



DEFENCE FOI 765/24/25

STATEMENT OF REASONS UNDER THE FREEDOM OF INFORMATION ACT 1982

1. I refer to the request by [REDACTED] (the applicant), dated and received on 14 March 2025 by the Department of Defence (Defence), for access to the following documents under the *Freedom of Information Act 1982* (Cth) (FOI Act):

** documents relating to 'sun smart' (or 'sun safe') policy for service members.*
** documents relating to wearing of headdress, including the wearing of the slouch hat (HKFF), and the beret policy, in relation to considerations of sun exposure*
** reports on or summaries of the incidence of skin cancer in service members (excluding documents of a personal nature)*

Timeframe: from date

26/06/2006 - 12:00am

Timeframe: to date

18/04/2015 - 12:00am



FOI decision maker

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

Documents identified

4. I have identified five documents as falling within the scope of the request.
5. The decision in relation to each document is detailed in the schedule of documents.

Decision

6. I have decided to:
- a. release three documents in full;
 - b. partially release one document 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 irrelevant; and
 - c. refuse access to one document on the grounds that the document is considered exempt under sections 47E [public interest conditional exemptions – certain operations of agencies] and 47F [public interest conditional exemptions – personal privacy] of the FOI Act.

Material taken into account

7. 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

8. 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.
9. The documents identified in the schedule of documents as being released in part contain irrelevant material that do not relate to the request.
10. I am satisfied that it is reasonably practicable to remove the irrelevant material and release the documents to you in an edited form.
11. 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.
12. 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.
13. In the case of Document 5, I have decided to refuse access to the document as it would be meaningless and of little or no value once the exempt material is removed.

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

14. 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
15. The Guidelines provide, at paragraph 6.102, that:

Where the document relates to the agency's policies and practices in relation 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.*

16. Upon assessment of Document 5, I found that it contained information concerning the management and behaviour of personnel including personal medical information of current and former service members. Disclosure of the document would reveal sensitive personal information, that was collected for the dominant purpose of supporting the provision of health services to the individual, and which is protected from secondary disclosure under the Privacy Act.
17. Defence takes seriously its obligation to protect the health, safety and wellbeing of its people. I consider that disclosure of the document could prevent individuals from seeking medical attention early, or reduce trust that individuals have in sharing sensitive medical information with Defence for the purpose of receiving advice or treatment. I have placed weight on the significant consequences this potential harm could have on the health, safety and wellbeing of current and former ADF personnel, and consider this weighs heavily towards non-disclosure.
18. Accordingly, I am satisfied that the document is conditionally exempt under section 47E(c) of the FOI Act.

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

19. 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.*

20. 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.

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 within the documents 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.
22. Upon examination of Document 5, I identified information that was associated with the business processes within Defence that would not be widely known. I determined that the disclosure of the information would or could reasonably be expected to

negatively impact the integrity of the system by which defence undertakes its operations.

23. The Guidelines provide, at paragraph 6.112, that I should consider whether disclosure of the document ‘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 the sensitive nature of the document, I am satisfied that release of the document could reasonably be expected to lead to a change in Defence’s processes that would not lead to any efficiencies.
24. Accordingly, I am satisfied that the document is conditionally exempt under section 47E(d) of the FOI Act.

Section 47F – Public interest conditional exemptions - personal privacy

25. 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).

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

6.123 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.

27. I found that Document 5 contains sensitive personal medical information of current and former service members. This includes their employment details such as service, division, branch, location, position information and highly sensitive medical information which would reasonably identify third parties.
28. In my assessment of whether the disclosure of personal information is unreasonable, I considered the following factors in accordance with section 47F(2):
 - a. the extent to which the information is well known;
 - b. whether the person to whom the information relates is known to be (or to have been) associated with the matters dealt with in the document;
 - c. the availability of the information from publicly accessible sources; and
 - d. the effect the release of the personal information could reasonably have on the third party.
28. 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.

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

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

30. 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.

31. 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.*

32. 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).

33. 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;
- 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.

34. 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 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.

35. 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.
36. 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 47E(c), 47E(d) and 47F of the FOI Act.

FURTHER INFORMATION

37. 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.



Accredited Decision Maker
Army Headquarters
Department of Defence