



Cathy Minnucci

By email: foi+request-11850-86d308ec@righttoknow.org.au

Office of General Counsel
GPO Box 367
CANBERRA CITY ACT 2601
www.airservicesaustralia.com

ABN 59 698 720 886

Dear Ms. Minnucci

FOI 24 - 61 - Decision on Access

I refer to the request made under the *Freedom of Information Act 1982 (Cth)* (**FOI Act**) to Airservices Australia (**Airservices**) on 7 August 2024 (**the request**). It seeks access to:

...a copy of Airservices Australia's complaint documents and listings recently provided by ASA to a Hobart journalist.

Airservices sought to clarify the scope of your request with you by email and you provided the following additional information on 22 August 2024 to assist our document searches:

*Article appeared in the Hobart Mercury 2nd August 2024 front page "Flying Solo" and page 13 "Lots of noise over airport" Journalist was Mr David Killick.
Article directly quoted ASA Complaints Data*

I am authorised under section 23 of the FOI Act and the Airservices Instrument of Delegation and Authorisation to make decisions on primary requests under the FOI Act.

Decision

Access in part

Airservices has located one (1) document within scope of the request. I have decided to grant access to the document sought by the request in part as it contains material that is:

- conditionally exempt under sections 47F (personal privacy) and access to that conditionally exempt material would be contrary to the public interest; and
- irrelevant to the scope of the request under section 22 of the FOI Act.

The document and my decision in relation to it is set out in the schedule of documents at **Attachment A (the Schedule)**. I have also included details of a second document in the Schedule that is linked in the document being released as part of this decision. While the second document is publicly available, I have provided a pdf copy as part of this decision for your convenience.

The reasons for my decision are set out in the Statement of Reasons at **Attachment B**.

Review rights and complaints

Information about your rights of review and how you can make a complaint about the handling of your request is at **Attachment C**.

Contact

If you wish to discuss my decision please contact me at foi@airservicesaustralia.com.

Yours sincerely

Marcus Bourget
Authorised FOI Decision Maker

6/09/2024

SCHEDULE OF DOCUMENTS

Doc No.	Description	Decision
1.	<i>Email</i> Subject: Complaints Data	<i>Release in part</i> Section 22 – material that did not form part of original document and names of Airservices Australia personnel processing FOI request Section 47F – mobile phone number of Airservices Australia personnel
2.	<i>Pdf</i> Subject: Submission 42 – Airservices Australia	Pdf copy included for convenience given it is hyperlinked within document no.1 via the following words 'submission to this inquiry'. This pdf is publicly accessible at Submissions – Parliament of Australia (aph.gov.au)

STATEMENT OF REASONS

Material on which the decision is based

I relied on the following material in coming to this decision:

- the terms of the request;
- the documents subject to the FOI request;
- advice from subject matter specialists within Airservices Australia (**Airservices**) regarding the nature and sensitivity of the documents subject to the request;
- the FOI Act; and
- the guidelines issued by the Australian Information Commissioner under section 93A of the FOI Act (**FOI Guidelines**).

Section 22 - Irrelevant material

Section 22 of the FOI Act relevantly provides that if an agency may delete information from a document where it is irrelevant to a request.

I have found that the document (identified in the Schedule) contains irrelevant matter and have deleted it pursuant to section 22 of the FOI Act. This includes the names and contact details of Airservices personnel processing your request.

Section 47F - personal privacy

Section 47F of the FOI Act relevantly provides that 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). Access to the conditionally exempt document may only be withheld where it is contrary to the public interest.

The document (identified in the Schedule) contains personal information, specifically names and contact information and other personally identifying information of Airservices personnel contained within. I am satisfied that this personal information is not publicly available, nor are the individuals concerned well known to be involved in the matters described in the documents.

I therefore find that disclosure of this personal information would be unreasonable and conditionally exempt under section 47F(1) of the FOI Act.

When considering whether access to this personal information is contrary to the public interest I acknowledge that access would inherently promote the objects of the FOI Act, demonstrating full transparency of government. However, providing access to this personal information would also intrude on the privacy of the individuals to whom the personal information relates whilst also not providing great insight into the decision making processes of Airservices. This adverse effect outweighs any benefit that could flow from disclosing that personal information.

As a result, I am satisfied that access to the personal information would be contrary to the public interest, and have decided to withhold access to it.

INFORMATION ON REVIEW RIGHTS

The *Freedom of Information Act 1982* (**the FOI Act**) gives you the right to apply for a review of this decision via:

- (a) an internal review; or
- (b) the Australian Information Commissioner (**Information Commissioner**).

Internal review

If you apply for internal review, it will be carried out by a different decision-maker who will make a fresh decision on your application. An application for review must be:

- (a) made in writing;
- (b) made within 30 days of receiving this letter; and
- (c) sent to foi@airservicesaustralia.com.

No particular form is required, but it is desirable to set out in the application the grounds upon which you consider the decision should be reviewed.

If the internal review results in you not being provided access to all of the documents to which you have requested access, you have the right to seek a review of that decision by the Information Commissioner.

Information Commissioner review

You can opt to instead seek external review by the Information Commissioner. To seek review you must apply to the Information Commissioner within 60 days of the receipt of this decision letter. Further details on this process can be found on their website at <https://www.oaic.gov.au/>.

You will also have the opportunity to seek Information Commissioner review of an Internal Review if you are dissatisfied with its outcome.

Complaints to the Information Commissioner

Information Commissioner

You may also complain to the Information Commissioner concerning action taken by an agency in the exercise of powers or the performance of functions under the FOI Act. There is no fee for making a complaint. A complaint to the Information Commissioner must be made in writing. Further details on this process can be found on their website at <https://www.oaic.gov.au/>.