



**DEFENCE FOI 011/24/25**

**STATEMENT OF REASONS UNDER THE FREEDOM OF INFORMATION ACT 1982**

1. I refer to the request by [REDACTED] (the applicant), dated and received on 3 July 2024 by the Department of Defence (Defence), for access to the following documents under the *Freedom of Information Act 1982* (Cth) (FOI Act):

*"I refer to advice provided to me by Defence Media, who told me: "The Australian Defence Force initiated a study in 2024 to monitor low-level blast overpressure exposure in training environments." We seek the terms of reference for this study, its design, and any initial reports on its progress."*

**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 document as falling within the scope of the request.

**Decision**

4. I have decided to partially release one document on the grounds that the deleted material is considered exempt under section 47E(d) [Public interest conditional exemptions - certain operations of agencies] of the FOI Act.

**Material taken into account**

5. 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 Joint Capabilities Group, Defence People Group and Army Special Operations Command.

**REASONS FOR DECISION**

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

6. 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.

7. I am satisfied that the document identified contains exempt material and it is reasonably practicable to remove the material and release the document to you in an edited form.

**Section 47E(d) – Public interest conditional exemptions – certain operations of agencies**

8. 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.*

9. 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.*

10. The information contained in the document was provided in relation to a specific Defence project, with Defence personnel given an expectation of confidentiality. It contains names and contact details of Defence personnel, which would have substantial adverse effects on the proper and efficient operation of existing public communication channels if released. Further, I am satisfied of a reasonable expectation that the information could be used in a manner which adversely affects the health, wellbeing and work of Defence personnel. Disclosure of names, email addresses and phone numbers could, therefore, reasonably be expected to prejudice the operations of Defence.
11. The Guidelines provide, at paragraph 6.112, that I should consider whether disclosure of the document *'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 the nature of the document, 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.
12. Accordingly, I am satisfied that the information is conditionally exempt under section 47E(d) of the FOI Act.

**Public interest considerations - section 47E(d)**

13. 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.*

14. 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.*

15. 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).
16. 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:
- an agency's ability to obtain confidential information; and
  - an agency's ability to obtain similar information in the future.
17. It is in the public interest that Defence efficiently and productively operates with regard for the health and wellbeing of its personnel. The release of the names and contact details 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.
18. 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.
19. 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 section 47E(d) of the FOI Act.

Accredited Decision Maker  
Army Headquarters  
Department of Defence