



Australian Government
Department of Defence

Reference: BM3147780

FOI 235/18/19 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:

“[Item 1] - All resources spent on the twitter account @Fight_DAESH including money, salaries, contracts and any other in-kind support since July 2015

[Item 2] - The number of staff members who have been involved in managing and/or supporting the twitter account during this period

[Item 3] - The number of other people (contractors, volunteers, etc), who have been involved in managing and/or supporting this twitter account during this period

[Item 4] - Any evaluation undertaken by the department, or held by the department, assessing the effectiveness of the twitter account

[Item 5] - Any assessment undertaken by the department, or held by the department, of whether to expand the Fighting Daesh initiative to other forms of social media, or any other media

I do not require personal email addresses, signatures, PMKeys numbers and mobile telephone numbers contained in documents that fall within the scope of the FOI request. In addition, I am excluding duplicates of documents and I only request final versions 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. Three documents were identified 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. partially release three 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 [Documents affecting national security] of the FOI Act; and

- b. refuse access to Items 2, 3 and 5 of the request under section 24A [Requests may be refused if documents cannot be found, do not exist or have not been received] 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. advice from staff who conduct searches at Headquarter Joint Operations Command (HQJOC); and
 - e. the Guidelines published by the Office of the Australian Information Commissioner under section 93A of the FOI Act (the Guidelines).

Reasons for decision

Section 24A(1) of the FOI Act - Requests May Be Refused

8. Section 24A(1) of the FOI Act states:

24A requests may be refused if documents cannot be found, do not exist or have not been received.

Document lost or non-existent

(1) An agency or Minister may refuse a request for access to a document if:

- (a) all reasonable steps have been taken to find the document; and*
- (b) the agency or Minister is satisfied that the document:*
 - (i) is in the agency's or Minister's possession but cannot be found; or*
 - (ii) does not exist.*

9. With respect to Items 2, 3 and 5, I have consulted with appropriate HQJOC staff and am advised that no relevant documents were located in either electronic document record management systems. Multiple searches were undertaken and no documents matching the request were identified.

10. Based on the above, I am satisfied that no documents could reasonably be found matching the scope of Items 2, 3 or 5 of this request. Accordingly, I have decided to refuse access under section 24A of the FOI Act.

11. While no documents were identified, HQJOC staff have offered the following summary in relations to Items 1, 2 and 3:

“Between Jul 2015 and the present the following numbers of personnel have been involved in managing the #FightDaesh twitter account:

- 2015 up to 2 personnel*
- 2016 up to 3 personnel*
- 2017 up to 2 personnel*
- 2018 up to 2 personnel*

During the period January 2016 to the present, a total of 49 Navy Seaman Trainees have supported the account for periods ranging from 06 to 24 months while awaiting security clearances or further category-specific training.

Between December 2015 and April 2016, ADF multi-media technical support was provided for the production of infographics which were posted on the account.

To date only ADF or Department of Defence personnel have been involved in managing or supporting the management of the #FightDaesh Twitter account, and all tasks associated with it were ancillary to these personnel performing the primary duties associated with their specialisation and the requirements of their specified role/posting.”

Conditional Exemption - Section 47F(1) - Personal Privacy

12. Upon examination of the document, I identified information, specifically names and signatures 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, and
- 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. information is not readily available from publicly accessible sources, and
- c. there is potential detrimental effects for persons being named in relation to actions associated with Daesh.

15. The release of the names and signatures of personnel identified in the document could reasonably be expected to cause harm to their privacy. I consider that the release of the personal information of individuals would be an unreasonable disclosure of personal information and is conditionally exempt under section 47F(1) of the FOI Act.

Public interest considerations – Section 47F(1)

16. I have found that the identified documents contain conditionally exempt information under section 47F(1) 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 factor is that disclosure may promote some of the objectives 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 (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).

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
- 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 section 47F(1) of the FOI Act.

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

Section 33 – Documents affecting national security

22. Section 33(a)(i) of the FOI Act exempts documents if disclosure would, or could reasonably be expected to, cause damage to the security of the Commonwealth. Paragraph 5.27 of the Guidelines notes reasonably expected as there being 'real' and 'substantial' grounds for expecting the damage to occur which can be supported by evidence or reasoning. Paragraph 5.29 of the Guidelines describes security of the Commonwealth as broadly referring to the protection of Australia and its population from activities that are hostile to, or subversive of, the Commonwealth's interests.

23. Two documents within the scope of this request contains information that could reasonably be expected to cause damage to the security of the Commonwealth, by exposing tactics, techniques and procedures used by the ADF. This is particularly relevant as the ADF continues operations in the Middle-East. I have decided the material is exempt pursuant to section 33(a)(i) of the FOI Act.

24. The schedule of documents lists those items where exempt redactions have been included.

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Accredited Decision Maker
Headquarters Joint Operations Command