



**Australian Government**  
**Department of Defence**

Reference: AM3500580

**FOI 163/17/18 STATEMENT OF REASONS UNDER THE FREEDOM OF INFORMATION ACT**

1. I refer to the application by [REDACTED], News Limited, under the *Freedom of Information Act 1982* (FOI Act), for access to:

*“ Item 1: A copy of the final communications pack regarding the March 30 and/ or the June 7 West Mosul airstrikes;*

*Item 2: A copy of any emails held by Headquarters Joint Operations Command media personnel, Office of the Chief of the Defence Force media personnel or Defence media personnel regarding journalists or media organisations invited to the briefing;*

*Item 3: A copy of the Final Media release;*

*Item 4: A copy of the transcript.*

*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...”*

**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 seven documents, totalling 122 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 number and Item/Serial number to each of the documents, which corresponds with the schedule.

**Decision**

6. I have decided to:

- a. release three documents in full;
- b. partially release four 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; and
- c. 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**

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;
- d. the Guidelines published by the Office of the Australian Information Commissioner under section 93A of the FOI Act (the Guidelines); and
- e. advice from the Office of the Chief of the Defence Force, Defence Media and Headquarters Joint Operations Command.

### **Reasons for decision**

#### **Section 47F - Personal privacy**

8. Upon examination of the documents, I identified personal information, specifically names of individuals invited to the briefing.
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 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 individual.
10. I found that:
- a. the specific personal information listed is not well known; and
  - b. the information is not readily available from publicly accessible sources.

11. The release of the names identified in the document would be an unreasonable disclosure of personal information and therefore conditionally exempt under section 47F of the FOI Act.

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

12. I have found that the identified documents are conditionally exempt under section 47F of the FOI Act. 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'.

13. 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 objects of the FOI Act, as information held by the Government is a national resource.

14. However, 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), given that the content comprises only personal information of individuals.

15. Paragraph 6.29 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;

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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N.A. Cram  
Group Captain  
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