



BP44421637

DEFENCE FOI 202/24/25

STATEMENT OF REASONS UNDER THE FREEDOM OF INFORMATION ACT 1982

1. I refer to the request by [REDACTED] [the applicant], dated and received on 11 September 2024 by the Department of Defence (Defence), for access to the following documents under the *Freedom of Information Act 1982* (Cth) (FOI Act):

“The F/A-18 Classic Hornet demonstration maneuver sheets from Avalon 2019 (2OCU), Warbirds down-under Temora 2018 (77 Sqn), Avalon 2015 (2OCU), and Finally Avalon 2007 (77 Sqn).

Timeframe: from date

20/03/2007 - 12:00am

Timeframe: to date

01/03/2019 - 12:00am”

FOI decision maker

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

Documents identified

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

Exclusions

5. PMKeyS numbers contained in the documents that fall within the scope of the FOI request are excluded.

Decision

6. I have decided to:

- a. partially release one (1) 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 47E(c) [Public interest conditional exemptions—certain operations of agencies] and 47F [Public interest conditional exemptions—personal privacy] of the FOI Act
- b. remove irrelevant material in accordance with section 22 of the FOI Act.

Material taken into account

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

8. 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.

9. The document identified contains exempt and irrelevant material such as PMKeyS numbers that do not relate to the request. I am satisfied that it is reasonably practicable to remove the exempt and irrelevant material, and release the document to you in a redacted form.

Section 47E(c) – Public interest conditional exemption – certain operations of agency

10. Section 47E(c) of the FOI Act states:

A document is conditionally exempt if its disclosure under this Act would, or could reasonably be expected to, do any of the following:

...

(c) *have a substantial adverse effect on the management or assessment of personnel by the Commonwealth or by an agency*

11. The Guidelines provide, at paragraph 6.102, that:

Where the document relates to the agency's policies and practices in relation to the assessment and management of personnel, the decision maker must address both elements of the conditional exemption in s 47E(c), namely, that:

- *an effect would reasonably be expected following disclosure*
- *the expected effect would be both substantial and adverse.*

12. The document contains staff contact details. I am satisfied that disclosure of staff details would, or could reasonably be expected to, have a substantial adverse effect on the management of personnel by Defence and is therefore conditionally exempt under section 47E(c) of the FOI Act.

13. I am satisfied there is a reasonable expectation that the contact details of Defence personnel could be used inappropriately, in a manner which adversely affects the health, wellbeing and work of Defence personnel. Disclosure of these contact details, which are not publicly available, could reasonably be expected to adversely impact the staff management function of Defence in maintaining workplace health and safety standards. Accordingly, I am satisfied that the information is conditionally exempt under section 47E(c) of the FOI Act.

Section 47F – Public interest conditional exemptions – personal privacy

14. Section 47F of the FOI Act states:

A document is conditionally exempt if its disclosure under this Act would, involved the unreasonable disclosure of personal information about any person (including a deceased person)

15. The FOI Act shares the same definition of ‘personal information’ as the Privacy Act 1988 (Cth). The Guidelines provide that:

6.123 Personal information means information or an opinion about an identified individual, or an individual who is reasonably identifiable:

(a) Whether the information or opinion is true or not: and

(b) Whether the information or opinion is recorded in a material form or not.

16. I found that the document contains personal information of another person. This includes names that would reasonably identify a third party. In my assessment of whether the disclosure of personal information is unreasonable, I considered the following factors in accordance with section 47F(2):

- 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.

17. I found that the personal information listed is not well known. Individuals whose personal information is contained in the documents are not widely known to be associated with the matters dealt with in the document and the information is not readily available from publicly accessible sources. Accordingly, I am satisfied that the information is conditionally exempt under section 47F of the FOI Act.

Public interest considerations - section 47E(c) and 47F

18. Section 11A(5) of the FOI Act states:

The agency or Minister must give the person access to the document if it is conditionally exempt at a particular time unless (in the circumstances) access to the document at that time would, on balance, be contrary to the public interest.

19. I have considered the factors favouring disclosure as set out in section 11B(3) [Factors favouring access] of the FOI Act. The relevant factors being whether access to the document would:

- (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.*

20. In my view, 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).

21. Paragraph 6.233 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:

- the protection of an individual's right to privacy
- the interests of an individual or a group of individuals
- the management function of an agency
- the personnel management function of an agency.

22. It is in the public interest that Defence efficiently and productively operates with regard for the health and wellbeing of its personnel. As I have established above, the release of the names, email addresses and phone numbers of Defence personnel could reasonably be expected to prejudice the management functions of Defence. Existing communication channels and processes enable efficient and appropriate liaison with the public. The direct contact details of Defence personnel should therefore, not be disclosed as the public interest against their disclosure outweighs public interest in their release.

23. I have not taken any of the factors listed in section 11B(4) [Irrelevant factors] of the FOI Act into account when making this decision.

24. I am satisfied, based on the above particulars, the public interest factors against disclosure outweigh the factors for disclosure, and that, on balance, it is against the public interest to release the information to you. Accordingly, I find that the information is exempt under sections 47E(c) and 47F of the FOI Act.

FURTHER INFORMATION

25. A final version of the Document was not able to be located. Accordingly, I have decided to release the draft version.

[Redacted signature area]

Digitally signed by

Date: 2024.10.23

09:56:06 +11'00'

[Redacted name area]

Group Captain
Accredited Decision Maker
Royal Australian Air Force