



Defence Reference: FOI 586/19/20

JHC Reference: BN18706636

**FOI 586/19/20 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:

*“I wish to receive the following documents. These documents relate to adverse and serious adverse event notifications received by the Department of Defence and Veterans' Affairs Human Research Ethics Committee.*

*By way of background, the DDVA HREC's annual report for the period 1 July to 31 December 2017 references notifications for 3 adverse events and 14 serious adverse events (page 8).*

*I wish to receive*

*(1) The notification reports for the 3 adverse events; and  
(2) The notification reports for the 14 serious adverse events  
(3) In addition, I wish to receive the follow-up reports produced by the study's principal investigator for each of the 14 serious adverse events mentioned in (2). These reports were submitted to the DDVA HREC in December 2017.”*

*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, and documents sent to and from you. Furthermore, Defence only considers 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 17 documents (34 pages) 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 and document number to each of the documents, which corresponds with the schedule.

**Decision**

6. I have decided to partially release the 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].

### **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**

8. Upon examination of the documents, I identified names, contact details, and date of births 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.

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 accessible sources; and
  - d. the effect the release of the personal information could reasonably have on the individual.
10. 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.

11. 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.

12. 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.

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

13. I consider that disclosure will promote the objects of the FOI Act, as information held by the Government is a national resource. However disclosure of information in these documents would not increase participation in debate on a matter of public importance. Further, I consider that disclosure of personal information would not increase scrutiny or discussion of Defence activities.

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. Releasing details that would identify an individual including names could cause significant harm to the individuals involved. 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 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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Paul Naveau  
Accredited Decision Maker  
JHC