



Defence Reference: FOI 596/19/20

JHC Reference: BN17678428

**FOI 596/19/20 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 request Australian Defence Human Research Ethics Committee (ADHREC) and Defence meeting minutes relating to the consideration of and the use of Chloroquine as a preventative for COVID 19, on service personnel from the 14th of February 2020 to the 25th of June 2020."*

*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 one document as matching the description of the request.

**Decision**

4. I have decided to;
- a. partially release the 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**

5. 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**

6. 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.

7. 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.

8. 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.

9. With reference to the above, I consider that the release of the identified names would be an unreasonable disclosure and consider them conditionally exempt under section 47F(1) of the FOI Act.

**10.** 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**

11. I found that the identified document is conditionally exempt under sections 47F of the FOI Act.

12. I considered the factors favouring disclosure set out in section 11B(3) of the FOI Act. The relevant factors being that disclosure may promote some of the objectives of the FOI Act, as information held by the government is a national resource

13. While I note that the release of the information being withheld may be of interest to the applicant, it would not inform public debate on a matter of public importance in any meaningful way.

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. I considered that all of the above factors weigh heavily against disclosure at this time. Disclosure of this information would not increase public participation in government processes nor would it, in my view, increase scrutiny or discussion of government activities.

16. Releasing details that would identify individuals could reasonably be expected to cause harm to the privacy of third parties. I consider that the public interest is better served in this case by maintaining the personal privacy of the individual named.

17. It is for those reasons that I find the public interest factors against disclosure outweigh the factors for disclosure and I deem the information exempt under section 47F of the FOI Act.

18. 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

July 2020