



Australian Government
Department of Defence

FOI 057/18/19 - 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:

"a. QT14-000044 - Prohibited substance use in the Australian Defence Force dated 4 August 2017; [Serial 1]

b. SB18-000443 – Personnel 13: Prohibited substances and alcohol – dated 15 February 2018; and [Serial 2]

c. QT18-000381 – Prohibited substance and alcohol testing in the Australian Defence Force dated 26 July 2018." [Serial 3]

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 the three documents that match the description of the request.

Decision

4. I have decided to:
- a. partially release the documents identified as **Serial 1** and **Serial 2** in accordance with section 22 on the grounds that the deleted material is considered exempt under section 47F [public interest conditional exemptions-personal privacy] of the FOI Act;
 - b. release the document identified as **[Serial 3]** in full; and
 - c. remove irrelevant material as referred to in the scope of the request in accordance with section 22(1)(b)(ii) of the FOI Act.

Material taken into account

5. 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; 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 – Irrelevant material

6. Upon examination of the documents, taking into account the department excludes mobile telephone numbers contained in documents that fall within the scope of an FOI request, I have decided to remove irrelevant material where necessary.

Section 47F - Personal privacy

7. Upon examination of the documents, I identified the names and employment details of persons other than the applicant. I considered this information to be 'personal information' in accordance with section 4 of the FOI Act.

8. When assessing whether the disclosure of personal information is unreasonable, I considered the factors specified in section 47F(2) of the FOI Act:

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

9. Against these criteria, I found that the individual's whose personal information is contained in the documents is not widely known to be associated with the matters dealt with in the documents.

10. Noting the above, I have decided that disclosure of the specified information would be an unreasonable disclosure of personal information belonging to individuals other than the applicant. Accordingly, I consider that the material is conditionally exempt under section 47F of the FOI Act.

Public interest considerations – Section 47F

11. I have found that some of the identified documents are conditionally exempt under section 47F(1) 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'.

12. I considered the factors favouring disclosure set out in section 11B(3) of the FOI Act. The relevant factors being that disclosure may promote some of the objects of the FOI Act, as information held by the Government is a national resource and it would allow the applicant access to her own personal information.

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

14. Paragraph 6.22 of the Guidelines specifies a non-exhaustive list of public interest factors against disclosure. The factors I find particularly relevant to this request are that release of this information could reasonably be expected to prejudice the interests of an individual or a group of individuals.

15. 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 sections 47F(1) of the FOI Act.

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

Further Information

17. Two of the documents matching the scope of this request contained a dissemination limiting marker, as the documents are approved for public release the marker has been struck through.

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Joanne Groves
Accredited Decision Maker
Associate Secretary Group

September 2018