



Reference: AB32730468

**FOI 058/17/18 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:

*"Unit Histories" for 1 Remote Sensor Unit (formally known as 1 Radar Surveillance Unit) from 1995 till 2015".*

*excluding personal email addresses, signatures, PMKeys numbers and mobile telephone numbers, contained in documents that fall within the scope of the FOI request. In addition, excluding duplicates of documents*

**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 242 documents matching the description of the request.

**Decision**

4. I have decided to:

- a. release 36 documents in full;
- b. partially release 206 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 33(a)(i), 33(a)(ii) and 33(a)(iii) [Documents affecting national security, defence or international relations] and 47F [public interest conditional exemptions-personal privacy] and section of the FOI Act; 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;
- 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 a previous Commanding Officer of 1 Radar Surveillance Unit.

## Reasons for decision

### Section 33 – Documents affecting national security, defence or international relations

6. Section 33 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;*
  - (ii) the defence of the Commonwealth; or*
  - (iii) the international relations of the Commonwealth; or*
- (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.*

7. Upon review, I found the documents contain information in relation to unit operations, as well as testing, audits and visits by Government agencies, the disclosure of which could reasonably be expected to cause damage to the security or the defence of the Commonwealth.

8. Paragraph 5.30 of the Guidelines describes international relations 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, including relations between government agencies. The documents within the scope of this request contain information, which if released, could reasonably be expected to damage the international relations of the Commonwealth. This information details visits of other countries with similar facilities and the cooperation between these countries. If this information were to be publicly released by Defence without specific authorisation from the other nations, it would likely cause damage to the international relations of the Commonwealth insofar as it could limit the Commonwealth's ability to deal with these countries in relation to similar matters in the future. The disclosure of such information may diminish the confidence which another country has in Australia as a reliable recipient of its confidential information, making that country less willing to cooperate with Australian agencies in the future.

9. Accordingly, I consider the release of the information so marked, would or could reasonably be expected to cause damage to the security or the defence of the Commonwealth and the international relations of the Commonwealth. I therefore consider this information exempt under section 33 of the FOI Act.

### Section 47F - Personal privacy

10. Upon examination of the documents, I identified information, specifically names and personal information of members posted on strength to the unit. As a person's identity could be apparent or reasonably ascertainable from the identified information, I have decided that it constitutes personal information.

11. In determining whether release of the above personal information is unreasonable, I took into account, inter alia:

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

12. Against these criteria, I found:

- a. the specific identified information is not well known;
- b. the persons to whom the information relates is not widely known to be (or to have been) associated with the matters dealt with in the documents;
- c. the specific identified information is not publicly available from publicly accessible sources, and
- d. the persons to whom the information relates have not provided their consent to the release of their information.

13. With reference to the assessment above, I consider the release of personal identifying information would be an unreasonable disclosure of personal information and therefore conditionally exempt under section 47F(1) of the FOI Act.

14. Section 11A(5) of the FOI Act allows access to conditionally exempt documents unless, in the circumstances, access to the document would be contrary to the public interest.

#### **Sections 47F - Public interest considerations**

15. In assessing whether disclosure of the conditionally exempt material is, on balance, contrary to the public interest, I considered the range of relevant factors that favour access to a document set out in section 11B(3) [public interest exemptions – factors favouring access] of the FOI Act. While disclosure may promote some of the objects of the FOI Act, as information held by Government is a national resource, I do not consider it would increase public participation in government processes, nor would it increase scrutiny or discussion of government activities.

16. On balance, I believe the potential prejudice to the privacy of persons other than the applicant outweighs any potential benefit from promoting the objects of the Act. I consider that the public interest is better served in protecting the privacy of individuals whose personal details are contained within these documents from release to the public at large.

17. I also decided to remove the names and/or employment identification number of some Defence personnel who were acting in their official capacity. I have removed this material as I consider it to be an unreasonable disclosure of personal information due to its association with not only training and general functions of the unit, but personal undertakings and achievements.

18. In coming to the above decision, I considered subsection 11B(4) [irrelevant factors] of the Act. None of these factors were taken into account in making my decision. I therefore decided that it would be contrary to the public interest to release the information considered exempt under section 47F of the FOI Act.

**Further Information**

19. Some 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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**K. Ashworth**  
Group Captain  
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