



Our ref: FOI 24-91 (Minnucci)

20 January 2025

Cathy Minnucci

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Dear Cathy

FOI 24-91 (Minnucci) - Decision on Access

Request

I refer to your request made under the *Freedom of Information Act 1982* (Cth) (**FOI Act**) to Airservices Australia (**Airservices**) on 17 December 2024.

Your application scope requested documents, as follows:

Could I please obtain a copy of all documents that directly relates to the existing Noise Monitors in Primrose Sands, Connelly's Marsh and Dunalley TAS from June 2024 to Dec 2024. This would include location, supplier, calibration levels, actual noise data, results and findings that were used in ASA's decision making for these areas.

Decision

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.

Due date

I note that the due date for our decision on your request is **20 January 2025**.

Decision

I have identified eight documents that fall within the scope of your request.

I have decided to provide you partial access to these documents as they contain material that is:

- Conditionally exempt under section 47F (personal privacy) of the FOI Act, as disclosure of the material would be contrary to the public interest
- Irrelevant to the scope of your request under section 22 of the FOI Act.

The documents and my decision in relation to them are set out in the Schedule of Documents at **Attachment A** (the Schedule).

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

Saira



Saira
Delegated FOI Decision Maker

SCHEDULE OF DOCUMENTS: FOI 24-91 (Minnucci)

No.	Pages	Description	Decision
1.	1-9	Deployment Report for Connelly's Marsh NMT Location 46 Date: 15 October 2024	Release in part Section 47F – personal privacy (personal information of Airservices and third-party organisation staff)
2.	1-10	Deployment Report for Dunalley NMT Location 400 Date: 5 October 2024	Release in part Section 47F – personal privacy (personal information of Airservices and third-party organisation staff)
3.	1-8	Deployment Report for Primrose Sands NMT Location 399 Date: 5 October 2024	Release in part Section 47F – personal privacy (personal information of Airservices and third-party organisation staff)
4.	1-21	Completion Report for Connelly's Marsh Version 1 Date range: 7 June 2024 – 12 December 2024	Full release
5.	1-19	Completion Report for Dunalley Version 1 Date range: 11 June 2024 – 12 December 2024	Full release
6.	1-19	Completion Report for Primrose Sands Version 1 Date range: 11 June 2024 – 12 December 2024	Full release
7.	Excel spreadsheet	Noise Data All noise events recorded by STMs Date range: 7 June 2024 – 12 December 2024	Full release

No.	Pages	Description	Decision
8.	Excel spreadsheet	Correlated Noise Data <i>Noise events recorded by STMs that correlate to an aircraft, with aircraft details</i> Date range: 7 June 2024 – 12 December 2024	<i>Full release</i> Section 22 – irrelevant material (flight numbers and tail numbers)

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 in our Environmental Assessments team within Airservices regarding the nature and sensitivity of the documents subject to the request
- the FOI Act
- 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 Document 8 identified in the Schedule at **Attachment A** contains material irrelevant to your application scope. I have therefore provided you access to this document by redacting the irrelevant material pursuant to section 22 of the FOI Act.

Section 47F - personal privacy

Section 47F of the FOI Act provides that a document is conditionally exempt if its disclosure would involve the unreasonable disclosure of personal information about any person.

A public servant's name (i.e. including Commonwealth entity staff) and a staff member's name of a third-party organisation, and information about how they can be contacted, is personal information. It is information about an identified individual, or an individual who is reasonably identifiable (see section 6 of the *Privacy Act 1988*).

I am satisfied that Documents 1-3 identified in the Schedule at **Attachment A** contain conditionally exempt information under section 47F of the FOI Act, specifically names and signatures of Airservices and third-party consulting staff members.

Section 47F(2) of the FOI Act provides that in determining whether the disclosure of a document would involve the unreasonable disclosure of personal information, an agency must have regard to the following matters:

- the extent to which the information is well-known
- whether the person/s to whom the information relates is known to be associated with the matters dealt with in the document
- the availability of the information from publicly accessible sources
- any other matters that the agency considers relevant.

I am satisfied that Documents 1-3 contain 'personal information' for the purposes of the FOI Act. I am satisfied that the disclosure of this personal information would be unreasonable, on the basis that:

- the names and signatures of persons identified in the document are not well-known, nor are they available from publicly accessible sources.

Accordingly, I am satisfied that the relevant personal information is conditionally exempt under section 47F(1) of the FOI Act.

Application of the public interest test

Section 11A(5) of the FOI Act provides:

'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'.

I have therefore considered whether access to the conditionally exempt information would, on balance, be contrary to the public interest.

Section 11B(3) of the FOI Act sets out the public interest factors that favour access to information, namely, would the disclosure:

- promote the objects of the FOI Act (including all matters set out in sections 3 and 3A of the FOI Act)
- inform debate on a matter of public importance
- promote effective oversight of public expenditure
- allow a person to access his or her own personal information.

In relation to these factors, I consider that disclosure of the conditionally exempt information would:

- help to promote the objects of the FOI Act by demonstrating transparency of government processes.

However, I consider that the following factors weigh against disclosure of the conditionally exempt information:

- providing access to this personal information would intrude on the privacy of the individuals to whom the personal information relates, while also not providing any additional insight into relevant decision-making processes at Airservices.

After considering the public interest factor(s) favouring disclosure, and the factor(s) against disclosure, I consider that the factor(s) against disclosure outweigh the factor(s) favouring disclosure, and that disclosure of the conditionally exempt information would, on balance, be contrary to the public interest.

I am therefore satisfied that Documents 1-3 contain conditionally exempt information under section 47F(1) of the FOI Act. I have therefore provided you access to these documents by redacting the conditionally exempt information.

For completeness, I have not taken into account any of the irrelevant factors set out in section 11B(4) of the FOI Act in making this decision

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/>.