



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

**FOI 225/17/18 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:

*“...specifically all reports, minutes or briefing notes arising from the Defence Force's 1st Joint Public Affairs Unit training sessions for the Fijian military in May, including the list of attendees, approvers, events, and a breakdown of the cost.”*

*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 31 documents 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 2 documents in full;
  - b. partially release 29 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] and/or section 33(a)(i) [Documents affecting national security] of the FOI Act;
  - 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 advice

from officers in International Policy Division, 1<sup>st</sup> Joint Public Affairs Unit and the Australian Military Sales Office.

### **Reasons for decision**

#### **Section 22 – Irrelevant material deleted**

8. Upon examination of the documents I found that it contained material that did not relate to the scope of the request. I considered that the material would disclose information that would reasonably be regarded as irrelevant to the scope of the request. As such, in accordance with Section 22(1)(a)(ii) of the FOI Act, I decided to remove this material.

#### **Section 33(a)(iii) – Documents affecting international relations**

9. I have identified information that, if released, would, or could reasonably be expected to, cause damage to the international relations of the Commonwealth. Paragraph 5.36 of the Guidelines describes international relations as the ability of the Australian Government to maintain good working relations with other governments and international organisations.

10. The documents contain information relating to Australia's relationships with foreign governments and their officials. Release of this information could reasonably be expected to cause damage to those relationships. Any damage to international confidence and close relationships with other countries would seriously affect Defence's ability to deliver on its obligations to protect Australia's interests. Further, this information is not readily available to the public. As such any release of the information would cause a loss of trust and confidence in the Australian government and foreign officials may be less willing to engage with Australian Government officials and Australian businesses in the future. The national interest in not disclosing this information outweighs interest in disclosure.

11. Accordingly, I consider the release of the information so marked would, or could reasonably be expected to, cause damage to the international relations of the Commonwealth and exempt the release of this information under section 33(a)(iii) of the FOI Act.

#### **Section 47F – Personal privacy**

12. Examining the documents, I identified information, specifically names of individuals.

13. 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
- d. the effect the release of the personal information could reasonably have on the third party.

14. I found that the:

- a. specific personal information listed is not well known
- b. individuals whose personal information is contained in the documents are not widely known to be associated with the matters dealt with in the documents, and
- c. information is not readily available from publicly accessible sources.

15. The release of the names of personnel identified in the document could reasonably be expected to cause harm to their privacy. 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(1) of the FOI Act.

**Public interest considerations – section 47F**

16. I have found that the identified documents are conditionally exempt under sections and 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.

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

18. However, the disclosure of this information would not increase public participation in the Defence process, nor would it increase scrutiny or discussion of Defence activities.

19. 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 or harm:

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

20. 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 sections 47F of the FOI Act.

21. None of the factors listed in section 11B(4) [Irrelevant factors] were taken into account when making my decision.



Geraldine Gibson  
Accredited Decision Maker  
Strategic Policy and Intelligence Group

9 March 2018

