



BP25352594

DEFENCE FOI 459/21/22 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 kindly request a copy of all emails, sent to/from | bcc/cc’d Defence Space Commander Air Vice-Marshal Catherine Roberts for the period 25 June 2021 to 15 April 2022 (inclusive), that contain any of the following keywords: Unidentified Aerial Phenomena; UAP; Unidentified Flying Object; UFO; Unidentified Flying Objects; UFOs; Unauthorised Aircraft Movement; UAM; Unauthorised Aircraft Movements; UAMs; Unusual Aerial Sighting, Unidentified Phenomena.”

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 three documents as matching the description of the request.

Exclusions

4. Personal email addresses, signatures, PMKeyS numbers and mobile telephone numbers contained in documents that fall within the scope of the FOI request, duplicates of documents, and documents sent to or from the applicant are excluded from this request. Defence has only considered final versions of documents.

Decision

5. I have decided to 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] of the FOI Act.

Material taken into account

6. 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).

Reasons for decision

Section 47F - Personal privacy

7. Upon examination of the documents, I identified information, specifically names, rank, and contact details of individuals other than the applicant. The release of the names, ranks, and contact details of individuals identified in the documents could reasonably be expected to cause harm to their privacy. Exposing their contact details would place them as a point of reference for targeted questioning.

8. 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.

9. 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
- c. information is not readily available from publicly accessible sources.

10. 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. My public considerations are listed below.

Sections 47F - Public interest considerations

11. Section 11A(5) provides that, if a document is conditionally exempt, it must be disclosed “unless (in the circumstances) access to the documents at the time would, on balance, be contrary to the public interest”.

12. In assessing whether disclosure is on balance contrary to the public interest, I considered the Guidelines together with a range of factors set out in section 11B(3) of the FOI Act, which favours access to a document in order to:

- a. promote the objects of this Act (including all the matters set out in sections 3 and 3A)
- b. inform debate on a matter of public importance
- c. promote effective oversight of public expenditure
- d. allow a person to access his or her own personal information.

13. I note that disclosure of the requested document may promote some of the objects of the FOI Act, as information held by the Government is a national resource. However, disclosure of the specific conditionally exempt material would not increase public participation in the Defence process, nor would it increase scrutiny or discussion of Defence activities.

14. While I consider that release of the material removed under section 47F may be of interest to the applicant, disclosure of the conditionally exempt material would not inform public debate on any matter of public importance in any meaningful way. Furthermore, the public interest is better served in protecting the privacy of individuals whose personal details are contained within the document from release to the public at large.

15. 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.

16. It is for these 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. In coming to the above decision I considered factors outlined in section 11B(4) [irrelevant factors] of the FOI Act. None of these factors were taken into account in making my decision.



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PR Davies, CSC
Group Captain
Accredited Decision Maker
Royal Australian Air Force