: IAU to JHC – PMKeyS SURNAME – Type of Records Request

Good Morning/ Afternoon JHC,

Please be advised that the IAU has received the attached Third party – Deceased MBR Health Request.

As the custodian for Health Information; could JHC please provide a return email as confirmation for the IAU to proceed with servicing this request.

Please note that once confirmation is provided the IAU will conduct the release of the information as there is no DEHS component for the request.

Please find the request and any supporting documentation attached.

Kind regards,

FIRST

Customer Support Officer
Information Access Unit
South East Zone | Service Delivery Division
Security and Estate Group

Department of Defence

T: 1800 333 362 E: information.access@defence.gov.au

IAU TO STAKEHOLDER – WEBFORM, EMAIL

SUBJECT: IAU to Stakeholder – PMKeyS SURNAME – Personnel Records Request

Good Morning/Afternoon XXXX,

The Information Access Unit (IAU) has received the below request for personnel records.

As stakeholder area is the identified custodian of the required information, please see the below request for your action:

- Members full name:
- DOB:
- Service:
- Service Number/PMKeyS:
- Current Unit:
- Files requested: personnel etc
- Reference number: iEt Reference number (Remove if it is an internal request)
- How files are to be administered: email, post, USB, Reference link etc.
- Address for distribution: email, postal etc

The vetted application and all supporting documentation are attached to this email for reference.

When the requested information has been released to the customer, please reply to this email advising of the actions taken to allow IAU to finalise the enquiry. Could the following please be added in the subject line:

Stakeholder name Information released # Incident reference number and Requestors name.

If you have any questions or require any assistance, please contact us on 1800 333 362 or via email at information.access@defence.gov.au

Kind Regards,

FIRST

Customer Support Officer
Information Access Unit
South East Zone | Service Delivery Division
Security and Estate Group

Department of Defence

T: 1800 333 362 E: information.access@defence.gov.au

IAU TO STAKEHOLDER – SERVICE CONNECT ONLY

SUBJECT: IAU to Stakeholder – PMKeyS SURNAME – Personnel Records Request

Good Morning/Afternoon XXXX,

The Information Access Unit (IAU) has received the below request for personnel records.

As stakeholder area is the identified custodian of the required information, please see the below request for your action:

- Members full name:
- DOB:
- Service:
- Service Number/PMKeyS:
- Current Unit:
- Files requested: Personnel
- How files are to be administered: release by IAU through Service Connect

This application has been received through Service Connect and all POI requirements have been met.

Please find attached the following resources the IAU has created to guide Defence information custodians in responding to requests that the IAU receive through Service Connect:

- Process flow: A simple overview of the custodian actions required to respond to a SC request.
- Defence Information Custodians – Processing ServiceConnect Requests for Records – This SOP provides additional guidance on the custodian request processing including, receiving, redacting and uploading to OBJ.

Once the requested information has been collated and redacted, please place a copy in the attached link and reply to this email to let the IAU know the records are ready for Release. This will allow IAU to finalise the enquiry.

If you have any questions or require any assistance, please contact us on 1800 333 362 or via email at information.access@defence.gov.au.

Kind Regards,

FIRST

Customer Support Officer
Information Access Unit
South East Zone | Service Delivery Division
Security and Estate Group

Department of Defence

T: 1800 333 362 E: information.access@defence.gov.au

INTERNAL REQUESTS

Good Morning/Afternoon

Thank you for your request for records which has been received by the Information Access Unit (IAU).

We are processing the request now. The documents will be sent to you via a reference link (**CHANGE IF DIFFERENT**) when it is ready.

Should you have any further enquiries, please contact us on the below number or via our email address.

Kind Regards

FIRST

Customer Support Officer
Information Access Unit
South East Zone | Service Delivery Division
Security and Estate Group

Department of Defence

T: 1800 333 362 E: information.access@defence.gov.au

ADO SERVICE REPORT

Good Morning/Afternoon

Thank you for your application for your service record.

Please find attached your ADO service record for your membership.

If you have any further queries, please contact us on the number below or via our e-mail address.

Kind Regards,

FIRST

Customer Support Officer
Information Access Unit
South East Zone | Service Delivery Division
Security and Estate Group

Department of Defence

T: 1800 333 362 E: information.access@defence.gov.au

GRANT OF PROBATE/LETTERS OF ADMINISTRATIONS 1ST CONTACT

Thank you for your request regarding (xxxx's Health information)

For Defence to facilitate the release of personal information of a deceased members health records, we require a certified Probate or Letter of Administration, confirmed by a court authority you are the executor or administrator of the Estate.

These requirements support compliance with legal and professional duties of confidence in relation to health information, as being an executor of a Will does not meet the eligibility criteria.

Your cooperation in providing these documents will enable us to lawfully release the member's health records to you as soon as possible.

For any additional clarification or assistance, please feel free to contact us at information.access@defence.gov.au

Kind Regards,

FIRST LAST

Customer Support Officer
Information Access Unit
South East Zone | Service Delivery Division
Security and Estate Group

Department of Defence

T: 1800 333 362 E: information.access@defence.gov.au

GRANT OF PROBATE/LETTERS OF ADMINISTRATIONS RECONTACT

Thank you for seeking further clarification regarding (xxxx's Health information)

To provide you with a better understanding of Defences position in releasing personal information, Defence will support applicants to understand their particular circumstances and what evidence may be required.

Defence health information confidentiality is governed by common law and equitable duties due to its sensitive nature. Defence and its health practitioners adhere to professional obligations under the Australian Health Practitioner Regulation Agency. This necessitates that we release health records exclusively to the legally appointed executor of the deceased member's estate.

The documents we have requested provide us court appointed confirmation of your eligibility to receive the member's health information.

To assist you please see the attached link: (Insert relevant state link from below) This will help explain how to obtain a Probate or a Letter of Administration.

Once we receive this documentation and you meet the eligibility requirements, we will be able to assist in releasing these records to you as soon as possible.

Kindest Regards,

FIRST

Customer Support Officer
Information Access Unit
South East Zone | Service Delivery Division
Security and Estate Group

Department of Defence

T: 1800 333 362 E: information.access@defence.gov.au

State Relevant links:

[Probate - ACT Supreme Court](#)

[Applying for a grant | Queensland Courts](#)

[Wills & probate | Supreme Court NT](#)

[Applying for a grant - CAA \(courts.sa.gov.au\)](#)

[What is Probate \(supremecourt.wa.gov.au\)](#)

[Information Kits - Supreme Court of Tasmania](#)

[Applying for a grant of probate or administration | The Supreme Court of Victoria](#)

REQUEST FOR COMPENSATION RECORDS - POST 1999 (DVA) – EMAIL TO CUSTOMER

Good Morning/Afternoon

I refer to your request received by this office on XXXX.

Please be advised that Information Access Unit is unable to assist you with this request, as the Department of Defence does not hold this information.

Please be advised your request has been forwarded to the relevant area as listed below:

Department of Veterans' Affairs.
Phone: 1800 VETERAN (1800 838 372)
Web site: <https://www.dva.gov.au/contact>
Email: generalenquiries@dva.gov.au

Please feel free to contact the Information Access Unit or DVA should you have further queries.

Kind Regards,

FIRST

Customer Support Officer
Information Access Unit
South East Zone | Service Delivery Division
Security and Estate Group

Department of Defence

T: 1800 333 362 E: information.access@defence.gov.au

REQUEST FOR COMPENSATION RECORDS - POST 1999 (DVA) – EMAIL TO DVA

Good Morning/Afternoon

Please find attached request received by this office on XXXX.

As DVA is the identified custodian of the required information, please see the below request for post 1999 compensation records for your action, as the Department of Defence does not hold this information.

Be advised the customer has been informed this request has been forwarded to your area.

Please feel free to contact the Information Access Unit should you have further queries.

Kindest Regards,

FIRST

Customer Support Officer
Information Access Unit
South East Zone | Service Delivery Division
Security and Estate Group

Department of Defence

T: 1800 333 362 E: information.access@defence.gov.au

REQUEST FOR COMPENSATION RECORDS - PRE 1999 (NAA) – EMAIL TO CUSTOMER (FOLLOWING PHONE CALL)

Good Morning/Afternoon

I refer to your request received by this office on XXXX.

As advised during our phone call the Information Access Unit is unable to assist you with this request, as the Department of Defence does not hold this information. These Records are held and released by NAA.

As mentioned your best course of action is to submit a request through NAA. Their contact details are:

Phone: 02 6212 3600

Web site: naa.gov.au

Please feel free to contact the Information Access Unit should you have further queries.

FIRST

Customer Support Officer
Information Access Unit
South East Zone | Service Delivery Division
Security and Estate Group

Department of Defence

T: 1800 333 362 E: information.access@defence.gov.au

REQUESTS FOR ARMY HEALTH FOR ARMY MEMBERS WHO SERVED PRE 1947 – EMAIL TO CUSTOMER

Good Morning/Afternoon

I refer to your request received by this office on XXXX.

Please be advised that the Information Access Unit is unable to assist you with this request, as the Department of Defence does not hold this information.

Your request has been forwarded to the relevant area as listed below

Department of Veterans' Affairs.

Phone: 1800 VETERAN (1800 838 372)

Web site: <https://www.dva.gov.au/contact>

Email: generalenquiries@dva.gov.au

Please feel free to contact the Information Access Unit or DVA should you have further queries.

Kindest Regards,

FIRST

Customer Support Officer

Information Access Unit

South East Zone | Service Delivery Division

Security and Estate Group

Department of Defence

T: 1800 333 362 E: information.access@defence.gov.au

REQUESTS FOR ARMY HEALTH FOR ARMY MEMBERS WHO SERVED PRE 1947 – EMAIL TO DVA

Good Morning/Afternoon

Please find attached request received by this office on XXXX.

As DVA is the identified custodian of the required information, please see the below request for Pre 1947 Army Health records for your action, as the Department of Defence does not hold this information.

Be advised the customer has been informed this request has been forwarded to your area.

Please feel free to contact the Information Access Unit should you have further queries.

Kindest Regards,

FIRST

Customer Support Officer
Information Access Unit
South East Zone | Service Delivery Division
Security and Estate Group

Department of Defence

T: 1800 333 362 E: information.access@defence.gov.au

REQUEST FOR MERCHANT NAVY – EMAIL TO CUSTOMER (FOLLOWING PHONE CALL)

Good Morning/Afternoon

I refer to your request received by this office on XXXX.

As advised during our phone call the Information Access Unit is unable to assist you with this request, as the Department of Defence does not hold this information.

This is due to the Merchant Navy not being connected to the Department of Defence, as it was its own entity and as such Defence does not hold any records relating to them. These Records are held and released by NAA.

As mentioned your best course of action is to submit a request through NAA. Their contact details are:

Phone: 02 6212 3600

Web site: naa.gov.au

Please feel free to contact the Information Access Unit should you have further queries.

Kindest Regards,

FIRST

Customer Support Officer
Information Access Unit
South East Zone | Service Delivery Division
Security and Estate Group

Department of Defence

T: 1800 333 362 E: information.access@defence.gov.au

REQUEST FOR MILITIA RECORDS – EMAIL TO CUSTOMER

Good Morning/Afternoon

I refer to your request received by this office on XXXX.

Please be advised that the Information Access Unit is unable to assist you with this request, as the Department of Defence does not hold records pertaining to service in the Militia in Queensland during WW2 period.

