



FOI 277/17/18 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:

“...I seek documents created or held by the department in relation to the website and mobile app Strava as a request under the Freedom of Information Act.

I seek access to correspondence, notes of meetings, written advice and/or similar documents created or held between January 20, 2018 and January 30, 2018, specifically:

- 1. advice provided to the Minister's office by the Department in relation to Strava;*
- 2. communications between the Department and the United States government in relation to Strava; and*
- 3. communications between the Department and Strava.*

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 four documents as matching the description of Item 1 of the request.

Decision

4. I have decided to:

- a. release three documents as matching Item 1 of the request in full;
- b. partially release one document as matching Item 1 of the request 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] of the FOI Act;
- c. refuse access to documents matching Items 2 and 3 of the request under subparagraph 24A(1)(b)(ii) of the FOI Act; and
- d. 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

5. 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 Strategic Policy and Intelligence Group and the Defence Security and Vetting Service.

Reasons for decision

Section 47F - Personal privacy

6. Upon examination of the documents, I identified personal information relating to persons other than the applicant. Specifically names of individuals who were provided briefings by the department.

7. When assessing whether the disclosure of personal information is unreasonable, I considered the factors specified in section 47F(2) of the FOI Act:

- 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; and
- c. the availability of the information from publically accessible sources.

8. Against these criteria, I found that:

- a. the specific personal information listed is not well known;
- b. the 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. the information is not readily available from publicly accessible sources.

9. Noting the above, I have decided that disclosure of the specified information would be an unreasonable disclosure of personal information belonging to individuals other than the applicant. Accordingly, I consider that the material is conditionally exempt under section 47F of the FOI Act.

Public interest considerations – Section 47F

10. I have found that some of the information is conditionally exempt 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'.

11. 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 and it would allow the applicant access to her own personal information.

12. 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).

13. 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:

- a. the protection of an individual's right to privacy
- b. an agency's ability to obtain confidential information
- c. an agency's ability to obtain similar information in the future

14. 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.

Section 24A – Request may be refused if documents cannot be found, do not exist or have not been received

15. Section 24A(1) of the FOI Act states;

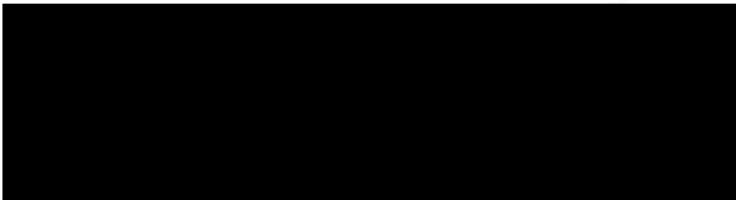
(1) an agency or Minister may refuse a request for access to a document if:

- 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*
 - (j) does not exist.*

16. A request for documents related to both Items 2 and 3 of this request was sent to Strategic Policy and Intelligence Group and to relevant areas of the Defence Security and Vetting Service. Hardcopy and electronic searches were conducted on the Defence record management system Objective.

17. Advice received from these areas is that there were no documents matching the scope for Items 2 and 3 of the request.

18. Based on the above, I am satisfied that no documents exist. Accordingly, I have decided to refuse access under section 24A of the FOI Act.



Andrew Hodgkinson
Accredited Decision Maker
Associate Secretary Group

23 March 2018