



DEFENCE FOI 001/24/25

STATEMENT OF REASONS UNDER THE FREEDOM OF INFORMATION ACT 1982

1. I refer to the request by James Smith (the applicant) for access to the following documents under the *Freedom of Information Act 1982* (Cth) (FOI Act):

Please provide a copy of any video recording, transcript or other released materials or documents relating to the Australian Army's Special Operations Task Group (SOTG) Rotation XII media round table at Army Headquarters, Canberra, on Thursday, 9 May 2013, regarding the awarding of the Battle Honour Eastern Shah Wali Kot.

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 have identified nine (9) documents falling within the scope of the request. Of these, two (2) videos have been captured that are saved in MP4 format. A Schedule of Documents has been prepared.

Decision

4. I have decided to release six (6) documents in full. I have decided to partially release three (3) 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] of the FOI Act.

Materials taken into account

5. In making my decision I have had regard to:
 - a. the terms of the request;
 - b. the content of the identified documents in issue;
 - c. relevant provisions of 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 22 – Access to edited copies with exempt or irrelevant matter deleted

6. Section 22 of the FOI Act permits an agency to prepare and provide an edited copy of a document where the agency has decided to refuse access to an exempt document, or

that to give access to a document would disclose information that would reasonably be regarded as irrelevant to the request for access.

7. Three (3) documents contain exempt material. I am satisfied that it is reasonably practicable to remove the exempt material and release the documents to you in an edited form.

Section 47F – Public Interest Conditional Exemptions – personal privacy

8. Section 47F(1) of the FOI Act states:

A document is conditionally exempt if its disclosure under this Act would involve the unreasonable disclosure of personal information about any person (including a deceased person).

9. The FOI Act shares the same definition of ‘personal information’ as the *Privacy Act 1988* (Cth). The Guidelines provide that:

6.123 Personal information means information or an opinion about an identified individual, or an individual who is reasonably identifiable:

(a) whether the information or opinion is true or not; and

(b) whether the information or opinion is recorded in a material form or not.

10. I found that that three (3) documents contain personal information about an individual that is not well known and is not publically available, being the names of media personnel, junior departmental personnel, and personal mobile telephone numbers. The release of the names and contact details of individuals identified in the documents could reasonably be expected to cause harm to their privacy.
11. In my assessment of whether the disclosure of this personal information is unreasonable, I considered the following factors in accordance with section 47F(2):
 - 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 document;
 - 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 third party.
12. I found that the personal information redacted in the documents is not widely known to be associated with the matters dealt with in the documents and the information is not readily available from publicly accessible sources.
13. 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 of the FOI Act.

Public interest considerations – section 47F

14. Section 11A(5) of the FOI Act states:

The agency or Minister must give the person access to the document if it is conditionally exempt at a particular time unless (in the circumstances) access to the document at that time would, on balance, be contrary to the public interest.

15. I have considered the factors favouring disclosure as set out in section 11B(3) [factors favouring access] of the FOI Act. The relevant factors being whether access to the document would:

(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.

16. In my view, disclosure of this information would not increase public participation in the Defence process (section 3(2)(a) of the FOI Act), nor would it increase scrutiny or discussion of Defence activities (section 3(2)(b) of the FOI Act).

17. Paragraph 6.233 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:

- the protection of an individual's right to privacy; and
- the interests of an individual or a group of individuals.

18. I consider that the disclosure of the names of media personnel who were invited to the Defence event, and of junior Departmental personnel, would be adverse to their privacy, and that given there are no factors favouring disclosure, they should not be disclosed.

19. Further, it is in the public interest that Defence efficiently and productively operates with regard for the health and wellbeing of its personnel. Defence has an obligation to protect the personal information of staff members. Existing communication channels and processes enable efficient and appropriate liaison with the public. The direct contact details of Defence personnel should, therefore, not be disclosed, as the public interest against their disclosure outweighs the public interest in their release.

20. I have not taken any of the factors listed in section 11B(4) [irrelevant factors] of the FOI Act into account when making this decision.

21. I am satisfied, based on the above particulars, the public interest factors against disclosure outweigh the factors for disclosure, and that, on balance, it is against the

public interest to release the information to you. Accordingly, I find that the information is exempt under section 47F of the FOI Act.

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Date: 2024.10.03 09:31:49 +10'00'

Air Commodore Catherine Wallis
Accredited Decision Maker
Associate Secretary Group
Department of Defence