



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

Reference: R28571081

**FOI 136/16/17 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:

*“access to any documents containing advice (however described) to any Defence portfolio Minister, Assistant Minister, Parliamentary Secretary or their staff/office between November 2007 and September 2013 (including formal Ministerial Advice/Submissions, Question Time Briefs, Hot Issue Briefs, e-mail advice or correspondence) relating (directly or indirectly) to: the use of Aqueous Fire Fighting Foam (AFFF);*

- 1. incidents involving AFFF;*
- 2. contamination of any Defence base, property, facility or site (owned, leased or otherwise) as a result of AFFF (actual or suspected); or*
- 3. contamination of any Defence base, property, facility or site (owned, leased or otherwise) relating to per- and/or polyfluoroalkyl substances (PFAS) (actual or suspected).”*

*The Department excludes personal email addresses, signatures, PMKeys numbers and mobile telephone numbers, contained in documents that fall within the scope of a FOI request. Defence also excludes duplicates of documents.*

**FOI DECISION MAKER**

2. I am the accredited officer pursuant to section 23 of the FOI Act to make a decision on this FOI request.

**DOCUMENTS IDENTIFIED**

3. I identified 22 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 number to each of the documents, which corresponds with the schedule.

**DECISION**

6. I have decided to:
  - a. release 21 documents in full;
  - b. partially release one document 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 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; and
  - d. the Guidelines published by the Office of the Australian Information Commissioner under section 93A of the FOI Act (the Guidelines)

### **REASONS FOR DECISION**

#### **Section 47 - personal privacy**

8. Upon examination of the documents, I identified information, specifically personal email addresses, residential addresses and other personal identification details belonging to persons other than the applicant. This material satisfies the definition of personal information in section 4 of the FOI Act.

9. In accordance with section 47F(2) of the FOI Act, in determining whether the disclosure of this information would involve the unreasonable disclosure of personal information, I had regard to:

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

10. Against those criteria I have found that this specific information is not readily available from publicly available sources, nor is the information well known as it relates to personally identifiable information of an individual. I have therefore decided that specified material identified in the documents is conditionally exempt pursuant to subsection 47F of the FOI Act.

#### **Public interest considerations – sections 47F**

11. 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.’*

12. I considered the factors favoring 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.

13. 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).

14. 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

15. On balance, I believe the potential prejudice to the privacy of persons outweighs any potential benefit from promoting the objects of the Act. In coming to the above decision, I considered subsection 11B(4) [irrelevant factors] of the Act. None of these factors were taken into account. I therefore decided that it would be contrary to the public interest to release the information considered exempt under section 47F of the FOI Act.

### **FURTHER INFORMATION**

16. In regards to Item 1, further information pertaining to incidents of AFFF, specifically at RAAF Base Williamtown, has been released under FOI 070/16/17 and is available at <http://www.defence.gov.au/FOI/>

17. Hot Issue Briefs from 2010 onwards are publicly available at <http://www.defence.gov.au/Publications/HotIssueBriefs/>



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