Some years ago it was identified that some records pertaining to this service were held by the Queensland State Records Office.

Your request has been forwarded to the Queensland State Records Office. Their email address is info@archives.qld.gov.au

Please feel free to contact the Information Access Unit should you have further queries.

Kind Regards,

FIRST

Customer Support Officer
Information Access Unit
South East Zone | Service Delivery Division
Security and Estate Group

Department of Defence

T: 1800 333 362 E: information.access@defence.gov.au

REQUEST FOR MILITIA RECORDS – EMAIL TO QLD RECORDS

Good Morning/Afternoon

I refer to your request received by this office on XXXX.

As Queensland State Records Office is the identified custodian of the required information, please see the below request pertaining to service in the Militia in Queensland during WW2 period for your action, as the Department of Defence does not hold this information.

Be advised the customer has been informed this request has been forwarded to your area.

Please feel free to contact the Information Access Unit should you have further queries.

Kindest Regards,

FIRST

Customer Support Officer
Information Access Unit
South East Zone | Service Delivery Division
Security and Estate Group

Department of Defence

T: 1800 333 362 E: information.access@defence.gov.au

RESEARCH REQUESTS

Good Morning/Afternoon

Thank you for your email regarding information on Corporate Information.

The Information Access Unit are not able to release this type of information to the general public.

We suggest approaching National Archives Australia (NAA) to request these records. NAA are in a position to either have the files in their custody, or determine if corporate files held by Defence can be released to the general public under the Archives Act 1983.

For further information, the following is the NAA website: <https://www.naa.gov.au/>.

Phone contact: 02 6212 3600

Kindest Regards,

FIRST

Customer Support Officer
Information Access Unit
South East Zone | Service Delivery Division
Security and Estate Group

Department of Defence

T: 1800 333 362 E: information.access@defence.gov.au

File reference:

Mr/Mrs/Ms/Miss Firstname Surname
Name Street
SUBURB STATE POSTCODE

Dear Mr/Mrs/Ms/Miss Surname

REQUEST FOR RECORDS – 82XXXXXX SURNAME, FIRST MIDDLE

I refer to your request for records received by this office on DD Mmmm 2022. Enclosed for your retention are copies of the requested XXXX record/s.

Due to the method of record keeping the documents are not in a strict date order, the quality of the copy provided is reliant on the clarity of the original document and in order to maintain continuity of the record the scanned document may contain blank pages.

In accordance with the Australian Privacy Principle 12 – *access to personal information*, redactions have been made in documents where divulgence of the deleted material would involve unreasonable disclosure of information regarding the personal affairs of other persons.

There may be information contained within the documents that can be difficult to read for a variety of reasons. If you identify that these records may contain information of a sensitive nature please advise by replying to the email address below or contacting 1800 DEFENCE.

s22

s4 / E(d)

Director Information Access Unit
Information Access Unit
GPO Box 393
MELBOURNE VIC 3001
Tel: 1800 333 362 Email: information.access@defence.gov.au

DD Mmmm 2023

Enclosure:

1. Hardcopy of requested record

REQUEST FOR RECORDS

Enclosed for your retention are copies of the requested records. These records have been encrypted to protect your privacy.

You will be required to enter a password to gain access to your records. If you have provided us with your email address, your password will have already been emailed to you; if you have not provided us with an email address, your password will be in a letter that we have mailed to you separately.

The quality of the copy reflects the original documents, which may not be in strict date order and may include blank pages, reflecting historical Defence record keeping practices. Under Australian Privacy Principle 12 – *access to personal information*, personal details and identifiers of third parties have been redacted.

There may be information contained within the documents that can be difficult to read for a variety of reasons. If you identify that these records may contain information of a sensitive nature please advise by replying to the email address below or contacting 1800 DEFENCE.

Please note that the encryption software used to secure the USB, is a program named Microsoft Bitlocker and this software is incompatible with Apple systems. There are a number of free commercially available programs that resolve incompatibilities between Windows based software and Apple operating systems. Alternatively, a range of veterans' organisations and public libraries will be able to assist you to access the files if you cannot access them.

s22

s47E(d)

Director Information Access Unit
Information Access Unit
GPO Box 393
MELBOURNE VIC 3001
Tel: 1800 333 362 Email: information.access@defence.gov.au

Enclosure:

1. Envelope containing USB

File reference:

Mr/Mrs/Ms/Miss Firstname Surname
Name Street
SUBURB STATE POSTCODE

Dear Mr/Mrs/Ms/Miss Surname

REQUEST FOR RECORDS – 82XXXXX SURNAME, FIRST MIDDLE

I refer to your request for records received on DD Mmmm 2023. The requested record has been encrypted onto a USB and placed in our outgoing mail separately.

Upon receipt you will be required to enter a password to gain full access. To revert the encrypted information to a readable format type **XXXXXX** into the password field and press Enter.

The quality of the copy reflects the original documents, which may not be in strict date order and may include blank pages, reflecting historical Defence record keeping practices. Under Australian Privacy Principle 12 – *access to personal information*, personal details and identifiers of third parties have been redacted.

There may be information contained within the documents that can be difficult to read for a variety of reasons. If you identify that these records may contain information of a sensitive nature please advise by replying to the email address below or contacting 1800 DEFENCE.

Please note that the encryption software used to secure the USB, is a program named Microsoft Bitlocker and this software is incompatible with Apple systems. There are a number of free commercially available programs that resolve incompatibilities between Windows based software and Apple operating systems. Alternatively, a range of veterans' organisations and public libraries will be able to assist you to access the files if you cannot access them.

s22

s47E(d)

Director Information Access Unit
Information Access Unit
GPO Box 393
MELBOURNE VIC 3001
Tel: 1800 333 362 Email: information.access@defence.gov.au

DD Mmmm 2023



Australian Government
Defence

[Insert Addressee Name]

[Insert Addressee Address Line 1]

[Insert Suburb, State, Postcode]

Dear [Insert Opening Salutation]

Thank you for your request for Records which has been received by the Information Access Unit (IAU). Your reference number for this request is # XXXX

Under the Privacy Act, we are required to redact any names and personal details of third parties within your records. This is to protect the privacy of others whose details may have been included in the records we are releasing to you.

Your request will be actioned within 30 days, unless your request is large or complex. All records will be provided to you via encrypted and password protected USB.

When receiving your records, there may be information contained within the documents that can be difficult to read for a variety of reasons. It's important you have support networks around you when receiving sensitive information.

If you require your records to be delivered by alternative means, notify the IAU by phone on 1800DEFENCE or via post:

Information Access Unit
GPO Box 393
Melbourne Victoria 3000

Should you have any further enquiries, please contact us on the below number or via our email address.

Kind Regards

INSERT SIGNATURE

[Insert date in full (eg. December 2014)]

Enclosure:

1. Redaction Fact Sheet

REQUEST FOR RECORDS

Enclosed for your retention are copies of the requested records. These records have been encrypted to protect your privacy.

You will be required to enter a password to gain access to your records. If you have provided us with your email address, your password will have already been emailed to you; if you have not provided us with an email address, your password will be in a letter that we have mailed to you separately.

The quality of the copy reflects the original documents, which may not be in strict date order and may include blank pages, reflecting historical Defence record keeping practices. Under Australian Privacy Principle 12 – *access to personal information*, personal details and identifiers of third parties have been redacted.

There may be information contained within the documents that can be difficult to read for a variety of reasons. If you identify that these records may contain information of a sensitive nature please advise by replying to the email address below or contacting 1800 DEFENCE.

Please note that the encryption software used to secure the USB, is a program named Microsoft Bitlocker and this software is incompatible with Apple systems. There are a number of free commercially available programs that resolve incompatibilities between Windows based software and Apple operating systems. Alternatively, a range of veterans' organisations and public libraries will be able to assist you to access the files if you cannot access them.

s22

s47E(d)

Director Information Access Unit
Information Access Unit
GPO Box 393
MELBOURNE VIC 3001
Tel: 1800 333 362 Email: information.access@defence.gov.au

Enclosure:

1. Envelope containing USB

Subject of email: Acknowledgement of Internal Review - Third Party – FOI 000/19/20

Dear [Reverse FOI applicant]

1. I refer to your email below dated [date], in which you applied for an internal review under section 54A of the *Freedom of Information Act 1982* (FOI Act), of the decision dated [date] by [decision maker, position].
2. The decision you received related to your objection to the release of your [personal information/business information], as consulted under [section 27 [Consultation – business documents] OR section 27A [Consultation – documents affecting personal privacy] of the FOI Act.
3. The purpose of this email is to advise that your application for internal review has been forwarded to the authorised decision maker, [s47E(d)], **Special Advisor Freedom of Information Review** will advise you of the outcome of your internal review.
4. The statutory deadline for you to receive a response from Defence will expire on [date], which is 30 days from the date in which we received your application for internal review. . [As the date for your decision falls on a weekend, you will receive your decision on the next business day which will be **Monday, 24 September 2018**.
5. Paragraph 3.141 of the *Guidelines issued by the Office of the Australian Information Commissioner*, states 'the processing period refers to calendar days, not business (working) days. This will include any public holidays that fall within the processing period.[44] If the last day for notifying a decision falls on a Saturday, Sunday or a public holiday, the timeframe will expire on the first day following which is none of those days.'
6. In the meantime, please do not hesitate to contact our office if you have any questions.

Dear [ORIGINAL FOI APPLICANT]

1. I refer to your application under the *Freedom of Information Act 1982* (FOI Act), in which you requested access to documents.
2. On [date] you were provided with the decision on your request made by [decision maker, position]. The third parties consulted during the processing of the request were also provided with [decision maker's] decision.
3. This email is to inform you that on [date] a third party applied for an internal review of the decision made by [decision maker].
4. The application for internal review has been forwarded to the authorised decision maker, [s47E(d)] **Special Advisor Freedom of Information Reviews** will advise you of the outcome of the internal review.
4. The statutory deadline for the third party to receive a response from Defence will expire on [statutory deadline], which is 30 days from the date in which we received the application for internal review. You will also be provided with the internal review decision.
5. In the meantime, please do not hesitate to contact our office if you have any questions.

Ack email to ADM on Third party Reverse FOI

Good morning/Afternoon [ADM]

We wish to advise that on [Date application received], the FOI Review Team received an application for internal review (Third Party reverse FOI) for [FOI number], in which you were the decision maker.

We will let you know the outcome of the internal review once it is completed.

Regards

Freedom of Information Review Team
Governance and Reform Division
Department of Defence
s47E(d) | PO Box 7910 | Campbell Park CANBERRA BC ACT 2610
Phone: s47E(d)
E-mail FOIReview@defence.gov.au

Dear [Third party applicant]

1. Thank you for your email dated [date], asking for an internal review of the decision you received under the FOI Act.
2. This email is to inform you of the decision by s47E(d) [redacted] **Special Adviser FOI Reviews** on your internal review application.
3. s47E(d) [redacted] has agreed/disagreed with your objections regarding the release of your personal information.
4. The statement of reasons detailing s47E(d) [redacted] decision and documents in form for release are attached.

Rights of review

5. The FOI Act provides for rights of review of decisions. Should you be dissatisfied with s47E(d) [redacted] decision you have the right to seek review. Please find attached a copy of your review rights
6. If you have any questions in relation to this matter, please contact this office.

