



DEFENCE FOI 845/23/24

STATEMENT OF REASONS UNDER THE FREEDOM OF INFORMATION ACT 1982

1. I refer to the request by [REDACTED] (the applicant), dated and received on 26 April 2024 by the Department of Defence (Defence), for access to the following documents under the *Freedom of Information Act 1982* (Cth) (FOI Act):

...a copy of organisation charts for all Defence personnel at the Australian Embassy in Washington D.C. between the date ranges of 1 May 2023 to 26 April 2024 (inclusive).

In the event that the full names of Defence personnel documented in the organisation charts are not available for disclosure (due to protection of right to privacy), I kindly request that details be limited to the positions, roles and ranks of Defence personnel in any applicable FOI response.

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 have identified one (1) document as falling within the scope of the request.

Exclusions

4. 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:
 - a. partially release the 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 section 7 of the FOI Act; and
 - b. remove irrelevant material in accordance with section 22 of the FOI Act.

Material taken into account

6. In making my decision, I have had regard to:
 - a. the terms of the request;
 - b. the content of the identified documents in issue;
 - c. relevant provisions of 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 22 – Access to edited copies with exempt or irrelevant matter deleted

7. Section 22 of the FOI Act permits an agency to prepare and provide an edited copy of a document where the agency has decided to refuse access to an exempt document or that to give access to a document would disclose information that would reasonably be regarded as irrelevant to the request for access.
8. The documents contain exempt material and information that does not relate to the request. However, I am satisfied that it is reasonably practicable to remove the exempt and irrelevant material and release the documents to you in an edited form.

Section 7 – Exemption of certain persons and bodies

9. Section 7(2A) of the FOI Act states:

(2A) An agency is exempt from the operation of this Act in relation to the following documents:

(a) a document ... that has originated with, or has been received from, any of the following:

...

(vii) the Australian Signals Directorate

(b) a document that contains a summary of, or an extract or information from, an intelligence agency document, to the extent that it contains such a summary, extract or information.

10. Specifically, paragraph 2.21 of the Guidelines state:

Responding to access requests if an exemption applies

2.21 Where an agency is exempt in whole from the FOI Act under s 7, it is not obliged to respond to requests for access to documents or amendment or annotation of personal records. It is nevertheless good administrative practice for an exempt agency to reply to an applicant stating that the agency is not subject to the FOI Act.

11. I note that the applicant's request for access to the specified information in the documents, falls within the jurisdiction of the Australian Signals Directorate. In accordance with section 7(2A) of the FOI Act, this agency is exempt from the operations of the FOI Act.
12. By virtue of section 7(2A), the FOI Act does not apply to such material and I have accordingly decided to deny access to it.



Edwina

Accredited Decision Maker
Strategy, Policy and Industry Group
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