



Australian Government
Department of Defence

Reference: R31071375

FOI 011/17/18 STATEMENT OF REASONS UNDER THE FREEDOM OF INFORMATION ACT

1. I refer to the application by [REDACTED] under the Freedom of Information Act 1982 (FOI Act), for access to the following documents relating to the former Maygar Barracks:

- 1. Office Building plans (Headquarters office building 500)*
- 2. Warehouse Building Plans (building 154)*
- 3. Water tank building Plans (Building 577)*
- 4. Drawing numbers V84/43-601 to 604, V84/34-103, V84/34-104, V84/34-106 and V84/34-202 for 32 Supply Battalion New Headquarters Building, Camp Road, Broadmeadows*
- 5. Underground services drawings that are in the vicinity of building 500, 154 and 577*

FOI decision maker

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

Documents identified

3. I identified five documents as matching the description of the request.
4. The decision in relation to each document is detailed in a schedule of documents.
5. I have added an FOI reference number and Item/Serial number to each of the documents, which corresponds with the schedule.

Decision

6. I have decided to:
 - a. 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 considered exempt under section 47F [public interest conditional exemptions-personal privacy] of the FOI Act; and
 - b. deny access to four documents under section 33(a)(i) [documents affecting national security] of the FOI Act.

Material taken into account

7. In making my decision, I had regard to:
 - a. the terms of the request;
 - b. the content of the identified documents in issue;

- c. relevant provisions in the FOI Act;
- d. the Guidelines published by the Office of the Australian Information Commissioner under section 93A of the FOI Act (the Guidelines); and
- e. advice from officials from Estate and Infrastructure Group within the Department of Defence.

Reasons for decision

Section 33 – national security

8. Section 33(a)(i) of the FOI Act exempts documents if disclosure would, or could reasonably be expected to, cause damage to the security of the Commonwealth. Paragraph 5.26 of the Guidelines describes damage to the security of the Commonwealth as broadly referring to the protection of Australia and its population from activities that are hostile to, or subversive of, the Commonwealth's interests.

9. The documents within the scope of this request contain information, which if released, could reasonably be expected to cause damage to the security of the Commonwealth. The documents contain detailed maps of Defence establishments, comprising building and underground services plans of operational assets. If this information were to be publicly released it would provide information that could assist groups or individuals who may wish to undertake illegal actions, including terrorism.

10. Accordingly I consider the release of the information, would or could reasonably be expected to, cause damage to the security of the Commonwealth. I therefore consider this information exempt under section 33(a)(i) of the FOI Act.

Section 47F - Personal privacy

11. Upon examination of the documents, I identified information, specifically a signature belonging to a person other than the applicant. This material satisfies the definition of personal information in section 4 of the FOI Act.

12. In accordance with section 47F(2) of the FOI Act, in determining whether the disclosure of this information would involve the unreasonable disclosure of personal information, I had regard to:

- 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 documents; and
- c. the availability of the information from publicly accessible sources.

13. Against those criteria I have found that this specific information is not readily available from publicly available sources, nor is the information well known. I have therefore decided that specified material identified in the documents is conditionally exempt pursuant to subsection 47F of the FOI Act.

Public interest considerations – Section 47F

14. I have found that the identified document is conditionally exempt under section 47F of the FOI Act. Section 11A (5) provides that if a document is conditionally exempt, it must be disclosed unless (in the circumstances) access to the document at that time would, on balance, be contrary to the public interest.

15. I considered the factors favouring disclosure set out in section 11B(3) of the FOI Act. The relevant factor is that disclosure may promote some of the objects of the FOI Act, as information held by the Government is a national resource.

16. However, the disclosure of this information would not increase public participation in the Defence process, nor would it increase scrutiny or discussion of Defence activities.

17. Paragraph 6.22 of the Guidelines specifies a non-exhaustive list of public interest factors against disclosure. The factor I find particularly relevant to this request is that release of this information could reasonably be expected to prejudice or harm the protection of an individual's right to privacy.

18. It is for those reasons that I find that the public interest factors against disclosure outweigh the factors for disclosure and I deem the information exempt under section 47F of the FOI Act.

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



Helen Blain
Accredited Decision Maker
Estate and Infrastructure Group

22 August 2017