Kind regards

Dear [Applicant Name]

1. I refer to your application under the *Freedom of Information Act 1982* (FOI Act), in which you requested access to documents.
2. On [date decision was provided] you were provided with the decision on your request made by an accredited decision maker. The third parties consulted during the processing of the request were also provided with the decision maker's decision.
3. This email is to inform you that on [date of internal review by 3P] a third party applied for an internal review of the decision made by the decision maker.
4. The application for internal review has been reviewed by the authorised decision maker, [s47E(d)], **Special Advisor, FOI Reviews** has [upheld, varied] the original decision.
5. The third party has 30 days to appeal [s47E(d)] decision to the Information Commissioner. The statutory deadline for the third party to make an external review is 30 days from the date in which they received their internal review decision. This date is **[Date - 30 days after internal review decision]**.
6. If the third party has not sought an external review, you will be provided with documents after this date.
7. If you have any questions in relation to this matter, please contact this office.

Kind regards

Email - Documents to applicant as third party has not sought review

Dear XX XXXXXX ,

1. In our decision letter dated <date> you were advised that I was prevented by paragraph 27A(6) [access not to be given until review or appeal opportunities have run out] of the FOI Act, from providing the document to you until it becomes apparent that the third parties did not propose to exercise their right to seek review of the decision.
2. The third parties had until <date> to appeal the decision. As they have not appealed the decision I am now able to provide you with the outstanding documents.

Rights of review

3. The FOI Act provides for rights of review of decisions. A copy of fact sheet "Freedom of Information – Your Review Rights" setting out your rights of review is attached.

Further advice

4. All departmental action on your request is now complete. Should you have any questions in regard to this matter please contact this office.

Email to applicant as third party has requested internal review

Dear XX XXXXXX ,

1. In our decision letter dated <date> you were advised that I was prevented by paragraph 27A(6) [access not to be given until review or appeal opportunities have run out] of the FOI Act, from providing the document to you until it becomes apparent that the third parties did not propose to exercise their right to seek review of the decision.
2. The third parties have requested an internal review of the decision. Accordingly, I will write to you after this date to inform you of the outcome.

Email to applicant as third party has external review options

Dear XX XXXXXX ,

1. In our email of <date> we informed you that the third party/ies who had objected to the release of personal information in the documents identified in your request had requested an internal review of the decision.
2. The third party/ies have now received the outcome of the internal review they requested.
3. I am prevented by paragraph 27A(6) [access not to be given until review or appeal opportunities have run out] of the FOI Act, from providing the documents to you until it becomes apparent that the third party/ies does not propose to exercise their right to seek external review of the decision. The third party/ies have until <date> to seek the review. Accordingly, I will write to you after this date to inform you of the outcome.

Email to applicant as third party has requested external review

Dear XX XXXXXX ,

3. In our decision letter dated <date> you were advised that I was prevented by paragraph 27A(6) [access not to be given until review or appeal opportunities have run out] of the FOI Act, from providing the document to you until it becomes apparent that the third parties did not propose to exercise their right to seek review of the decision.

4. The third parties have requested an external review of the decision. Accordingly, I will write to you after this date to inform you of the outcome.



Australian Government
Department of Defence

Mr/Ms XXX XXXX

By email: XXXXXXXXX

Dear Mr XXXX

Complaint into the processing of Freedom of Information requests FOI XXX/XX/XX

1. I refer to your email of XX XX XXXX, in which you raised a formal complaint about the Department of Defence's (the Department) processing of your requests, specifically XXXXX. You were concerned about delays in processing your FOI requests. As your complaint involves two FOI requests, this response addresses both complaints.

Background

2. On XX XXXX XX, the Department received your request for access to the following documents under the FOI Act:

“XXXXX”

Decision

3. I have considered your complaint and reviewed the below findings. Consequently, I have decide that XXXX.

Finding and Reasons

4. XXXXXXXX

Yours sincerely,



Australian Government
Department of Defence

Reference: **FOI XX/XX/XX**

Objective ID: **[XXXXXXX]**

FOI **XXX/XX/XX STATEMENT OF REASONS UNDER THE FREEDOM OF INFORMATION ACT**

1. On **XX XX XXX**, **XXXX** (the applicant) requested access to the following under the *Freedom of Information Act 1982* (FOI Act):

“XXXXXXX”

***** remove this statement if it was not included** *‘Excluding personal email addresses, signatures, personnel (PMKeyS) numbers and mobile telephone numbers, contained in documents that fall within the scope of the FOI request. In addition, excluding duplicates of documents.’*

2. On **XXX**, the applicant was provided with a decision to **deny access/ release in part** to **XX** documents under section **XXX** of the FOI Act. The decision was made on the grounds that **“XXXXX”**.

3. On **XX XXX XXX**, the applicant requested an internal review.

4. On **XX XXX XX**, the original decision was upheld/ revised based on the finding that **“XXXX”**.

5. On **XXX XX XXX**, the Office of the Australian Information Commissioner (OAIC) advised that the applicant had sought an external.

6. The Department responded on **XX XX XXX** stating that **XXXXX**.

7. On **XX XX XX**, the OAIC confirmed that the applicant still seeks access to documents

Scope of external review

8. Noting the OAIC's correspondence of 00 January 2020 documents matching Items 3 and 4 are the subject of the external review.

9. The purpose of this correspondence is to provide the applicant with a revised decision under section 55G [Procedure in IC review – revocation or variation of access refusal decision] of the FOI Act.

Documents subject to the section 55G decision

10. The following XX documents comprising XX pages were identified as matching the scope of the request.

Revised decision

11. I have decided to vary the original decision by partially releasing/ releasing XX documents in accordance with section 22 of the FOI Act, on the grounds that the removed material is conditionally exempt under XXXX of the FOI Act.

12. Further to the above, mobile numbers and signatures which are considered irrelevant to the request have been removed under subparagraph 22(1)(b)(ii)[Access to edited copies with exempt or irrelevant matter deleted] of the FOI Act.

13. A copy of the documents in the form approved for release are attached.

Material taken into account

14. In making my decision, I had regard to:
- a. the terms of the request;
 - b. the content of the identified documents subject to the request;
 - c. relevant provisions in the FOI Act;
 - d. the outcome of fresh searches;
 - e. the Guidelines published by the Office of the Australian Information Commissioner under section 93A of the FOI Act (the Guidelines); and
 - f. the outcome of third party consultation.[delete if not required]
 - g. Advice from group name [delete if not require]

Findings and Reasoning

USE “STANDARD EXEMPTION WORDING” DOCUMENT and “OAIC CASE LIBRARY DOCUMENT”

Public interest considerations (if conditional exemptions is used)

1. In assessing whether disclosure of the conditionally exempt material is, on balance, contrary to the public interest, I considered the Guidelines provided by the Information Commissioner, together with a range of factors that favour access to a document set out in subsection 11B(3) [Public interest exemptions – factors favouring access] of the FOI Act.

2. I found that the following factors favour the disclosure of the documents:

Remove irrelevant factors

- promote the objects of the Act;
- inform debate on a matter of public importance;
- promote effective oversight of public expenditure;
- allow a person to access his or her personal information (s 11B(3))

3. I am convinced that the disclosure of the documents would not increase public participation in government processes nor scrutiny or discussion of government activities. I also am of the view that disclosure would not inform debate on a matter of public importance, promote effective oversight of public expenditure.

Remove irrelevant factors

4. However, I have found that that following factors weigh against disclosing the documents:

- could reasonably be expected to prejudice the protection of an individual’s right to privacy;
- could reasonably be expected to prejudice the fair treatment of individuals and the information is about unsubstantiated allegations of misconduct or unlawful, negligent or improper conduct;
- could reasonably be expected to prejudice security, law enforcement, public health or public safety;
- could reasonably be expected to impede the administration of justice generally, including procedural fairness;
- could reasonably be expected to impede the administration of justice for an individual;
- could reasonably be expected to impede the protection of the environment;
- could reasonably be expected to impede the flow of information to the police or another law enforcement or regulatory agency;
- could reasonably be expected to prejudice an agency’s ability to obtain confidential information;
- could reasonably be expected to prejudice the competitive commercial activities of an agency;
- could reasonably be expected to harm the interests of an individual or group of individuals;

- could reasonably be expected to prejudice the conduct of investigations, audits or reviews by the Ombudsman or Auditor-General;
- could reasonably be expected to discourage the use of agency's access and research services;
- could reasonably be expected to prejudice the management function of an agency;
- could reasonably be expected to prejudice the effectiveness of testing or auditing procedures;

5. In coming to the above decision, I have not considered the factors listed in subsection 11B(4) [Irrelevant factors] of the FOI Act.

6. Accordingly, on balance, the public interest factors against disclosure outweigh the factors for disclosure of the information. As such, it would be contrary to the public interest to release the information considered exempt under subsections XX, XX,XX of the FOI Act.

Further information

15. .

s47E(d)

Decision Maker – Internal review

March 2020



Australian Government
Defence

Defence Reference: XX/XX/XX
OAIC Reference: MRXX/XXXX

Intake and Early Resolution Team
Freedom of Information Regulatory Group
Office of the Australian Information Commissioner

By email: foidr@oaic.gov.au

Dear [REDACTED],

Information Commissioner Review MRXX/XX/XX – APPLICANT NAME

1. I refer to the correspondence from the Office of the Information Commissioner (OAIC) dated ____ in relation to the above matter.
2. The Department provides the following ‘Closed/Open’ submissions in response to this external review. This submission (should not/ can) be provided to the applicant or any other third party as the submissions contains information which is subject to XXXXX. Release of this correspondence to anyone outside of the OAIC could cause XXXXXXXX.

Background

3. On XXX, XXXXX (the applicant) requested access to the following documents under the *Freedom of Information Act 1982* (FOI Act):

“XXXX”

4. On XXXX the Department informed the applicant that it had identified XX documents falling within the scope of his request; and had decided to refuse access to all XX documents based on XXX/ release in part XXX documents based on XXXX.
5. On XXX the applicant sought an internal review of the Department’s decision (If applicable).
6. On XXXX following fresh searches, the Department identified XXX/ no new documents and refused access/ decided to release to XXX documents to the applicant. to all the documents based on XXXX of the FOI Act. (If applicable)
7. On XXXX the applicant sought an external review of the Department’s decision with the OAIC.
8. On XXXX the Department provided the OAIC with the following:
 - the FOI request and correspondence regarding the scope of the request (Attachment A),

- the internal review decision (Attachment B),
- marked up copies of the documents (Attachment C),
- a document recording the searches that were undertaken (Attachment D), and
- the third party consultation documentation (Attachment E). (If applicable)

Department's submissions

9. The Department maintains its position that the documents are exempt in full on the basis of section XXX for the reasons contained in its decision dated XXX, in accordance with the closed submissions provided herein.

10. The Department is satisfied that reasonable searches were conducted to identify all the documents falling within the scope of the applicant's request. Please see Attachment D of the document provided to the OAIC on XX XXX XXX. This document outlines all the searches conducted by the Department. (if applicable)

11. The Department maintains its position that documents XXX are exempt XXX of the FOI Act.

12. Section XXX of the FOI Act provides that:

“XXXXXX”

13. XXXXXXXXXXXXXXXXXXXXXXXX (explanation of how and why the exemption applies)

Conclusion

14. Based on the above, the Department's position is that XXX of the documents at issue in this review are exempt from disclosure on the grounds of XXXX of the FOI Act.

