



Australian Government
Civil Aviation Safety Authority

LEGAL, INTERNATIONAL AND REGULATORY AFFAIRS

RMS Ref: F23/18755

11 July 2023

David Stafford

Via email: foi+request-10317-6217bcec@righttoknow.org.au

Dear David,

REQUEST FOR ACCESS UNDER THE *FREEDOM OF INFORMATION ACT 1982*

I refer to your email dated 16 May 2023 seeking access to documents under the *Freedom of Information Act 1982* (the Act). Your request was for:

Could you please provide documentation of the number of CIRRIIS reports by the occurrence type from Dec 2019 to present day for the Hobart Airspace.

The date range for your access request is 1 December 2019 to 16 May 2023.

On 17 May 2023, I wrote to you seeking clarification regarding the scope of your request namely if you were seeking documentation of the number of CIRRIIS reports, or the actual CIRRIIS reports themselves. I further advised CASA receives these reports from Airservices and that we only receive a limited suite. Additionally, CASA does not maintain documents that captures data on the number of CIRRIIS reports received.

On 18 May 2023, you responded to my email '*could you please provide the limited suite of CIRRIIS reports from Airservices Australia (AA) regarding Hobart Airspace., Additionally, as per Recommendation 2 of the CASA - Airspace Review of Hobart - December 2019, I request CASA provide the aeronautical risk review or if this was not done documentation outlining why it was not conducted.*'

On 18 May 2023, I acknowledged the revised scope of your request to be as follows:

*Please provide the limited suite of CIRRIIS reports from Airservices Australia (AA) regarding Hobart Airspace.
Additionally, as per Recommendation 2 of the CASA - Airspace Review of Hobart - December 2019, I request CASA provide the aeronautical risk review or if this was not done documentation outlining why it was not conducted.*

On 23 May 2023, I emailed you regarding the second part of your request, *Recommendation 2 of the CASA - Airspace Review of Hobart - December 2019*. I informed I had been advised that the review referenced only had 1 recommendation.

On 23 May 2023, you responded to my email '*Appears the recommendation 2 was answered in the 2019 report p14, therefore please remove second part of my request.*'

On 23 May 2023, I acknowledged the revised scope of your request to be as follows:

Please provide the limited suite of CIRRIS reports from Airservices Australia (AA) regarding Hobart Airspace.

Decision

I am the decision maker for your request. I have identified 1 document containing 7 pages, relevant to your request, as listed in the below schedule. I have decided to release Document 1 to you with redactions as it is exempt in part for the reasons set out below.

No.	Date of Document	Description of document	Decision
1	Undated	CIRRIS Reports - Hobart Airspace	Part Exempt s47F, s47G

Consultation

In accordance with and as required by section 27 of the Act, consultation with a third-party took place regarding Document 1. The third-party did not object to the release of the document.

Regardless of third-party consultation, I am required to make an impartial decision regarding release. I have decided that parts of Document 1 that include third parties' names, and Aviation Reference Numbers are exempt in part under section 47F and 47G.

Conditional exemption - personal information

Section 47F of the Act provides that material is conditionally exempt if its disclosure under this Act would involve the unreasonable disclosure of personal information about any person.

Document 1 contains personal information about individuals other than you, including third-party names and Aviation Reference Numbers (ARN's). This information is not publicly available and is a unique identifier allocated to individuals, which is cited during liaison between CASA and ARN holders to ensure CASA are liaising with authorised individuals. CASA is not in receipt of an authority to provide this information to you from the persons concerned. This information is also not generally known and is not available through a public source. Therefore, considering the nature of this information and the circumstances in which it has been obtained, I have decided that the disclosure of the individuals' personal records would be unreasonable disclosure of personal information about individuals other than you.

On this basis I consider that parts of Document 1 are conditionally exempt under section 47F on the grounds that disclosure would or could reasonably be expected to breach a person's right to privacy.

The Public Interest

Even though I have decided that parts of Document 1 is conditionally exempt under section 47F, I am also required to consider whether disclosing this information would on balance be contrary to the public interest. If I am not satisfied of that, access must be given.

