



Australian Government

Department of Defence

Reference: BJ2639412

FOI 187/18/19 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:

"... the Navy logs of HMAS Stuart from April 2003.

In order to make the processing of this request as easy as possible, I am specifically seeking the logs from the four-day period HMAS Stuart was involved in the pursuit of North Korean freighter, the Pong Su."

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

Documents identified

3. I identified one document as matching the description of the request.

Decision

4. I have decided to:
- partially release the 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
 - 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:
- the terms of the request;
 - the content of the identified document in issue;
 - relevant provisions in the FOI Act; and
 - the Guidelines published by the Office of the Australian Information Commissioner under section 93A of the FOI Act (the Guidelines).

Reasons for decision

Section 47F - Personal privacy

6. Upon examination of the document, I identified information, specifically the names of individuals other than the applicant.
7. Section 47F(1) conditionally exempts a document if its disclosure would involve the unreasonable disclosure of personal information about any person (including a deceased person).
8. When assessing whether the disclosure of personal information is unreasonable, I considered the following factors:
 - 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 publicly accessible sources.
9. Against the criteria, I found:
 - a. the specific personal information listed is not well known;
 - b. individuals whose personal information is contained in the document are not widely known to be associated with the matters dealt with in the document; and
 - c. the personal information is not readily available from publicly accessible sources;
10. Taking into account the above factors, I consider that the release of names of the individuals would be an unreasonable disclosure of personal information and is conditionally exempt under section 47F(1) of the FOI Act.
11. 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'. My public interest considerations are detailed below.

Sections 47F - Public interest considerations

12. I have found that the identified document is conditionally exempt under section 47F(1) of the FOI Act. 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.
13. However, 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).
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:
 - a. the protection of an individual's right to privacy; and
 - b. the interests of an individual or a group of individuals.
15. I consider the release of personal information could reasonably be expected to cause harm to the privacy of third parties. Taking into account the above factors, I consider that the

public interest is better served in this case by maintaining the personal privacy of the individuals named.

16. 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(1) of the FOI Act.

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

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MG McArthur
Captain, Royal Australian Navy
Accredited Decision Maker
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