15. The Department reiterates that this submission should **not** be provided to the applicant or any other third party as the submissions contains information which is subject to legal professional privilege and would cause XXX if the submission was provided to anyone other than the OAIC (if applicable).

s47E(d)

Special Advisor – Freedom of Information Review
Freedom of Information Directorate
Department of Defence

s22

DEEMED DECISION – 55T

Your reference: MR23/XXXXX

Defence reference: FOI XXX/XX/XX

Dear [First name]

I refer to your email below attaching a Notice of IC review application and request for documents by [insert date].

On [date], Defence gave the applicant [partial] access to the documents. Therefore, in accordance with the Notice, please find:

[select appropriate criteria from the NOTICE]

We look forward to your advice as to whether the applicant wishes to proceed with IC review of Defence's revised decision.

STANDARD 54V RESPONSE

Your reference: MR23/XXXXX

Defence reference: FOI XXX/XX/XX

Dear [First name]

I refer to your email below attaching a Notice of IC review application and request for documents by [insert date].

The decision under review is to **refuse access to material / documents under s [insert]**. The applicant contends the **exemptions / searches**. Therefore, in accordance with Part 10 of the FOI Guidelines, we provide the following:

[select appropriate criteria from the table below]

Example only (full release, searches contended):

- The FOI request, and any correspondence that modifies its scope-
Attachment 1 - FOI request (original and revised)

- A copy of any document that records searches conducted, including if applicable:
 - Notes kept by individuals conducting searches
Attachment 2 – search checklist
 - Correspondence between the FOI decision maker and individuals who conducted searches-
Attachment 3 - primary search correspondence between FOI team and line area
Attachment 4 - IR search correspondence between FOI Review team and line area
 - Any other records of searches or recorded consideration of where to search
N/A
- Any other relevant information that the agency or minister wishes to provide in support of its decision
Attachment 5 – Defence submissions / Submissions will follow.

s22

Please let us know if we can help you further at this point.

Kind regards

[Sig block with contact details]

Scope of IC review	Information to be provided by Respondent
Access refusal - Exemptions (Part IV Divisions 2 and 3, except ss 33, 34, 45A)	<ul style="list-style-type: none">• The original FOI request and any correspondence with the FOI applicant that modifies the scope of the FOI request• Copies of correspondence including file notes of relevant telephone conversations between the agency or minister and anyone consulted• A marked up and unredacted copy of the documents at issue where material claimed to be exempt is highlighted with reference made to the exemptions applied• Any submissions in support of the agency or minister's decision, including the application of s 11B of the FOI Act in relation to conditional exemption claims• If any third parties are notified of the IC review, a copy of the written notifications under s 54P
Access refusal – Exemptions (Part IV Division 2, ss 33, 34, 45A)	<ul style="list-style-type: none">• The original FOI request and any correspondence with the FOI applicant that modifies the scope of the FOI request• Copies of correspondence including file notes of relevant telephone conversations between the agency or minister and anyone consulted

	<ul style="list-style-type: none"> • Evidence, on affidavit or otherwise, including by way of submissions, that documents are exempt under ss 33, 34, or 45A • If any third parties are notified of the IC review, a copy of the written notifications under s 54P
Access refusal –FOI request does not fall within FOI Act: Part I and ss 4, 5,6, 6A, 7, 12, 20 and Schedules to the FOI Act	<ul style="list-style-type: none"> • The original FOI request and any correspondence with the FOI applicant that modifies the scope of the FOI request • Information about the nature of the document in question • The agency or minister's response to the applicant • Any submissions in support of the agency or minister's decision
Access grant (Part IV Divisions 2 and 3 ss 47, 47F and 47G)	<ul style="list-style-type: none"> • The original FOI request and any correspondence with the FOI applicant that modifies the scope of the FOI request • Copies of correspondence with the third party • The documents in dispute • The reasons for the decision to release the documents despite the third party's objections • Any submissions in support of the agency or minister's decision
Access refusal – Charges (Part III, s 29)	<ul style="list-style-type: none"> • The original FOI request and any correspondence with the FOI applicant that modifies the scope of the FOI request • A copy of the charges notice sent to the FOI applicant • A copy of the preliminary estimates notice sent to the FOI applicant and the applicant's response • Any further explanation the agency or minister wishes to provide as to why the charge was imposed or how it was calculated, including any documentary evidence which supports the agency or minister's calculation of charges • Any submissions in support of the agency or minister's decision to impose a charge or in the alternative, a revised decision under s 55G of the FOI Act waiving the charge in full
Access refusal – Refusal to amend or annotate a record of personal information (Part IV)	<ul style="list-style-type: none"> • A copy of the documents that were given to the FOI applicant • The reasons why the agency or minister considers that no amendment should be made under s 50, or the reasons why the requested annotation of records was not made under s 51 • Any submissions in support of the agency or minister's decision
Access refusal – Failure to provide all documents / Adequacy of searches (Part III s24A)	<ul style="list-style-type: none"> • The FOI request, and any correspondence that modifies its scope • A copy of any document that records searches conducted, including if applicable: <ul style="list-style-type: none"> ○ Notes kept by individuals conducting searches ○ Correspondence between the FOI decision maker and individuals who conducted searches ○ Any other records of searches or recorded consideration of where to search • Any other relevant information that the agency or minister wishes to provide in support of its decision
Access refusal – Practical refusal (Part III 24A)	<ul style="list-style-type: none"> • The original FOI request and any correspondence with the FOI applicant that modifies the scope of the FOI request • Copies of any correspondence including file notes of telephone conversations relating to the agency of minister's request consultation process, including a copy of; the letter sent to the applicant, and the applicant's response (if any). • Records that demonstrate the number of documents and/or pages encompassed by the request, including but not limited to notes of any searches conducted, and consultations with relevant staff members

	<ul style="list-style-type: none">• An estimation of the number of hours processing time involved, and a breakdown of this time to demonstrate what this is based on• Evidence of document sampling, if undertaken• The names and contact details of anyone who was consulted by agency or minister, formally under ss 15(7), 26A 27A, or informally (including consultations with other government agencies)• Any submissions in support of the agency or minister's decision
Access refusal – Deemed refusal or deemed affirmation of original decision	<ul style="list-style-type: none">• The written reasons for the decision (see [10.111])• The original decision• Other documents as listed above depending on the nature of the decision



Australian Government
Defence

OAIC Reference: XX

FOI reference: XX

Name

Address

SUBURB

State Postcode

Dear Mr/Mrs/Ms/XX _____,

**Office of the Information Commissioner Review - SECTION 54P – Notice of matter under review
with the Office of the Australian Information Commissioner**

I am writing to advise you that an application has been made to the Office of the Australian Information Commissioner (OAIC) for an external review (IC review) of Defence's decision to deny/partial/xxx access to a document/s under the *Freedom of Information Act 1982* (FOI Act).

The document, a copy of which is attached/enclosed, contains your personal information.

As access to the document was denied in full under section [] of the FOI Act [exemption] in the original decision, the decision maker decided to consult you during the processing of the Freedom of Information request. Section [] of the FOI Act states:

'XXXX'

[Remove para if personal information is not relevant] In the context of the FOI Act, 'personal information' means:

'Information or opinion about an identified individual, or an individual who is reasonably identifiable, whether the information or opinion is true or not; and whether the information or opinion is recorded in a material form or not.'

On XX XX XXXX, Defence was notified that the FOI applicant applied for an IC review of the decision issued by the Department.

Section 54P of the FOI Act requires me to notify you, as a consulted third party, of that application and to provide a copy of this notice to the Information Commissioner.

Your rights

As an affected third party, you are a party to the review. Further information about reviews under the FOI Act is available on the OAIC's website: www.oaic.gov.au

If you wish to participate in the IC review process, please contact the OAIC Intake and Early Resolution team at the details below:

Intake and Early Resolution team
Freedom of Information Regulatory Group
Office of the Australian Information Commissioner
foirdr@aic.gov.au
1300 363 992
GPO Box 5288 Sydney NSW 2001

The OAIC may contact you directly for further information. However, if you do not advise the OAIC that you are interested in participating in the IC review process, the matter may be finalised without seeking further input from you as a third party.

Alternatively, you can advise the FOI Review team if you object to the release of the documents and provide us with details as to why the release of the **document/s** would involve the unreasonable disclosure of your personal information. The FOI Review team will advise the OAIC of these reasons on your behalf.

Questions about notice

If you have any questions or concerns regarding this process, please send an email to the address FOIReviews@defence.gov.au. Alternatively, if you have any questions regarding the IC process, please visit the OAIC website at

Regards,

s47E(d)

Special Advisor Freedom of Information – Review
Media and Information Disclosure Branch
Ministerial & Executive Coordination and Communication Division
Department of Defence



Australian Government
Department of Defence

FOI NNN/YY/YY - STATEMENT OF REASONS UNDER THE FREEDOM OF INFORMATION ACT

1. I refer to the application by **Applicant** under the *Freedom of Information Act 1982* (FOI Act), for access to:

“Final scope of request”

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 no documents as matching the description of the request.

Decision

4. I have decided to refuse access to documents of the request under subparagraph 24A(1)(b)(ii)[Requests may be refused if documents cannot be found, do not exist or have not been received] of the FOI Act.

Material taken into account

5. In making my decision, I had regard to:
- the terms of the request;
 - the content of the identified documents in issue;
 - relevant provisions in the FOI Act;
 - the Guidelines published by the Office of the Australian Information Commissioner under section 93A of the FOI Act (the Guidelines); **and**
 - (include any other i.e. advice received from third parties, officers within the department – specify which area provided the advice).**

Reasons for decision

6. Section 24A(1) of the FOI Act states:

24A Requests may be refused if documents cannot be found, do not exist or have not been received

Document lost or non-existent

(1) An agency or Minister may refuse a request for access to a document if:

- all reasonable steps have been taken to find the document; and*
- the agency or Minister is satisfied that the document:*

(i) is in the agency’s or Minister’s possession but cannot be found; or

(ii) does not exist.

7. Paragraphs 3.88 and 3.89 of the FOI Guidelines notes that the FOI Act is silent on what constitutes ‘all reasonable steps’. It provides the following guidance on the application of section 24:

“the meaning of ‘reasonable’ in the context of section 24A(1)(a) has been construed as not going beyond the limit assigned by reason, not extravagant or excessive, moderate and of such an amount, size or number as is judged to be appropriate or suitable to the circumstance or purpose”.

8. To ensure that "all reasonable steps" have been taken in this request, every reasonable avenue of locating potential documents been exhausted the relevant areas were requested to undertake fresh searches as part of the Internal Review.

9. The following areas and offices were contacted and requested to undertake fresh searches in response to the external review:

-

10. The areas carried out searches in the following locations:

-

11. To ensure a holistic search was undertaken, the timeframe to identify documents was taken to be from XXXX (when XXXXXXXX) until XXXXX (when XXXXXX), the date the Department received the FOI request.

12. In undertaking the searches in electronic databases’ the following search terms were used:

-

13. In addition, when completing the searches, areas were requested to document their searches in checklists. The completed checklists are attached to these submissions

14. Based on the above searches, and previous searches undertaken when processing the original FOI request, the Department submits that all reasonable steps have been undertaken to locate documents falling within the scope of the request. In these circumstances the Department is satisfied that such documents do not exist and submits that section 24A of the FOI Act has been correctly applied to the applicant’s FOI request.

