



Reference: BJ4401693

FOI 417/19/20 STATEMENT OF REASONS UNDER THE FREEDOM OF INFORMATION ACT

1. I refer to the application by _____ under the *Freedom of Information Act 1982* (FOI Act), for access to:

“...reports, correspondence, emails, minutes and/or any other documents containing advice provided by former Defence Department climate and security adviser Ian Cumming on issues regarding climate and/or security and/or natural disasters including bushfires, from 1 April 2016 to 1 May 2019”

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 11 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.

Decision

6. I have decided to:
- a. fully release one (1) document
 - b. partially release ten (10) 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 47F [public interest conditional exemptions-personal privacy]; 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

7. 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 47F - Personal privacy

Conditional Exemption – Section 47F(1) – Personal privacy

8. Upon examination of the documents, I identified information, such as names and other types of personal information belonging to individuals other than the applicant.

9. 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 available sources; and
- d. the effect the release of the personal information could reasonably have on the third party.

10. I found that the:

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

11. The release of the details of individuals identified in the documents could reasonably be expected to cause harm to their privacy. 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 conditionally exempt under section 47F(1) of the FOI Act.

Section 47F - Public interest considerations

12. I have found that 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 public interest.

13. I considered the factors favouring disclosure set out in 11B(3) of the FOI Act. The relevant factors are 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 their own personal information.

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

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; and
- b. the interests of an individual or group of individuals.

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.

Further Information

17. 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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Date: 2020.04.01
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Stephen Hledik
Colonel
Accredited Decision Maker
VCDF Executive