



DEFENCE FOI 512/24/25

STATEMENT OF REASONS UNDER THE FREEDOM OF INFORMATION ACT 1982

1. I refer to the request by Anonymous (the applicant), dated and received on 24 December 2024 by the Department of Defence (Defence), for access to the following documents under the *Freedom of Information Act 1982 (Cth)* (FOI Act):

“Emails, teams and Skype correspondence between [REDACTED] in relation to the recruitment rounds SEG/07285/24, SEG/07280/24 (APS 5 Routine Assessment, APS 6 Team Leader Routine Assessment).

Topics and subjects I would like to focus on include:

- decisions made by the above individuals in relation to the recruitment round. This includes choices for seeking referee reports, verbal offers, rescinding offers etc*
- Any causes for concern re integrity, interview performance, referee performance*
- Any disagreements between the panel and/or the above individuals*
- Any correspondence between [REDACTED] in relation to the recruitment rounds.*

Please only include internal emails with defence.gov.au addresses, and no emails pertaining to the sending or receiving of referee reports. However, the decisions made around those referee reports are in scope.

Do not include any PDF attachments, and no emails to/from [REDACTED] (scribe contractor).

Please omit all personal information, except for their first name.

Additionally, please include all emails, teams and Skype correspondence between the above individuals, and [REDACTED] with the APS Recruitment team in Defence, occurring in Nov/Dec 2024. This is in relation to an investigation/review of the recruitment rounds.

Timeframe: 21/10/2024 - 13/12/2024 - 12:00”.





FOI decision maker

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

Documents identified

6. I have identified 12 documents as falling within the scope of the request.
7. The decision in relation to each document is detailed in the schedule of documents.

Exclusions

8. Mobile telephone numbers contained in documents that fall within the scope of the FOI request and duplicates of documents, are excluded from this request. Defence has only considered final versions of documents.

Decision

9. I have decided to:
 - a. partially release 11 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 sections 47E(c) [public interest conditional exemptions - certain operations of agencies] and 47F [public interest conditional exemptions – personal privacy] of the FOI Act;
 - b. refuse access to one document on the grounds that the document is considered exempt under section 47E(c) [public interest conditional exemptions - certain operations of agencies] 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. responses received to consultation with third parties.



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 identified in the schedule of documents as being released in part contain exempt and irrelevant material such as mobile telephone numbers and information that falls outside the scope of the request.
13. Where whole pages are considered to be exempt in full or irrelevant to the scope of the request, these pages have been removed from the released document pack.
14. 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.
15. Where a decision maker denies access to a document, section 22(1) of the FOI Act requires that they consider releasing the document with exempt matter deleted, if possible.
16. Paragraph 3.98 of the Guidelines provides that:

...an agency or minister should take a common sense approach in considering whether the number of deletions would be so many that the remaining document would be of little or no value to the applicant.
17. In the case of Document 6, I have decided to refuse access to the document as it would be meaningless and of little or no value once the exempt material is removed.

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

18. 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*
19. 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.*

20. I am of the view that the release of information regarding the internal processes related to recruitment activities would have a substantial adverse effect on the management and assessment of personnel and would impact the ability for Defence to attract competitive candidates in a tight job market.
21. Disclosure of internal advice, considerations and processes related to the undertaking of particular recruitment processes could impact the ability for Defence to refine its processes, or provide unfair advantage to those in receipt of the information for future applications.
22. The documents contain the names and contact details of Defence personnel. The names and contact details of Defence personnel within the document are not publicly available and disclosure of these could reasonably be expected to have an adverse effect on the health and wellbeing of these individuals.
23. I am satisfied there is a reasonable expectation that the names and 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 names, email addresses and phone numbers could, therefore, reasonably be expected to substantially adversely impact the staff management function of Defence in maintaining workplace health and safety standards.
24. Accordingly, I am satisfied that the document and or information are conditionally exempt under section 47E(c) of the FOI Act.

Section 47F – Public interest conditional exemptions - personal privacy

25. Section 47F(1) of the FOI Act states:

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

26. 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.

27. I found that the information contains personal information of other persons. This includes their names, position, and qualifications, which would reasonably identify third parties.
28. 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; and
 - d. the effect the release of the personal information could reasonably have on the third party.
29. I found that the specific 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.
30. Accordingly, I am satisfied that the information is conditionally exempt under section 47F of the FOI Act.

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

31. 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.

32. 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.

33. 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).

34. 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; and
- the personnel management function of an agency.



35. 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.
36. 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.
37. 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

38. Some of the documents matching the scope of this request contained a dissemination limiting marker (DLM). Where documents have been approved for public release, the DLM has been struck through.



Accredited Decision Maker
Defence People Group
Department of Defence

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