Name of ADM

Accredited Decision Maker

Group

Your reference: MRXX/XXX

Our reference: FOI XXX/XX/XX

Dear XXXX

Thank you for your email below seeking the Department of Defence's (Defence's) view on the Information Commissioner potentially making a decision not to review the matter referenced above and the transfer the matter to the Administrative Appeals Tribunal (AAT).

Defence's view is that the matter does not warrant referral to the AAT.

It is Defence's position that none of the factors set out at paragraph 10.88 apply in this situation. In these circumstances, Defence does not consider this necessitates an AAT review, which would require Defence to incur further costs and additional resources to respond to the matter. In particular, it is Defence's view that:

1. The matter is not complex. It involves XXXX.
2. Consideration of this matter by the AAT would not help to further the objects of the FOI Act to facilitate and promote public access to information, promptly and at the lowest reasonable cost. On the contrary the transfer of this matter would result at a higher cost to the applicant and agency.
3. The matter is not linked to any proceeding before the AAT.

Whilst Defence appreciates that applicant would like to have the matter resolved quickly and the AAT may have more capacity to deal with the matter, for the reasons outlined above we request that the matter not be referred to the AAT.

Regards

From: FOIRReview
Subject: FOR FINAL COMMENT BY COB XXXX: FOI XXX/XX/XX (name) External Review

Dear **name**

We greatly appreciate your assistance with processing this matter to date. I attach the final version of our draft **submission/revised decision** so that you have a last opportunity to make comment should you identify any remaining issues.

If you have any concerns about the content, please let us know **by COB 3 days 2023**.

If we do not hear from you by that date, we will take it that you have no concerns and we will forward the draft to the decision maker, **s47E(d)**, for further clearance.

Kind regards

Subject: ACTION OFFICER ASSESSMENT - FOI XXX/23/24

FOI **IR/IC** XXX/XX/XX

Dear s47E(d)

Please see my matter assessment below.

[Select as appropriate and delete the irrelevant one]

This is:

- *sensitive / non-sensitive*
- *internal review / Information Commissioner review 54Z / 54V*

The (final) scope of the FOI request is:

“

A decision was made and SOR issued on xxxx 2023 to:

- provide access to xx document/s
- provide access in part to xx document/s
- refuse access to xx document/s

Redaction/s applied

Exemption	Document number
33	1, 3 5-7
47E(c)	
etc	

Line area contacts

Line area/s	Decision maker	Line area coordinator/s

[delete where not relevant] The applicant's contentions are:

1. Redactions
2. Searches
3. Redactions and searches

Recommendation:

- *I recommend that the line area be asked to conduct further searches as the applicant believes there should be further material.*
- *I recommend that the decision maker uphold / vary the original decision. This is because.....*

Please consider the above summary and advise next steps.

Regards

OAIC reference:
Defence reference:

Dear

I refer to your email below seeking a response to s 54V preliminary inquiries by [date].

The decision on this matter became deemed pursuant to s 15AC of the FOI Act from [date].

However, Defence has since provided a decision to the applicant on XXXXX, a copy of which is attached

Please let us know if we can assist further at this point.

Sent: Wednesday, 28 September 2022 9:52 AM
Subject: Outcome of Internal Review – FOI 000/19/20
Attachments: Review Rights.pdf

Dear [applicant name]

Thank you for your email dated [date], asking for an internal review of the decision you received under the FOI Act.

This email is to inform you of the decision by [s47E(d)], **Special Advisor Freedom of Information Review** on your internal review application.

The statement of reasons detailing [s47E(d)] decision **and documents in form approved for release** (Delete if **refuse in full**) are attached.

FOI Disclosure Log (Remove section for documents containing personal or business information)

In accordance with the requirements of section 11C of the FOI Act, Defence is required to publish details of information released under the FOI Act. *Defence publishes identified documents relating to requests within five working days of receipt by the applicant or immediately following any publication of the released material.* Defence will also publish the statement of reasons with privacy deletions. *This request will be published on <date> or immediately following publication.*

OR

In accordance with Section 11C(1) of the FOI Act, this request will not be published. It contains personal or business information that Defence considers would be unreasonable to publish.

Rights of review

The FOI Act provides for rights of review of decisions. Should you be dissatisfied with [s47E(d)] decision you have the right to seek review. Please find attached a copy of your review rights

If you have any questions in relation to this matter, please contact this office.

Kind regards

From: FOIReview
Subject: FOI [number] request for fresh searches for an internal review
Attachments: Document Search Check List.docx

Good afternoon [Groups/service name]

The purpose of this email is to seek your urgent assistance, on behalf of s47E(d) [redacted], Special Advisor FOI Reviews in conducting fresh searches for documents that are subject to an *internal review* application under the *Freedom of Information Act 1982* (FOI Act). **Your response is due by COB [Date].**

Introduction

[Applicant name] has applied for internal review of the decision made by [ADM name] on [date] on the grounds that further information or documents relating to the FOI request exist. A copy of the FOI statement of reason from the original decision is attached. The application for *internal review*, made pursuant to section 54 of the FOI Act, is also attached. I have also attached the documents search checklist.

Background

[Applicant name] originally requested access to the following documents under the FOI Act:

"FOI Request here."

Internal Review Contentions

The applicant believes further information relating to [her/his] request exists. [Applicant name] has requested that the internal review specifically look for the following:

- a. [redacted]
- b. [redacted]
- c. [redacted] etc

Request to undertake additional searches for documents

We now require your area to undertake fresh searches for documents which fall within the scope of the request and the contentions. Could you please arrange to undertake fresh searches to determine if additional documents can be located.

Could you also please **fill out the attached searches checklist** providing details about how, and where fresh searches were conducted, sign and return to FOI Review.

Also, please **provide screenshots of the fresh searches** undertaken.

Time Limit

The FOI Act only allows 30 days to conduct and finalise the internal review application. We are unable to seek any extensions over 30 days when conducting a review.

I would appreciate if you could provide the information and details of searches as requested above by **COB [date response is due]**. If you require additional time please contact me as soon as possible.

I am the allocated case manager for this matter. If you have any questions in relation to the above request please do not hesitate to contact me.

Regards

YOUR SIGNATURE BLOCK



Australian Government
Defence

Reference: FOI **XX/XX/XX**

FOI **XX/XX/XX STATEMENT OF REASONS UNDER THE FREEDOM OF INFORMATION ACT**

1. I refer to the email of **XX XXX XX**, in which **Applicant name** (the applicant) sought an internal review under section 54 of the *Freedom of Information Act 1982* (FOI Act) of the Accredited Decision Maker's decision dated **XXXX**.

2. The applicant's request was for access to the following documents under the FOI Act:

"XXXXXXXX"

***** remove this statement if it was not included 'Excluding personal email addresses, signatures, personnel (PMKeyS) numbers and mobile telephone numbers, contained in documents that fall within the scope of the FOI request. In addition, excluding duplicates of documents.'**

Background

3. On **[Date]** the applicant submitted a request for documents under the FOI Act.
4. On **[Date]** (Charges/TPC/ Revision to the scope of the request)...
5. On **[Date]** the original decision was made.

Original Decision

6. The original decision identified **XX** document(s). The decision:
 - a. **released in full }**
 - b. **partially released }** **Delete irrelevant part**
 - c. **exempted in full }**

Contentions

7. In their application for internal review, the applicant contended:

"XXXXX"

8. The purpose of this statement of reasons is to provide the applicant with a fresh decision relating to the documents.

Reviewing officer

9. I am authorised to make this internal review decision under arrangements approved by the Secretary of Defence under section 23 of the FOI Act.

Documents subject to internal review

10. Taking into account the applicant's contentions, **XX documents** are the subject of this internal review.

Internal review decision

11. After careful consideration, I have decided to **uphold/ vary** the original decision by:

- a. **releasing in full** }
- b. **partially releasing in part** } **Delete irrelevant part**
- c. **exempting in full** }

12. Further to the above, material considered irrelevant to the scope of the request has been removed under paragraph 22(1)(b)(ii) of the FOI Act.

13. *** **remove this statement if documents were exempt in full.** As I have upheld the decision to release the documents in the same form as provided previously to the applicant, I have decided not to provide another copy of the documents.

Material taken into account

14. In arriving at my decision, I had regard to:

- a. the scope of the applicant's request and subsequent internal review application;
- b. the original decision;
- c. the content of the documents subject to the internal review;
- d. relevant provisions in the FOI Act;
- e. the *Guidelines published by the Office of the Australian Information Commissioner under section 93A of the FOI Act* (the Guidelines);
- f. **the outcome of fresh searches;**
- g. **advice from Office of the Defence General Counsel; and**
- h. **the affected third party's strong objections to the release of the documents.**

Findings and reasons

USE "STANDARD EXEMPTION WORDING" DOCUMENT and "OAIC CASE LIBRARY DOCUMENT"

Public interest considerations (if conditional exemptions is used)

15. In assessing whether disclosure of the conditionally exempt material is, on balance, contrary to the public interest, I considered the Guidelines provided by the Information

Commissioner, together with a range of factors that favour access to a document set out in subsection 11B(3) [Public interest exemptions – factors favouring access] of the FOI Act.

16. I found that the following factors favour the disclosure of the documents:

Remove irrelevant factors

- promote the objects of the Act;
- inform debate on a matter of public importance;
- promote effective oversight of public expenditure;
- allow a person to access his or her personal information (s 11B(3))

17. I am satisfied that the disclosure of the documents would not increase public participation in government processes nor scrutiny or discussion of government activities. I also am of the view that disclosure would not inform debate on a matter of public importance, promote effective oversight of public expenditure.

Remove irrelevant factors

18. However, I have found that the following factors weigh against disclosing the documents:

- could reasonably be expected to prejudice the protection of an individual's right to privacy;
- could reasonably be expected to prejudice the fair treatment of individuals and the information is about unsubstantiated allegations of misconduct or unlawful, negligent or improper conduct;
- could reasonably be expected to prejudice security, law enforcement, public health or public safety;
- could reasonably be expected to impede the administration of justice generally, including procedural fairness;
- could reasonably be expected to impede the administration of justice for an individual;
- could reasonably be expected to impede the protection of the environment;
- could reasonably be expected to impede the flow of information to the police or another law enforcement or regulatory agency;
- could reasonably be expected to prejudice an agency's ability to obtain confidential information;
- could reasonably be expected to prejudice the competitive commercial activities of an agency;

- could reasonably be expected to harm the interests of an individual or group of individuals;
- could reasonably be expected to prejudice the conduct of investigations, audits or reviews by the Ombudsman or Auditor-General;
- could reasonably be expected to discourage the use of agency's access and research services;
- could reasonably be expected to prejudice the management function of an agency;
- could reasonably be expected to prejudice the effectiveness of testing or auditing procedures;

19. In coming to the above decision, I have not considered the factors listed in subsection 11B(4) [Irrelevant factors] of the FOI Act.

20. Accordingly, on balance, the public interest factors against disclosure outweigh the factors for disclosure of the information. As such, it would be contrary to the public interest to release the information considered exempt under subsections XX, XX, XX of the FOI Act.

