



Australian Government
Department of Defence

Defence Reference: FOI 200/20/21

FOI 200/20/21 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:

“On 29/8/11 Defence released a document titled ‘Review of Changes to ADF Modes of Separation for Superannuation Purposes’ which can be found in the Defence FOI disclosure log under FOI number 362/10/11 362/11/12 Document . Under the Freedom of Information Act 1982 I request a copy of documents which instigated and called for the production of the review including, but not only, correspondence, advertisements, terms and conditions, tender process, tender award and minutes of meetings.”

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.

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.
4. I have added an FOI reference number to the document.

Decision

5. 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]; and
 - b. 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

6. 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 Defence People Group.

Reasons for decision

Section 47F - Personal privacy

7. Upon examination of the documents, I identified names of individuals who are not the applicant. As a person's identity could become apparent or reasonably ascertainable from the identified information, I have decided that this information constitutes the definition of personal information.

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 documents;
- c. the availability of the information from publicly accessible sources; and
- d. the effect the release of the personal information could reasonably have on the individual.

9. Against the criteria, I found:

- a. the specific personal information listed is not well known;
- b. the individuals whose personal information is contained in the documents are not widely known to be associated with the matters dealt in the documents; and
- c. the information is not readily available from publicly accessible sources.

10. With reference to the above, I consider that the release of the identified information would be an unreasonable disclosure and consider them 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 set out below.

Public interest considerations - Section 47F

12. In assessing whether disclosure is on balance, contrary to the public interest, I considered the Guidelines together with a range of factors set out in section 11B(3) of the FOI Act, which favours access to a document:

- (a) promote the objects of this Act (including all the matters set out in sections 3 and 3A);
- (b) inform debate on a matter of public importance; and
- (c) promote effective oversight of public expenditure.

13. I note that disclosure of the requested documents may promote some of the objects of the FOI Act, as information held by the Government is a national resource. However, disclosure of the specific conditionally exempt material would not increase public participation in the Defence process, nor would it increase scrutiny or discussion of Defence activities.

14. While I consider that release of the material removed under sections 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. Additionally, I do not consider that disclosure of the material would promote oversight of public expenditure. Furthermore, 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.

15. 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 or harm:

- a. the protection of an individual's right to privacy;
- b. the interests of an individual or group of individuals; and
- c. an agency's ability to obtain similar information in the future.

Brett Bettiol

Brett Bettiol
Accredited Decision Maker
Defence People Group

30 November 2020