



DEFENCE FOI 158/24/25

STATEMENT OF REASONS UNDER THE FREEDOM OF INFORMATION ACT 1982

1. I refer to an application by [REDACTED] (the applicant), received by the Department of Defence (Defence), for access to the following documents under the *Freedom of Information Act 1982* (Cth) (FOI Act):

...correspondence... within the Department of Defence (Defence)... pertaining to a potential or actual:

- *audit of the Inspector General of the Australian Defence Force (IGADF), and/or*
- *review of the IGADF.*

The persons, offices and/or areas from within the Department of Defence to which the request applies are as follows:

- o *The Chief of the Defence Force, General Angus Campbell, and/or his office, or*
- o *The Secretary of the Department of Defence, Mr Greg Moriarty, and/or his office, or*
- o *The Associate Secretary of the Department of Defence, Mr Matt Yannopoulos, and/or his office, or*
- o *The Inspector General of the Australian Defence Force, Mr James Gaynor, and/or his office.*

• *Correspondence refers to email, minutes and/or letters involving any of the aforementioned offices.*

• *The timeframe for the correspondence can be limited to between 1 June 2023 and 30 October 2023.*

I do not seek access to:

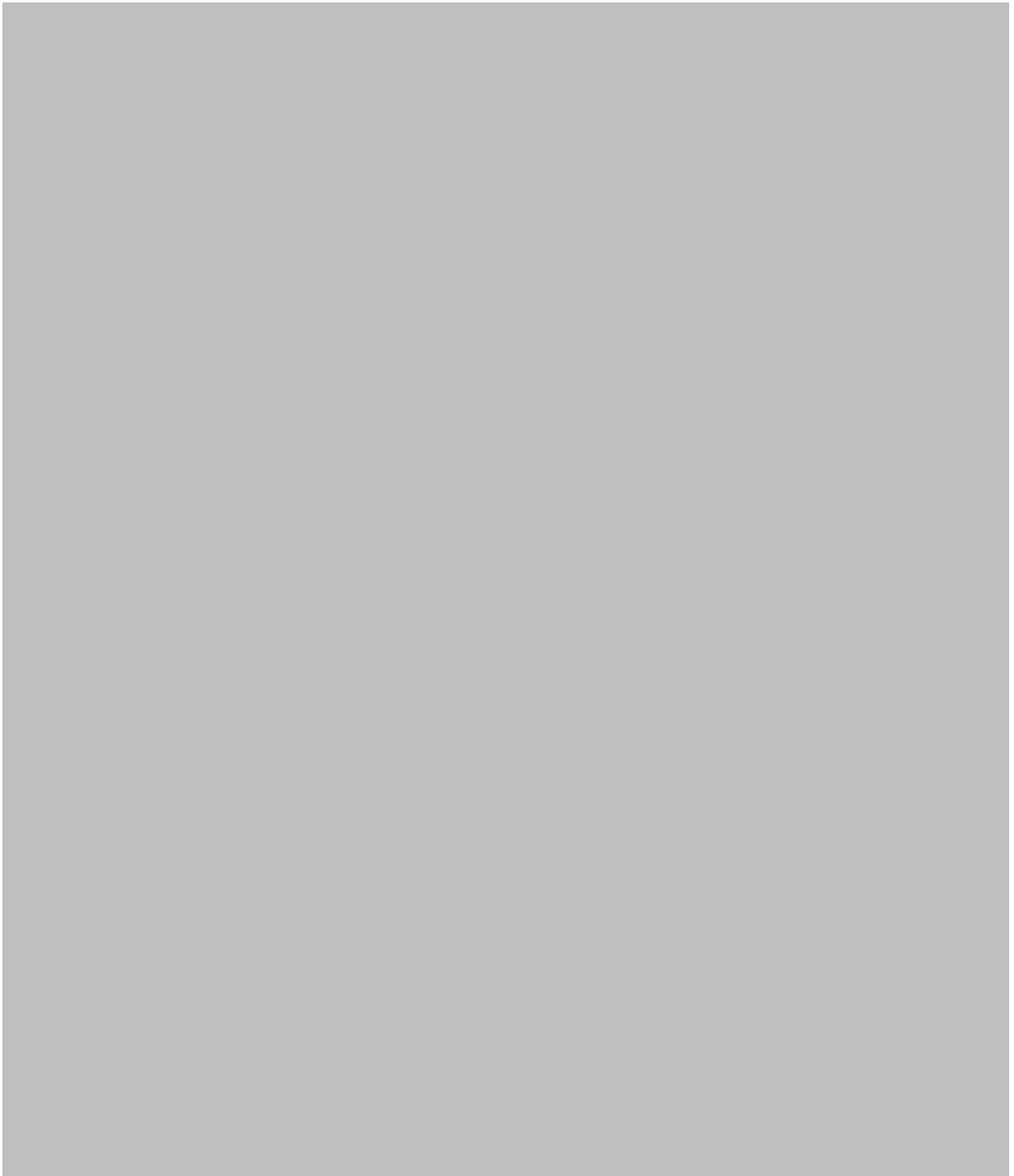
- *duplicates of any document captured within the scope of the request,*
- *the mobile numbers or full email addresses of government officials,*
- *the names and/or contact details of government officials not in the Senior Executive Service or equivalent.*