Further information

21.

s47E(d)

Special Advisor – Freedom of Information Review
Associate Secretary Group



Australian Government
Department of Defence

Reference: FOI [XX/XX/XX]

Objective ID: [X XXXXXXX]

FOI [XX/XX/XX] NOTICE OF DECISION UNDER THE FREEDOM OF INFORMATION ACT

Dear XXX

1. I refer to your email of [XX XXX XX], in which you sought an internal review under section 54 of the *Freedom of Information Act 1982* (FOI Act) of the Accredited Decision Maker's decision dated [XXXX].

2. Your request was for access to the following documents under the FOI Act:

"XXXXXXXXXX"

***** remove this statement if it was not included** *'Excluding personal email addresses, signatures, personnel (PMKeyS) numbers and mobile telephone numbers, contained in documents that fall within the scope of the FOI request. In addition, excluding duplicates of documents.'*

Background

3. On [Date] you submitted a request for documents under the FOI Act.

4. On [Date] (Charges/TPC/ Revision to the scope of the request)...

5. On [Date] the original decision was made.

Original Decision

6. The original decision identified XX document(s). The ADM decided to:

- a. Release in full }
- b. Release in part } Delete irrelevant part
- c. Exempt in full }

Contentions

7. In your application for an internal review you contended that:

"XXXXX"

8. The purpose of this statement of reasons is to provide you with a fresh decision relating to the documents.

Reviewing officer

9. I am authorised to make this internal review decision under arrangements approved by the Secretary of Defence under section 23 of the FOI Act.

Documents subject to internal review

10. Taking into account your contentions, XX documents are the subject of this internal review.

Internal review decision

11. After careful consideration, I have decided to uphold/ vary the original decision to:

- a. Release in full }
- b. Release in part } Delete irrelevant part
- c. Exempt in full }

12. Further to the above, material considered irrelevant to the scope of the request has been removed under paragraph 22(1)(b)(ii) of the FOI Act.

13. *** remove this statement if documents were exempt in full. As I have upheld the decision to release the documents in the same form as provided previously to the applicant, I have decided not to provide another copy of the documents.

Material taken into account

14. In arriving at my decision, I had regard to:

- a. the scope of the applicant's request and subsequent internal review application;
- b. the original decision;
- c. the content of the documents subject to the internal review;
- d. relevant provisions in the FOI Act;
- e. the *Guidelines published by the Office of the Australian Information Commissioner under section 93A of the FOI Act* (the Guidelines);
- f. the outcome of fresh searches;
- g. advice from Office of the Defence General Counsel; and
- h. the affected third party's strong objections to the release of the documents.

Findings and reasons

USE "STANDARD EXEMPTION WORDING" DOCUMENT and "OAIC CASE LIBRARY DOCUMENT"

Public interest considerations (if conditional exemptions is used)

15. In assessing whether disclosure of the conditionally exempt material is, on balance, contrary to the public interest, I considered the Guidelines provided by the Information Commissioner, together with a range of factors that favour access to a document set out in subsection 11B(3) [Public interest exemptions – factors favouring access] of the FOI Act.

16. I found that the following factors favour the disclosure of the documents:

Remove irrelevant factors

- promote the objects of the Act;
- inform debate on a matter of public importance;
- promote effective oversight of public expenditure;
- allow a person to access his or her personal information (s 11B(3))

17. I am convinced that the disclosure of the documents would not increase public participation in government processes nor scrutiny or discussion of government activities. I also am of the view that disclosure would not inform debate on a matter of public importance, promote effective oversight of public expenditure.

Remove irrelevant factors

18. However, I have found that the following factors weigh against disclosing the documents:

- could reasonably be expected to prejudice the protection of an individual's right to privacy;
- could reasonably be expected to prejudice the fair treatment of individuals and the information is about unsubstantiated allegations of misconduct or unlawful, negligent or improper conduct;
- could reasonably be expected to prejudice security, law enforcement, public health or public safety;
- could reasonably be expected to impede the administration of justice generally, including procedural fairness;
- could reasonably be expected to impede the administration of justice for an individual;
- could reasonably be expected to impede the protection of the environment;
- could reasonably be expected to impede the flow of information to the police or another law enforcement or regulatory agency;
- could reasonably be expected to prejudice an agency's ability to obtain confidential information;
- could reasonably be expected to prejudice the competitive commercial activities of an agency;
- could reasonably be expected to harm the interests of an individual or group of individuals;
- could reasonably be expected to prejudice the conduct of investigations, audits or reviews by the Ombudsman or Auditor-General;
- could reasonably be expected to discourage the use of agency's access and research services;
- could reasonably be expected to prejudice the management function of an agency;
- could reasonably be expected to prejudice the effectiveness of testing or auditing procedures;

19. In coming to the above decision, I have not considered the factors listed in subsection 11B(4) [Irrelevant factors] of the FOI Act.

20. Accordingly, on balance, the public interest factors against disclosure outweigh the factors for disclosure of the information. As such, it would be contrary to the public interest to release the information considered exempt under subsections XX, XX,XX of the FOI Act.

Further information

21.

Kind regards

s47E(d)

Special Advisor – Freedom of Information Review
Associate Secretary Group



Australian Government
Defence

Reference: FOI **XX/XX/XX**

FOI **XXX/XX/XX STATEMENT OF REASONS UNDER THE FREEDOM OF INFORMATION ACT**

1. I refer to the email of **XX XXXX XXX**, in which **XX XXXX XXXX** (the applicant) sought an internal review under section 54 of the *Freedom of Information Act 1982* (FOI Act) of the Accredited Decision Maker's decision dated **XXXX**.

2. The applicant's request was for access to the following documents under the FOI Act:

"XXXXXXXXXXXXXX"

Background

3. On **XX XXX XXXX**, the applicant submitted the following request for documents under the FOI Act:

"XXXXXXXXXX"

4. On **XX XXX XXX**, the original decision was provided to the applicant.

Original Decision

5. The original decision identified **XXX** documents. The decision

a. partially released/ released in full/ exempted in full **XXXX** 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 was considered exempt under section XX [XXXXXX] of the FOI Act; and

b. removed irrelevant material in accordance with section 22 of the FOI Act.

Contentions

6. In their application for internal review, the applicant contended:

"XXXXXX"

7. The purpose of this statement of reasons is to provide the applicant with a fresh decision relating to the documents.

Reviewing officer

8. I am authorised to make this internal review decision under arrangements approved by the Secretary of Defence under section 23 of the FOI Act.

Documents subject to internal review

9. Taking into account the applicant's contentions, the fresh searches were undertaken to identify any additional documents falling within the scope of the applicant's request.

Internal review decision

10. After careful consideration, I have decided to uphold the original decision as no additional documents were located in response to the applicant's request.

Material taken into account

11. In arriving at my decision, I had regard to:
- a. the scope of the applicant's request and subsequent internal review application;
 - b. the original decision;
 - 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. the outcome of fresh searches.

Findings and reasons

12. Upon receiving the applicant's request for internal review, fresh searches were requested from the relevant areas. The fresh searches took into account the applicant's contentions that XXXXXXXXXXXX {Summary of the contention}.

13. As part of this internal review, additional searches were undertaken by the XXXXX and XXXXX {list the line areas}. The searches were conducted in the following locations:

- XXX
- XXXX

14. In undertaking the fresh searches, the following terms were used by the relevant areas:

- XXXX
- XXX

15. No additional documents were located as a result of fresh searches that matched the scope of the request.

16. Section 24A of the FOI Act provides as follows:

An agency or Minister may refuse a request for access to a document if:

(a) all reasonable steps have been taken to find the document; and

(b) the agency or Minister is satisfied that the document:

(i) is in the agency's or Minister's possession but cannot be found; or

(ii) does not exist.

17. The Guidelines at paragraph 3.89, while noting that the FOI Act is silent on what constitutes 'all reasonable steps', provide as follows:

The meaning of 'reasonable' in the context of section 24A(1)(a) has been construed as not going beyond the limit assigned by reason, not extravagant or excessive, moderate and of such an amount, size or number as is judged to be appropriate or suitable to the circumstance or purpose.

Agencies and ministers should undertake a reasonable search on a flexible and common sense interpretation of the terms of the request. What constitutes a reasonable search will depend on the circumstances of each request and will be influenced by the normal business practices in the agency's operating environment.

18. Given the wording of the applicant's request, the Department of Defence (the Department) is satisfied that appropriate searches were undertaken and that these documents could not reasonably be expected to be located in a different system.

19. Accordingly, I am satisfied that all reasonable steps have been taken to locate documents of the type requested by the applicant and that no such documents are in the possession of the Department. I have therefore decided to uphold the original decision as no additional documents were located that matched the scope of the applicant's request.

Further information

20. XXXXXXXXXXXXXXXXXXXX

s47E(d)

Special Advisor – Freedom of Information Review
Associate Secretary Group



Australian Government
Department of Defence

Reference: FOI XX/XX/XX
Objective ID: [XXXXXXXX]

FOI XX/XX/XX STATEMENT OF REASONS UNDER THE FREEDOM OF INFORMATION ACT

1. I refer to email received on [XX/XX/XX] from [Third Party name] (the third party applicant) in which he sought an internal review under section 54A of the *Freedom of Information Act 1982* (FOI Act) of the Accredited Decision Maker's decision dated [XX/XX/XX].

2. The third party's internal review application is in respect of an 'access grant decision' for the purposes of section 54A(2) of the FOI Act.

Background

Consultation

3. On [date], under section 27A of the FOI Act, the third party applicant was consulted on XXX documents/pages containing his/her personal information OR information on his her business. The consulted documents/pages related to XXXXX

4. In response to the consultation, on [date], the third party objected to the release of his personal information.

FOI Decision

5. On [date], the third party applicant was advised that the Accredited Decision Maker had considered his/her objections.

6. The Accredited Decision Maker did not agree with all the third party's contentions and therefore redactions were not made on all of the material the third party objected to being released.

7. The third party applicant was provided with the Accredited Decision Maker's decision and a copy of the pages in the form approved for release and his review rights.

Internal review application

8. As redactions were not made on all of the material that the third party objected to being released on [date], the third party applicant submitted his application for an internal review of the Accredited Decision Maker's decision.

9. To support his application, the applicant contended that:

"XXXXX"

Documents subject to internal review

10. XXX documents are/is the subject of this internal review decision.

FOI reviewing officer

11. I am authorised to make this decision under arrangements approved by the Secretary of the Department of Defence under section 23 of the FOI Act.

Decision

12. I have carefully considered the third party applicant's internal review contentions to further redact information as it is his/her personal information OR relates his/her business information. I have decided to vary/uphold the original decision.

If varying (DELETE IF UPHOLDING):

13. I have decided to varying the original decision by removing further material relating to the third party's personal information/business affairs under section XXX of the FOI Act.

Material taken into account

14. In arriving at my decision, I had regard to:

- a. the terms of the applicant's request;
- b. the third party's internal review application;
- c. the documents which are subject to internal review;
- d. the original decision;
- e. relevant provisions in the FOI Act;
- f. the Guidelines published by the Office of the Australian Information Commissioner under section 93A of the FOI Act (the Guidelines); and
- g. the objections and contentions provided by the third party.

Findings and reasons for decision

USE "STANDARD EXEMPTION WORDING" DOCUMENT and "OAIC CASE LIBRARY DOCUMENT"

Section 47F – Public interest conditional exemptions – personal privacy

Public interest consideration

15. In assessing whether disclosure of the conditionally exempt material is, on balance, contrary to the public interest, I considered the Guidelines provided by the Information Commissioner, together with a range of factors that favour access to a document set out in subsection 11B(3) [Public interest exemptions – factors favouring access] of the FOI Act.

