



DEFENCE FOI 059/24/25

STATEMENT OF REASONS UNDER THE FREEDOM OF INFORMATION ACT 1982

1. I refer to the request by [REDACTED] (the applicant), dated and received on 17 July 2024 by the Department of Defence (Defence), for access to the following documents under the *Freedom of Information Act 1982* (Cth) (FOI Act):

Item 1: *Requesting the release of the 2022 ADF Families Survey report as detailed by AIFS: <https://aifs.gov.au/projects/defence-veteran-family-research/2022-adf-families-survey> and detailed on Defence's website: <https://www.defence.gov.au/adf-members-families/family-programs-services/support-for-families/adf-families-survey>.*

Item 2: *The 2019, 2017, 2015 reports are all published on this page. Also requesting a copy of emails, text messages, Teams messages relating to the decision to not (so far) release the 2022 ADF Families Survey report and results.*

FOI decision maker

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

Documents identified

5. I have identified three documents as falling within the scope of the request.

Exclusions

6. 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

7. A copy of the 2022 Australian Defence Force Families Survey (Draft) was submitted to the Royal Commission into Defence and Veteran's Suicide in August 2023. This draft report is publically available on the Royal Commission's website and can be found at the following link:
<https://defenceveteransuicide.royalcommission.gov.au/publications/exhibit-79-01018-def119700030677-2022-australian-defence-force-families-survey-draft>.
8. I consider the above satisfies Item 1 of the applicant's request.
9. I have decided to:
 - a. release the document identified as falling within Item 1 in full;
 - b. partially release two documents falling within scope of Item 2 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 sections 47E [Public interest conditional exemptions--certain operations of agencies] and 47G [Public interest conditional exemptions--business] of the FOI Act; and
 - c. remove irrelevant material in accordance with section 22 of the FOI Act.

Material taken into account

10. 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;
 - 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 a consultation response received from a third party.

REASONS FOR DECISION

Section 22 – Access to edited copies with exempt or irrelevant matter deleted

11. 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.
12. The documents contain exempt and irrelevant material that does not relate to the request.
13. 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 47E – Public interest conditional exemptions – certain operations of agencies

14. Section 47E(d) 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:

(d) have a substantial adverse effect on the proper and efficient conduct of the operations of the agency.

15. The Guidelines, at paragraph 6.115, provide that:

The predicted effect must bear on the agency's 'proper and efficient' operations, that is, the agency is undertaking its operations in an expected manner.

16. The documents contain names and contact details of staff members as well as group email addresses that are not available publicly.

17. Defence has established procedures to direct correspondence from members of the public through specific channels to ensure that workflows can be controlled and managed. Releasing these contact details would interfere with the procedures that are in place and would have a substantial adverse effect on the operations of the area, and Defence as a whole.

18. I am satisfied that if the names, contact details and group mail box email addresses were to be made publicly available, it would have substantial adverse effects on the proper and efficient operation of existing public communication channels.

19. In addition, I have found that the documents contain information relating to the operational processes of Defence, including details of actions taken in the course of processing a particular task. When assessing whether the disclosure of this information is unreasonable, I considered the proper and efficient conduct of the agency to which the information pertains, and how disclosure would, or could reasonably be expected to, have a substantial adverse impact on the proper and efficient conduct of the agency.

20. I consider that disclosure would, or could reasonably be expected to release information about the internal workings and processes of these areas, which would impact the ability of these areas to undertake their usual functions, including the ability to have frank discussions about potential courses of action. This could reasonably be expected to prejudice the effectiveness of each area's current operations in relation to undertaking their usual functions.

21. The Guidelines provide, at paragraph 6.112, that I should consider whether disclosure of the information 'would, or could reasonably be expected to lead to a change in the agency's processes that would enable those processes to be more efficient.' Given that the direct contact details within the documents are not publicly available and that more appropriate communication channels are already available, and that there are established processes within Defence to allow line areas to undertake their usual functions, I am satisfied that release of the information could reasonably be expected to lead to a change in Defence's processes that would not lead to any efficiencies.

22. Accordingly, I am satisfied that the information contained within the documents is conditionally exempt under section 47E(d) of the FOI Act.

Section 47G – Public interest conditional exemptions – business

23. Section 47G(1)(b) of the FOI Act states:

(1) A document is conditionally exempt if its disclosure under this Act would disclose information concerning a person in respect of his or her business or professional affairs or concerning the business, commercial or financial affairs of an organisation or undertaking, in a case in which the disclosure of the information:

(b) could reasonably be expected to prejudice the future supply of information to the Commonwealth or an agency for the purpose of the administration of a law of the Commonwealth or of a Territory or the administration of matters administered by an agency.

24. I note that the use of the word ‘could’ in this provision requires only reasonable consideration of the possibility that disclosure may cause the consequences specified.
25. Where access has been denied under section 47G(1)(b) of the FOI Act, the Guidelines further explain that:

Would or could reasonably be expected to

5.18 The mere risk, allegation, possibility, or chance of prejudice does not qualify as a reasonable expectation. There must, based on reasonable grounds, be at least a real, significant or material possibility of prejudice.

Prejudice future supply of information

6.197 This limb of the conditional exemption comprises two parts:

- a reasonable expectation of a reduction in the quantity or quality of business affairs information to the government*
- the reduction will prejudice the operations of the agency.*

26. I am of the view that the disclosure of the specified information may deter the provision of complete and frank information as the ADF Families Survey Report was prepared with the assistance of the third party. Third parties could be more circumspect in their findings and records of deliberations for fear of damage to their reputation. Furthermore, disclosure of this information could have a substantial adverse effect on the future supply of information to Defence and unreasonably affect Defence’s significant current and future commercial commitments.

27. Accordingly, I am satisfied that the information is conditionally exempt under section 47G of the FOI Act.

Public interest considerations - sections 47E and 47G

28. 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.

29. 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.*
30. 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).
31. 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;
 - an agency's ability to obtain confidential information;
 - an agency's ability to obtain similar information in the future; and
 - the management function and personnel management function of an agency.
32. 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 can reasonably be expected to prejudice the management and personnel 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 the public interest in their release.
33. While I accept there is a public interest in ensuring that Defence undertakes its functions in a transparent and proper manner, there is also a strong public interest in maintaining the confidentiality of the material contained within the documents, particularly those that refer Defence's internal processes which allow Defence to undertake its operational activities in an expected and lawful manner.
34. While I also consider that the release of information removed under section 47G of the FOI Act may be of interest to the applicant, the disclosure of such material could provide competitors with insights into commercially sensitive business operations of a third party. The release would not additionally inform public debate on any matter of

public importance in a meaningful way, nor would it promote effective oversight of public expenditure. Given Defence's requirement to maintain strong links with industry, it is imperative that Defence be able collect and retain sensitive commercial information without Defence's commercial partners fearing the unauthorised publication of such material in breach of commercial-in-confidence.

35. I have not taken any of the factors listed in section 11B(4) of the FOI Act into account when making this decision.
36. 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 and 47G of the FOI Act.

Digitally signed by

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Accredited Decision Maker
Defence People Group
Department of Defence