I do request the following not be redacted:

- *the position of junior official's and/or titles,*
- *email domains that provide useful information regarding the origin and destination of communication e.g. '[redacted]@defence.gov.au'*

2. This request was considered in two parts. The first part of the request is documents within Defence and between the offices listed in the scope of the request regarding a potential or actual audit of the Office of the Inspector-General of the Australian Defence Force (IGADF). The second part of the request is documents within Defence and between the offices listed in the scope of the request regarding the review of the IGADF, known as the IGADF Twenty-Year Review.

Background



FOI decision maker

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

Documents identified

11. In respect of the first part of the request, relevant records were published in response to FOI application 428/23/24. You may access those relevant records by searching the information disclosure log on the Defence website:

https://www.defence.gov.au/about/accessing-information/freedom-information-disclosure-log?combined_search=428/23/24&field_agency_value=All&op=Search#webform-submission-views-exposed-form-foi-disclosur-node-1833-add-form.

12. In respect of the second part of the request, I have identified three (3) documents as falling within the scope of the request.

Decision

13. I have decided to:

- a. partially release 3 documents in accordance with section 22 [access to edited copies with exempt or irrelevant matter deleted] of the FOI Act on the grounds that the deleted material is considered exempt under section 47E(d) [Public interest conditional exemptions – certain operations of agencies] of the FOI Act;
- b. 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; and
- d. the Guidelines published by the Office of the Australian Information Commissioner under section 93A of the FOI Act (the Guidelines).

REASONS FOR DECISION

Section 22 – 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. 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 47E(d) –Public interest conditional exemptions – certain operations of agencies

17. 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.

18. The Guidelines, at paragraph 6.115, provide that:

The predicted effect must bear on the agency's 'proper and efficient' operations, that is, the agency is undertaking its operations in an expected manner...

19. 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) of the FOI Act. 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.

20. I am satisfied that if the contact details of Defence personnel were 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 certain contact information could, therefore, reasonably be expected to prejudice the operations of Defence.

21. The Guidelines provide, at paragraph 6.112, 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 and workforce within the documents are not publicly available and that more appropriate communication channels are already available, I am satisfied that release of this information could reasonably be expected to lead to a change in Defence’s processes that would not lead to any efficiencies.

22. Accordingly, I am satisfied that the material is conditionally exempt under section 47E(d) of the FOI Act. My public interest considerations are detailed further below.

Public interest considerations - section 47E(d)

23. 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.

24. 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;*

25. 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).

26. Paragraph 6.233 of the Guidelines specifies a non-exhaustive list of public interest factors against disclosure. The factors I find particularly relevant to this request are that release of this information could reasonably be expected to prejudice:

- the protection of an individual’s right to privacy;
- the interests of an individual or a group of individuals;

- the management function of an agency;

27. 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 the release of the contact information 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.

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[REDACTED]
Accredited Decision Maker
Office of the Inspector-General of the Australian Defence Force