16. I found that the following factors favour the disclosure of the documents:

Remove irrelevant factors

- promote the objects of the Act;
- inform debate on a matter of public importance;
- promote effective oversight of public expenditure;
- allow a person to access his or her personal information (s 11B(3))

17. I am convinced that the disclosure of the documents would not increase public participation in government processes nor scrutiny or discussion of government activities. I also am of the view that disclosure would not inform debate on a matter of public importance, promote effective oversight of public expenditure.

Remove irrelevant factors

18. However, I have found that the following factors weigh against disclosing the documents:

- could reasonably be expected to prejudice the protection of an individual's right to privacy;
- could reasonably be expected to prejudice the fair treatment of individuals and the information is about unsubstantiated allegations of misconduct or unlawful, negligent or improper conduct;
- could reasonably be expected to prejudice security, law enforcement, public health or public safety;
- could reasonably be expected to impede the administration of justice generally, including procedural fairness;
- could reasonably be expected to impede the administration of justice for an individual;
- could reasonably be expected to impede the protection of the environment;
- could reasonably be expected to impede the flow of information to the police or another law enforcement or regulatory agency;
- could reasonably be expected to prejudice an agency's ability to obtain confidential information;
- could reasonably be expected to prejudice the competitive commercial activities of an agency;
- could reasonably be expected to harm the interests of an individual or group of individuals;
- could reasonably be expected to prejudice the conduct of investigations, audits or reviews by the Ombudsman or Auditor-General;
- could reasonably be expected to discourage the use of agency's access and research services;
- could reasonably be expected to prejudice the management function of an agency;
- could reasonably be expected to prejudice the effectiveness of testing or auditing procedures;

19. In coming to the above decision, I have not considered the factors listed in subsection 11B(4) [Irrelevant factors] of the FOI Act.

20. Accordingly, on balance, the public interest factors against disclosure outweigh the factors for disclosure of the information. As such, it would be contrary to the public interest to release the information considered exempt under subsections XX, XX,XX of the FOI Act.

s47E(d)

Special Advisor – Freedom of Information Review
Associate Secretary Group



Australian Government
Defence

Reference: FOI **XX/XX/XX**

FOI **XXX/XX/XX STATEMENT OF REASONS UNDER THE FREEDOM OF INFORMATION ACT**

1. I refer to the email of **XX XXX XX**, in which **[applicant]** sought an internal review under section 54 of the *Freedom of Information Act 1982* (FOI Act) of the Accredited Decision Maker's (ADM) decision dated **XXXX**.
2. The applicant's request was for access to the following documents under the FOI Act:
"XXXXXX"
3. On **XX** the department undertook an informal and then formal consultation with the applicant. Despite the consultation the ADM found that the request remained too **voluminous/unclear [choose one]**.
4. The ADM in his decision dated **XXXX** decided that a practical refusal reason exist in processing the FOI request as the request **[choose one] captures a large volume of documents/pages which would cause an unreasonable diversion of the department's resources OR the request was not clear and therefore the relevant documents could not be identified.**

Contentions

5. The applicant has requested an internal review of the original decision in which documents were refused under section 24AA [power to refuse request] of the FOI Act.
6. The purpose of this statement of reasons is to provide the applicant with a fresh decision relating to the request for documents.

Reviewing officer

7. I am authorised to make this internal review decision under arrangements approved
8. by the Secretary of Defence under section 23 of the FOI Act.

Internal review decision

9. After careful consideration, I have decided to uphold/vary the original decision by [choose one] captures refusing access/ releasing in part/ releasing in full the documents that are the subject of the request under section 24AA [Power to refuse request-diversion of resources etc.] of the FOI Act.

Material taken into account

10. In arriving at my decision, I had regard to:
 - a. the scope of the applicant's request and subsequent internal review application;
 - b. the original decision;
 - c. the content of the documents subject to the internal review;
 - d. relevant provisions in the FOI Act;



Australian Government
Defence

- e. the Guidelines published by the Office of the Australian Information Commissioner under section 93A of the FOI Act (the Guidelines); and
- f. the outcome of searches of the electronic record management system, Objective.

Findings and reasons

11. Section 24 of the FOI Act provides that:

(1) If an agency or Minister is satisfied, when dealing with a request for a document that a practical refusal reason exists in relation to the request (see section 24AA), the agency or Minister:

- (a) must undertake a request consultation process (see section 24AB); and*
- (b) if, after the request consultation process, the agency or Minister is satisfied that the practical refusal reason still exists—the agency or Minister may refuse to give access to the document in accordance with the request.*

12. Section 24AA of the FOI Act provides that:

(1) For the purposes of section 24, a practical refusal reason exists in relation to a request for a document if either (or both) of the following applies:

- (a) the work involved in processing the request:*
 - (i) in the case of an agency – would substantially and unreasonably divert the resources of the agency from its other operations.*
- (b) the request does not satisfy the requirement in paragraph 15(2)(b) (identification of documents).*

If request is too voluminous (delete if irrelevant)

13. In coming to my decision I considered a sample of documents. This sample relates to XXXX and consists of XX document and XXX pages. The time taken for a departmental officer (and a decision maker) to process this sample alone would be XXXX hours or XXX days or XXX weeks (**delete irrelevant**). The time taken has been calculated conservatively in favour of the applicant. This time does not take into account XXXX (**delete if irrelevant**). Consequently, the time taken to process this request in its entirety would be significantly greater.

14. If this request was to be processed in its current form in its entirety it would have a substantial and adverse effect on XXX's [line area] ability to XXXXXXXX [summary of the line areas functions which would be affected]. Moreover, if this request was to be processed it would divert the FOI review team from processing other review requests. Consequently, I am satisfied that if this internal review request was to be processed it would cause an unreasonable diversion of the Department's resources.

If request is unclear (delete if irrelevant)

15. Despite informal and formal consultation during the original FOI request and the review processes the scope request remains in a form that does not provide adequate information concerning the document that would enable the Department to identify the relevant documents. The reason the documents could not be identified is because XXXXXX



Australian Government
Defence

Further information

16.

Kind regards

Accredited Decision Maker- Internal Review

Subject: Outcome of Internal Review – FOI 000/19/20

Dear [applicant name]

Thank you for your email dated [date], asking for an internal review of the decision you received under the *Freedom of Information Act 1982* (FOI Act).

This email is to inform you of the decision by [s47E(d)], **Special Advisor Freedom of Information Review** on your internal review application.

The statement of reasons detailing [s47E(d)] decision **and documents in form approved for release** (Delete if refuse in full) are attached.

FOI Disclosure Log (Remove section for documents containing personal or business information)

In accordance with the requirements of section 11C of the FOI Act, Defence is required to publish details of information released under the FOI Act. *Defence publishes identified documents relating to requests within five working days of receipt by the applicant or immediately following any publication of the released material.* Defence will also publish the statement of reasons with privacy deletions. *This request will be published on <date> or immediately following publication.*

OR

In accordance with Section 11C(1) of the FOI Act, this request will not be published. It contains personal or business information that Defence considers would be unreasonable to publish.

Rights of review

The FOI Act provides for rights of review of decisions. Should you be dissatisfied with [s47E(d)] decision you have the right to seek review. Please find attached a copy of your review rights

If you have any questions in relation to this matter, please contact this office.

Kind regards

Subject: FOI XXX/XX/XX- Extension of time

Dear XX XXXX

Thank you for your patience while Defence has been processing your request for an internal review in relation to FOI XX/XX/XX

Due to XXXXXXXXX in relation to this Internal Review and the associated delays, we are unable to provide you a decision by the statutory deadline of XX XXX XXXXX.

We will be seeking an extension of time in relation to this matter from the Office of the Australian Information Commissioner, and will endeavour to complete your review as soon as possible.

If you have any questions please do not hesitate to contact us at FOIReview@Defence.gov.au

Kind regards,

FOI Review Team

Media and Information Disclosure Branch
Ministerial & Executive Coordination and Communication Division
Department of Defence

PO Box 7910 Canberra BC ACT 2610

Email: FOIReview@defence.gov.au
<http://www.defence.gov.au/FOI/privacy.asp>

IMPORTANT: This email remains the property of the Department of Defence. Unauthorised communication and dealing with the information in the email may be a serious criminal offence. If you have received this email in error, you are requested to contact the sender and delete the email immediately.

Email: To OAIC Case manager or FOIDR@oaic.gov.au
Cc: FOI Review
Subject: Department of Defence Internal Review FOI Request XXX/XX/XX request for extension

Dear Office of the Australian Information Commissioner,

On XX XXXXX XXXX, Mr/Ms Smith (the applicant) applied for an internal review of a Freedom of Information (FOI) decision dated XXX XXX XXXX. The internal review application is attached for your information.

Request for extension

Section 54D of the *Freedom of Information Act 1982* (FOI Act) provides that an agency may apply to the Office of the Australian Information Commissioner (OAIC) for further time to deal with an application for Internal Review, if the initial decision making period has ended.

The internal review decision was due to the applicant on XX XXXX XXXX.

Basis for extension

This FOI request relates to documents created by the Department of Defence (the Department) in regards to the applicant Defence Abuse Task Force Complaint. Defence has already found possible further documents but it requires the legal area to view 2 files. One file contains 521 documents and the other over 1000 documents. The Department has been in consultation with Defence Legal in relation to the request and is currently awaiting their Review of searches. Additionally, the internal review has been delayed due to staff shortages and issues associated with the current working environment. The applicant was contacted by telephone and email about the extension of time application and indicated they were supportive of the extension. A copy of this response is attached.

Extension sought

The Department seeks an extension of XXX weeks which will bring the date to provide the applicant with a decision to XXXX. The Department will provide a decision earlier if possible.

I look forward to hearing from you.

Kind Regards

s22



Dear all,

Please find attached the internal review *Freedom of Information Act 1982* decision, prepared in response to a request from **APPLICANT'S NAME**. The decision will be released on **DATE**

The internal review **upholds/varies** the original decision to **release in full/release in part/ exempt in full** on grounds of **section XXXXX**.

Talking points are attached and the contact officer for the request is **XXXX, (PHONE NUMBER)**

Background

On **DATE**, the applicant requested access to the following documents:

"SCOPE OF REQUEST"

On **DATE**, the Department provided the applicant with original decision which decided to **release in full/release in part/ exempt in full** on grounds of **section XXXXX**.

On **DATE**, the applicant sought an internal review of the decision.

Kind regards

YOUR SIGNATURE BLOCK

From: FOIReview

Subject: Acknowledgement of Internal review – FOI XX/XX/XX

Dear Mr/Mrs/Ms XXX

This response is to acknowledge the receipt of your email below.

In that email you requested an internal review under section 54 of the *Freedom of Information Act 1982* (FOI Act) of the decision issued by the Department on XXX.

The review you are seeking is in relation to the scope of your original FOI request:

'<original scope request> '.

The Department's statutory deadline to issue an internal review decision is 30 days from the date we received the request. Consequently, you will receive a decision in regards to your review by XXXXX OR As the date for your decision falls on a weekend, you will receive your decision on the next business day which is XXXX .

