



## **FOI 511/19/20 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:

*“By way of background, Defence has contracted (Contract Number CN3668991) the CSIRO to conduct work for a ‘Coronavirus Survivability Project’ over the period 16 March 2020 to 15 March 2021. I seek access to:*

- 1. The scope of work as defined in the contract.*
- 2. All emails between the Defence and CSIRO points of contact after contract commencement.*
- 3. Any product of the contract to date, be it preliminary, draft or final, insofar as the product falls within the definition of a document in S4 of the FOI Act...”*

### **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 18 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. Release two documents in full;
  - b. partially release 16 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 section 33(a)(ii) and (iii) [Documents affecting defence or international relations] 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**

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;
  - d. the Guidelines published by the Office of the Australian Information Commissioner under section 93A of the FOI Act (the Guidelines); and

- e. advice received from the Commonwealth Scientific and Industrial Research Organisation (CSIRO), the Reserve Bank of Australia (RBA) and from officers within the Defence Science and Technology Group.

### **Reasons for decision**

#### **Section 22 – Access to edited copies with exempt or irrelevant matter deleted**

8. Subsection 22(1) of the FOI Act requires that where a decision maker denies access to a document they must consider releasing the document with exempt matter deleted, where possible. Upon examination of the documents I identified material which I consider could reasonably be regarded as irrelevant to the request. As such I have prepared an edited copy of the documents with this irrelevant material deleted.

#### **Section 33 – National security, defence or international relations**

9. Section 33(a) of the FOI Act exempts a document if disclosure of the document 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.

10. Upon examination of the documents, I identified information pertaining to Defence and its international partners that could impinge on Defence's ability to undertake activities and damage relationships with those partners. The information includes references to specific measures being considered for use by Defence and identification of individual employees and organisations of international partners that are undertaking collaborative programs with Defence.

11. Consideration has been made regarding the mosaic effect of releasing the information that may on its own appear to be insignificant. However, when combined with other publicly available information, and material in the document that is being released, the information would divulge specific Defence capabilities and information that has been deemed sensitive by international governments.

12. Taking into account the above, I find that the release of the information could reasonably hinder Defence activities and damage its international relations, thereby diminishing the effectiveness of the Australian Defence Force. Accordingly, I consider the release of this information is exempt under section 33(a)(ii) and (iii) of the FOI Act.

#### **Section 47F - Personal privacy**

13. Upon examination of the documents, I identified information, specifically names, telephone numbers and identifying email addresses of individuals who work for CSIRO, RBA and Defence, and personal details of another third party not related to the contract, the disclosure of which would constitute an unreasonable disclosure of personal information.

14. Section 47F of the FOI Act provides that a document is conditionally exempt if disclosure under the FOI Act would involve unreasonable disclosure of personal information of any person. 'Personal Information' means information or an opinion about an identified individual, or an individual who is reasonably identifiable, whether the information or opinion is true or not, and whether the information or opinion is recorded in a material form or not (see section 4 of the FOI Act and section 6 of the *Privacy Act 1988*).

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

16. 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 with in the documents; and
- c. the information is not readily available from publicly accessible sources.

17. I also considered the results of consultations with CSIRO and RBA and their request to maintain the privacy of individual employees. The release of personal information of individuals could reasonably be expected to cause harm to their privacy.

18. Taking into account the above factors, I consider that the release of information of third party individuals would be an unreasonable disclosure of personal information and I find it conditionally exempt under section 47F of the FOI Act.

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

#### *Factors in favour of disclosure*

19. I considered the factors set out in section 11B(3) of the FOI Act which may be in favour of disclosure, that is to promote the objects of the FOI Act, to inform debate on a matter of public importance, or promote oversight of public expenditure. On reviewing the information, I did not find that disclosure of the personal information would promote the objects of the FOI Act, or inform debate on a matter of public importance, or promote oversight of public expenditure.

#### *Factors against disclosure*

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 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
- c. 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 section 47F of the FOI Act.

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

**Sandeman, Ruth**

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 Accredited Decision Maker  
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