

DHA Ref: FOI2324-09

5 December 2023

Alex Pentland

By email: foi+request-10xxxxxxxxxxxxx@xxxxxxxxxxxxx.xxx.xx

Dear Alex Pentland

I refer to your request received by Defence Housing Australia on 6 November 2023 and acknowledged on 8 November 2023, in which you sought access under the *Freedom of Information Act 1982 (Cth)* (**FOI Act**) to the following documents:

“Style Guides/Brand Guides/Writing Guides currently used by Defence Housing Australia”

I am an officer authorised under section 23 of the FOI Act to make decisions in respect of requests for access to documents. My decision and statement of reasons are set out below.

Decision

I have identified two documents which meet the parameters of your FOI request, consisting of 85 pages as listed in the Schedule of Documents (the Schedule) at **Attachment A**.

I have decided to grant access in part to documents 1 and 2 because they contain material that is exempt under 47E - Public interest conditional exemptions – certain operations of agencies.

Material on which my decision is based

In making my decision, I have taken into account:

- a) the terms of your freedom of information request
- b) the documents that fall within the scope of your request
- c) consultation with officers of this agency that have core responsibility for the documents you sought access to, including confirmation that reasonable searches have been undertaken to identify all the documents held within the scope of your request, and advice about the nature of the documents and the operating environment and functions of DHA
- d) the Freedom of Information Guidelines issued by the Office of the Australian Information Commissioner under section 93A of the FOI Act (the FOI Guidelines)



e) the relevant provisions of the FOI Act.

FOI Legislation

The FOI Act provides a right of access to information in the possession of Commonwealth agencies, limited only by exceptions and exemptions provided for in the FOI Act.

Where the Schedule indicates an exemption claim has been applied to a document or part of a document, my findings of fact and reasons for deciding that the exemption provision applied to that document or part of the document are set out below.

Section 47E – Operations of the Agency

Section 47E of the FOI Act provides:

A document is conditionally exempt if its disclosure under this Act would or could reasonably be expected to:

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

For this reason, I have decided to exempt information under subsection 47E(d) of the FOI Act on the basis that it could be used to assist those who may wish to replicate DHA correspondence, thus providing legitimacy to fraudulently drafted documents. As DHA is uniquely positioned in its association with the Australian Defence Forces, DHA has a heightened requirement and responsibility to be vigilant against potential fraud against Defence personnel. Therefore, there is a significant and genuine risk to the public if the DHA releases this information.

I have considered the public interest in section 11B of the FOI Act to determine whether disclosure would, on balance, be contrary to the public interest.

Public interest test

Section 47E of the FOI Act is a conditional exemption. Under subsection 11A(5) the FOI Act requires access to a conditionally exempt document be granted unless (in the circumstances) access to the document at that time would, on balance, be contrary to the public interest.

To determine if the disclosure would be contrary to the public interest, I have weighed up the public interest for and against disclosure under subsection 11A(5) of the FOI Act, and have taken into account:

- The extent to which disclosure would promote the objectives of the FOI Act



- The extent to which disclosure would assist in informing debate on a matter of public importance; and
- The extent to which disclosure would prejudice the protection of an individual's right to privacy.

I also considered the following factor against disclosure:

- Disclosure could reasonably be expected to substantially affect the management function of the agency.

While there is an interest in open government and increased scrutiny of government activities, the information relating to specific DHA logos and colours has little meaning in providing clarity to these issues. The exemption of this information in no way dilutes or diminishes the substance of the rest of the information contained within the style guides. Thus, the objects of the FOI Act are preserved. I consider that the need to protect the integrity and safety of DHA correspondence to outweigh the public interest in release. In balancing these factors, I am satisfied that the release of details as to how the agency identifies itself, would be contrary to the public interest and as such have decided to not release this information. Therefore, I have removed the material that is exempt under section 47E of the FOI Act.

Charges

As your request can be considered in the public interest, I have decided not to impose a charge for processing your FOI request.

Publication of material released under the FOI Act

Where I have decided to release documents, we may also publish the released material on our Disclosure Log within ten working days of its release to you. We will not publish personal or business affairs information where it would be unreasonable to do so.

For your reference our Disclosure Log can be found here: <https://www.dha.gov.au/about-us/governance/legislative-framework/foi/foi-disclosure-log>.

Rights of review

If you disagree with the decision made by Defence Housing Australia (DHA) under the *Freedom of Information Act 1982* (the FOI Act), you can ask for a review of the decision.

Internal review

You can ask DHA to review its decision. There is no charge for an internal review. DHA will make an internal review decision within 30 days of receiving your request.



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To request an internal review of this decision, you must send your request to DHA within 30 days of being notified of this decision. Please outline the aspects of the decision to which you are objecting and why.

External Review

You may apply directly to the Information Commissioner for an external review without requesting an internal review.

To apply for an external review by the Information Commissioner, it is recommended that you complete the online form available at <https://www.oaic.gov.au/freedom-of-information/your-freedom-of-information-rights/freedom-of-information-complaints/make-an-foi-complaint>

Further information about applying for an external review is also available on the OAIC website.

Your sincerely

Bethany
Senior FOI Officer
E. xxx@xxx.xxx.xx
Defence Housing Australia

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Schedule of Documents

Document No.	Page numbers	Title/Description	Decision
1	1-16	DHA style guide	Released in part. Material removed under section 47E - Public interest conditional exemptions – certain operations of agencies
2	17-85	DHA internal style guide	Released in part. Material removed under section 47E - Public interest conditional exemptions – certain operations of agencies