Section 31B of the Act provides that material is exempt if it is conditionally exempt under Division 3, and access to the material would also, on balance, be contrary to the public interest for the purposes of section 11A(5) of the Act.

In applying this test, I have weighed the factors in favour of disclosure against those against it. I have identified the following factors for disclosure:

- it would promote the objects of the Act, as described in section 3.

I have identified the following factors against disclosure:

- it could reasonably be expected to prejudice the protection of the right to privacy of individuals other than you.

In weighing the public interest factors for the purposes of this exemption, I have determined that access to this information would not be characterised as a matter of public importance telling in favour of disclosure.

On the other hand, disclosure of the personal information would intrude on the right to privacy of the individual concerned by providing personal information which is not available from publicly accessible sources.

On balance, I consider that the public interest favours the protection of this personal information. I am satisfied that disclosure of the abovementioned parts of the document would be contrary to the public interest.

Conditional exemption – business information

Section 47G(1)(a) of the Act provides that a document is conditionally exempt if its disclosure under the Act would disclose information concerning the business, commercial or financial affairs of an organisation or undertaking, in a case in which the disclosure of the information would, or could reasonably be expected to, unreasonably affect the lawful business, commercial or financial affairs of that organisation or undertaking.

Document 1 contains the Aviation Reference Number (ARN) of the third party organisations. This information is not publicly available and is a unique identifier allocated to these organisations for business purposes. This information is cited during liaison between CASA and ARN holders to ensure CASA are liaising with authorised organisations. Should this information be made publicly available, individuals with no association to the ARN holder may unlawfully cite the reference to present themselves as the ARN holder.

On this basis, I consider that parts of Document 1 is conditionally exempt under section 47G on the grounds that full disclosure would disclose information concerning an organisation's business affairs and would, or could reasonably be expected to, unreasonably affect the lawful business, commercial or financial affairs of these organisations.

The Public Interest

Even though I have decided that parts of Document 1 is conditionally exempt under section 47G, I am also required to consider whether disclosing this information would on balance be contrary to the public interest. If I am not satisfied of that, access must be given.

Section 31B of the Act provides that a document is exempt if it is conditionally exempt under Division 3, and access to the document would also, on balance, be contrary to the public interest for the purposes of section 11A(5) of the Act.

In applying this test, I have weighed the factors in favour of disclosure against those against it.

I have identified the following factor for disclosure:

- it would promote the objects of the Act.

I have identified the following factor against disclosure:

- it could reasonably be expected to unreasonably adversely affect the business, commercial or financial affairs of these organisations.

In weighing the public interest factors for the purposes of this exemption, I have determined that the granting of full access to the documents would not further the objects of the Act, nor could access to this information be characterised as a matter of public importance telling in favour of disclosure.

On balance, I consider that the public interest favours the protection of this information. I consider it would be contrary to the public interest to release this information to you. I am satisfied that disclosure of the abovementioned parts of Document 1 would be contrary to the public interest.

Application for internal review of decision

Section 54 of the Act gives you the right to apply for an internal review of my decision. An application for internal review of my decision must be made in writing within 30 days of receipt of this letter.

No particular form is required, but it is desirable to set out in the application the grounds on which you consider that the decision should be reviewed. An application for review should be addressed to Freedom of Information at the address below:

Freedom of Information
Advisory and Drafting Branch
Legal, International and Regulatory Affairs Division
Civil Aviation Safety Authority
GPO Box 2005
Canberra ACT 2601

Review by the Australian Information Commissioner

Alternatively, under section 54L of the Act, you may apply to the Australian Information Commissioner to review my decision. An application for review by the Information Commissioner must be made in writing within 60 days of the date of this letter, and be lodged in one of the following ways:

online: https://forms.business.gov.au/smartforms/servlet/SmartForm.html?formCode=ICR_10
email: foidr@oaic.gov.au
post: Director of FOI Dispute Resolution, OAIC, GPO Box 5218, Sydney NSW 2001
phone: 02 9284 9666

Yours sincerely,



Keeley Phengrasmy
Freedom of Information Officer
Advisory and Drafting Branch
Legal, International and Regulatory Affairs Division
Civil Aviation Safety Authority