Paragraph 3.141 of the Guidelines issued by the Office of the Australian Information Commissioner, states 'the processing period refers to calendar days, not business (working) days. This will include any public holidays that fall within the processing period.[44] If the last day for notifying a decision falls on a Saturday, Sunday or a public holiday, the timeframe will expire on the first day following which is none of those days.' [delete if not applicable]

In the meantime, please do not hesitate to contact our office if you have any questions.

Regards

FOI Review Team

FOI Review Directorate

Media and Information Disclosure Branch
Ministerial & Executive Coordination and Communication Division
Department of Defence

FOIReview@defence.gov.au

PO Box 7910

s47E(d)

Canberra BC ACT 2610

Reference: FOI XX/XX/XX
Objective ID: XXX

FOI XX/XX/XX STATEMENT OF REASONS UNDER THE FREEDOM OF INFORMATION ACT

1. I refer to XX application of XX in which he sought an internal review under section 54 of the *Freedom of Information Act 1982* (FOI Act) of the Accredited Decision Maker's decision, dated XXXX.

Original decision

2. The applicant's original decision refused XXX's request for amendment of XXXX. The applicant's request was to have his Record of Service amended under section 48 of the FOI Act:

XXXXXXXX.

Contentions

3. In the internal review application the applicant stated:

XXXXXXXX

4. The purpose of this statement of reasons is to provide the applicant with a fresh decision.

Reviewing officer

5. I am authorised to make this decision under arrangements approved by the Secretary to the Department of Defence under section 23 of the FOI Act.

Document subject to amendment application

6. Section 50 [Amendment of records] of the FOI Act allows an agency to amend a document only where the decision maker is satisfied that the record of personal information to which the application relates is contained in a document of the agency.

7. I have identified XXX document titled "XXX" as the document which is subject of the amendment application under the FOI Act.

Decision

8. Following additional searches the document titled "XXX" was located which indicates that the information, to which the applicant has referred to, is incomplete/inaccurate. Accordingly, I have decided to amend it.

9. I have decided to amend the “XXXX” by adding the words:

“XXXXXX”

Material taken into account

10. In making my decision, I had regard to:

- a. the scope of the applicants request and subsequent internal review application;
- b. the evidence provided by the applicant;
- c. the original decision;
- d. contents of the documents subject to the internal review;
- e. relevant provisions in the FOI Act;
- f. the *Guidelines published by the Office of the Australian Information Commissioner under section 93A of the FOI Act* (the Guidelines); and advice provided by staff at XXXXXX

Finding and reasons

11. Section 50 [Amendment of records] of the FOI Act states:

Where the agency or Minister to whom such an application is made is satisfied that:

- (a) *the record of personal information to which the request relates is contained in a document of the agency or an official document of the Minister, as the case may be; and*
- (b) *the information is incomplete, incorrect, out of date or misleading; and*
- (c) *the information has been used, is being used or is available for use by the agency or Minister for an administrative purpose;*

12. Therefore a record can only be amended where the decision maker is satisfied that:

- a. the record of personal information to which the application relates is contained in a document of the agency;
- b. the applicant has previously had lawful access to the document;
- c. the information is incomplete, incorrect, out of date or misleading; and
- d. the information has been used, is being used or is available for use by the agency for an administrative purpose.

13. The amendment provisions in Part V of the FOI Act apply to personal information contained in a document. 'Personal information' has the same meaning as in the *Privacy Act 1988* which:

‘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.’*

14. I am satisfied the information to which the applicant refers is personal information about him.

15. I found that the personal information is contained within documents identified by the Department's that the information has been used for an administrative purpose.

16. I have considered whether the information is incomplete, incorrect, out of date or misleading in some way (section 50 FOI Act).

Remove irrelevant paragraphs

17. I have found that the information is 'incomplete'. That is to say that it fails to record a necessary detail or fails to deal with all the relevant facts and circumstances surrounding the personal information in question.

18. I have found that the information is 'incorrect'. The Guidelines dealing with amendment and annotation of personal records indicate 'incorrect' bears its normal everyday meaning. I understand the normal everyday meaning of 'incorrect' is that the information is factually erroneous or wrong in some respect.

19. I have found that the information is 'out of date'. Personal information might become 'out of date' as an individual's circumstances change. The information might not take into account subsequent information, coming into existence since the document was created. Information can be said to be 'misleading' if it could lead a reader into error, give the wrong impression or convey a second meaning which is untrue.

20. Taking into account the outcome of searches, I am satisfied that the "XXX" of the applicant is incomplete/incorrect/out of date" and have decided to have the document amended.

Accredited Decision Maker – Internal Review

**FREEDOM OF INFORMATION FOI 738/22/23 – INTERNAL REVIEW
SCHEDULE OF DOCUMENTS**

[illegible]

Attachments: Exemptions for line areas.docx

Good afternoon [Groups/service name]

The purpose of this email is to seek your urgent assistance, on behalf of s47E(d), Special Advisor FOI Reviews in understanding any sensitivities in the relevant documents that are subject to an *internal review* application under the *Freedom of Information Act 1982* (FOI Act). **Your response is due by cob [Date].**

Introduction

[Applicant name] has applied for internal review of the decision made by [ADM name] on [date] on the grounds that the exemptions were incorrectly applied in redacting the documents in the initial decision. A copy of the FOI statement of reason from the initial decision is attached. The application for *internal review*, made pursuant to section 54 of the FOI Act, is also attached. I have also attached the document titled "Exemptions for the line area" for you to populate.

Background

[Applicant name] originally requested access to the following documents under the FOI Act:

"FOI Request here."

Internal Review Contentions

4. The applicant believes exemptions XXX [XXX], XXX [XXXX] and XXXX [XXX] of the FOI Act.

Request to undertake additional searches for documents

We now require your advise in regards to any sensitivities in the documents and whether you believe these sensitivities should be redacted according to the exemptions of the FOI Act. Could you please advise us whether in your opinion the following exemptions apply to the document and if so could you please fill out the tables that relates to those exemptions in the attached "Exemptions for the line area document".

- XXX [XXX]
- XXX[XXXX]
- XXXX[XXX]

In filling out the tables in the attached document please note:

- The questions are long to assist you to respond. However the response itself will usually be a one word answer or one or two lines.
- Please respond in the green boxes
- If you do not have an answer to some of the questions leave that part blank or briefly explain why you cannot answer that question
- If you are unsure at any point or have any questions please feel free to call me

Time Limit

The FOI Act only allows 30 days to conduct and finalise the internal review application. We are unable to seek any extensions over 30 days when conducting a review.

I would appreciate if you could provide the information and details of searches as requested above by **cob [date response is due]**. If you require additional time please contact me as soon as possible.

I am the allocated case manager for this matter. If you have any questions in relation to the above request please do not hesitate to contact me.

Regards

YOUR SIGNATURE BLOCK

From: FOIReview
Cc: s47E(d) FOIReview
Subject: New Internal/External Review – FOI XXX/22/23

s22

Dear all,

Defence has received a new internal review application from [Applicant Name] for access to:

OR (Choose relevant sentence)

The Office of the Information Commissioner (OAIC) has notified Defence that [Applicant name], on behalf of [name/organisation], has applied for an external review for access to:

“SCOPE OF THE REQUEST”

In seeking an external/internal review the applicant contends that section XX [XXX] of the *Freedom of Information Act 1982 (FOI Act)* was incorrectly applied in redacting the documents OR/AND additional documents should have been located and has requested for fresh searches.

Background (if required for further details)

On [Date] the applicant submitted an FOI request.

On [Date], consultation with 4 third parties were conducted.

On [Date] the initial decision was made by [ADM's name] to release in full/ deny access/partially release XXX documents and under section XX[XX] of the FOI Act.

On [Date] the applicant sought an external/internal review.

On [Date] the internal review decision was to Vary/Uphold the initial decision If it's an external review and an internal review was previously done.

I have attached the application for the internal/external review and the initial decision/Statement of Reasons for your information.

Regards,

FOI Reviews

FOI Review Directorate

Media and Information Disclosure Branch
Ministerial & Executive Coordination and Communication Division
Department of Defence

FOIReview@defence.gov.au

PO Box 7910

s47E(d)

Canberra BC ACT 2610

From: FOIRview
To: s47E(d)
Cc: s47E(d)
Subject: New Sensitive Internal Review – FOI XXX/22/23

s22



Dear all,

Defence has received a new internal review application from [Applicant name] (the applicant), on behalf of [NAME/ORGANISATION], for access to:

OR

The Office of the Information Commissioner (OAIC) has notified Defence that [Applicant name], on behalf of [NAME/ORGANISATION], has applied for an external review for access to:

“SCOPE OF THE REQUEST”

In seeking an internal review the applicant contends XXX.

Background

On [Date] the applicant submitted an FOI request.

On [Date], consultation with 4 third parties were conducted.

On [Date] the initial decision was made by [ADM's name] to release in full/ deny access/partially release
XXX documents and under section XX[XX] of the FOI Act.

On [Date] the applicant sought an external/internal review.

On [Date] the internal review decision was to Vary/Uphold the initial decision If it's an external review and
an internal review was previously done.

I have attached the application for the internal/external review and the initial decision statement of reason
for your information

s22

Regards,

[INSERT SIGNATURE]

Reference: FOI XX/XX/XX
Objective ID: XXX

FOI XX/XX/XX STATEMENT OF REASONS UNDER THE FREEDOM OF INFORMATION ACT

1. I refer to XX application of XX in which he sought an internal review under section 54 of the *Freedom of Information Act 1982* (FOI Act) of the Accredited Decision Maker's decision, dated XXXX.

Original decision

2. The applicant's original decision refused XXX's request for amendment of XXXX. The applicant's request was to have his Record of Service amended under section 48 of the FOI Act:

XXXXXXXX.

Contentions

3. In the internal review application the applicant stated:

XXXXXXXX

4. The purpose of this statement of reasons is to provide the applicant with a fresh decision.

Reviewing officer

5. I am authorised to make this decision under arrangements approved by the Secretary to the Department of Defence under section 23 of the FOI Act.

Document subject to amendment application

6. Section 50 [Amendment of records] of the FOI Act allows an agency to amend a document only where the decision maker is satisfied that the record of personal information to which the application relates is contained in a document of the agency.

7. I have identified XXX document titled "XXX" as the document which is subject of the amendment application under the FOI Act.

Decision

8. I have decided to uphold the original decision not to refuse to amend the "XXXX".

9. EXPLANATION OF STEPS TAKEN TO LOCATE A DOCUMENT THAT WARRENTS THE REQUESTED AMENDMENT

10. In making my decision, I had regard to:

- a. the scope of the applicants request and subsequent internal review application;
- b. the evidence provided by the applicant;
- c. the original decision;
- d. contents of the documents subject to the internal review;
- e. relevant provisions in the FOI Act;
- f. the *Guidelines published by the Office of the Australian Information Commissioner under section 93A of the FOI Act* (the Guidelines); and advice provided by staff at **XXXXXX**

Annotation

11. In accordance with section 51 of the FOI Act, as my decision is to refuse to amend the document in whole or in part in accordance with the application under section 48, the Department is required to take reasonable steps to enable the applicant to annotate the document(s) which he has requested be amended.

12. Based on the above, I have formed the view that under section 51(1) of the FOI Act an annotation would be considered reasonable. If the applicant so chooses the annotation to his personal file would read as:

“XXXXX”

Accredited Decision Maker – Internal Review