



DEFENCE FOI 506/20/21 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:

“Any correspondence and briefings regarding the Prime Minister Scott Morrison's visit to the RAAF Base Williamtown for the timeframe 17 March 2021 to 17 May 2021.

‘Please exclude duplicates, documents that have already been publicly released, media releases /reports/articles and correspondence with media. If emails are captured, please limit to the final thread of the conversation. If there are multiple briefing notes on the same topic, please limit to the most recent, along with any attachments.

I also agree to have the names and direct contact details of non-senior staff, where that information is contained in documents within scope of your request, removed”

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 26 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.

Exclusions

6. Personal email addresses, signatures, PMKeyS numbers and mobile telephone numbers contained in documents that fall within the scope of the FOI request, duplicates of documents, and documents sent to or from the applicant are excluded from this request. Defence has only considered final versions of documents.

Decision

7. I have decided to:
 - a. release 14 documents in full;
 - b. partially release 12 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 47E [public interest conditional exemptions-certain operations of agency] and 47F [public interest conditional exemptions-personal privacy] 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

- 8. 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 Airbase Operations Squadron - RAAF Base Williamtown.

Reasons for decision

Section 47E(d) – Certain operations of agencies

9. In relation to subsection 47E(d) of the FOI Act, paragraph 6.123 of the Guidelines advise that, where the document relates to certain operations of agencies, the decision maker must address whether *‘the predicted effect must bear on the agency’s “proper and efficient” operations, that is, the agency is undertaking its expected activities in an expected manner.’*

10. I found that the documents contain information pertaining to the well-established processes that the Australian Defence Force has in place, to manage and support visits by senior executive personnel from external agencies. If the information was made publicly available, it could reasonably be expected to have an adverse effect on the Australian Defence Force’s ability to manage its working relationships with external agencies and support visits in the future.

11. Noting all of the above, I have decided that the material is conditionally exempt under subsections 47E(d) of the FOI Act. My public interest considerations are listed below.

Section 47F – Personal privacy

12. Upon examination of the documents, I identified that certain material contains personal information of individuals other than the applicant.

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

14. Against the criteria, I found:

- a. the specific personal information listed is not well known;
- b. the documents contain third party personal information;
- c. the information is not readily available from publicly accessible sources; and
- d. release of the information would cause stress on the third parties.

15. Taking into account the above factors, I consider that the release of the personal information of individuals other than the applicant would be an unreasonable disclosure of

personal information and is conditionally exempt under section 47F of the FOI Act. My public interest considerations are listed below.

Sections 47E(d) and 47F - Public interest considerations

16. Section 11A(5) provides that, if a document is conditionally exempt, it must be disclosed unless (in the circumstances) access to the documents at the time would, on balance, be contrary to the public interest.

17. I have found that the identified material is conditionally exempt under sections 47E(d) and 47F of the FOI Act.

18. In assessing whether disclosure of the conditionally exempt material is in the public interest, I considered the objects of the FOI Act and the Guidelines.

19. While I consider that release of the material removed under sections 47E(d) and 47F may be of some interest to the applicant, disclosure of the conditionally exempt material would not inform public debate on any matter of public importance in any meaningful way. There is also a public interest in maintaining the confidentiality of material contained in the documents, and there is an expectation that the Australia Defence Force manages its information in a sensitive way.

20. 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 the information could reasonably be expected to:

- a. prejudice the protection of an individual's right to privacy
- b. prejudice an agency's ability to obtain confidential information
- c. prejudice an agency's ability to obtain similar information in the future.

21. 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 47E(d) and 47F of the FOI Act.

22. In coming to the above decision I considered factors outlined in section 11B(4) [irrelevant factors] of the FOI Act. None of these factors were taken into account in making my decision.

Further information

23. 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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A. Ormsby
Group Captain
Accredited Decision Maker
Air Force