



John McGrath

By email: foi+request-11243-8625e4f2@righttoknow.org.au

Dear Mr McGrath

Office of General Counsel
GPO Box 367
CANBERRA CITY ACT 2601
www.airservicesaustralia.com

ABN 59 698 720 886

FOI 24-19 - Decision on Access

I refer to the request made under the *Freedom of Information Act 1982* (Cth) (**FOI Act**) to Airservices Australia (**Airservices**) on 18 March 2024 (**the request**). It seeks access to:

*‘..information on the number of professionals employed by Airservices Australia whose specific task is to conduct environmental impact assessments of new flight paths.
Could you also provide a summary breakdown of their academic qualifications and experience.
I also want information on environmental and social impact assessment methodologies and frameworks used at Airservices Australia.’*

I am authorised under section 23 of the FOI Act and the Airservices Instrument of Delegation and Authorisation to make decisions on primary requests under the FOI Act.

Decision

I have identified six documents relevant to the scope of your request.

I have decided to grant access to one document in full.

I have decided to refuse access to the remaining five documents sought by the request in as they contain material that is:

- conditionally exempt under sections 47F (personal privacy) and access to that conditionally exempt material would be contrary to the public interest.

These documents and my decision in relation to each, are set out in the schedule of documents at **Attachment A (the Schedule)**.

The reasons for my decision are set out in the Statement of Reasons at **Attachment B**.

Review rights and complaints

Information about your rights of review and how you can make a complaint about the handling of your request is at **Attachment C**.

Contact

If you wish to discuss my decision please contact me at foi@airservicesaustralia.com.

Yours sincerely

Ben Ackhurst
Authorised FOI Decision Maker

5 April 2024

SCHEDULE OF DOCUMENTS

Doc No.	Description	Decision
1.	Environmental Management of Changes to Aircraft Operations – National Operating Standard (AA-NOS-ENV-2.100)	Release in full – publicly available via: Environmental-Management-of-Changes-to-Aircraft-Operations-AA-NOS-ENV-2.100.pdf (airservicesaustralia.com)
2.	Airservices staff CV – Employee 1	<i>Exempt in full</i> Section 47F – personal privacy
3.	Airservices staff CV – Employee 2	<i>Exempt in full</i> Section 47F – personal privacy
4.	Airservices staff CV – Employee 3	<i>Exempt in full</i> Section 47F – personal privacy
5.	Airservices staff CV – Employee 4	<i>Exempt in full</i> Section 47F – personal privacy
6.	Airservices staff CV – Employee 5	<i>Exempt in full</i> Section 47F – personal privacy

STATEMENT OF REASONS

Material on which the decision is based

I relied on the following material in coming to this decision:

- the terms of the request;
- the documents subject to the FOI request;
- advice from subject matter specialists within Airservices regarding the nature and sensitivity of the documents subject to the request;
- the FOI Act; and
- the guidelines issued by the Information Commissioner under section 93A of the FOI Act (**FOI Guidelines**).

Section 47F - personal privacy

Section 47F of the FOI Act relevantly provides that 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). Access to the conditionally exempt document may only be withheld where it is contrary to the public interest.

Certain documents subject to the request (identified in the Schedule) contain personal information, specifically they are CVs of certain staff members of Airservices.

In *'BE' and Ors and Australian Taxation Office*¹ ('BE'), the Information Commissioner accepted that the disclosure of job applications made by candidates would be an unreasonable disclosure of personal information. The Information Commissioner accepted that they were personal to each respective candidate; that they were prepared for a specific purpose; and that they were provided to a limited audience on the understanding the information was received in confidence and would not be disseminated beyond those management the recruitment process.

In this case, the impacted Airservices staff provided the personal information as set out in their CVs in order to ascertain their suitability for their respective positions at Airservices and I consider it unreasonable that such information be disclosed for any other purpose.

I therefore find that disclosure of this personal information would be unreasonable and conditionally exempt under section 47F(1) of the FOI Act.

When considering whether access to this personal information is contrary to the public interest I acknowledge that access would inherently promote the objects of the FOI Act, demonstrating full transparency of government. However, providing access to this personal information would also intrude on the privacy of the individuals to whom the personal information relates whilst also not providing great insight into the decision making processes of Airservices. This adverse effect outweighs any benefit that could flow from disclosing that personal information.

As a result, I am satisfied that access to the personal information would be contrary to the public interest, and have decided to withhold access to it.

¹ *'BE' and Ors and Australian Taxation Office* [2014] AICmr 16 at [19].

INFORMATION ON REVIEW RIGHTS

The *Freedom of Information Act 1982* (the **FOI Act**) gives you the right to apply for a review of this decision via:

- (a) an internal review; or
- (b) the Australian Information Commissioner (**Information Commissioner**).

Internal review

If you apply for internal review, it will be carried out by a different decision-maker who will make a fresh decision on your application. An application for review must be:

- (a) made in writing;
- (b) made within 30 days of receiving this letter; and
- (c) sent to foi@airservicesaustralia.com.

No particular form is required, but it is desirable to set out in the application the grounds upon which you consider the decision should be reviewed.

If the internal review results in you not being provided access to all of the documents to which you have requested access, you have the right to seek a review of that decision by the Information Commissioner.

Information Commissioner review

You can opt to instead seek external review by the Information Commissioner. To seek review you must apply to the Information Commissioner within 60 days of the receipt of this decision letter. Further details on this process can be found on their website at <https://www.oaic.gov.au/>.

You will also have the opportunity to seek Information Commissioner review of an Internal Review if you are dissatisfied with its outcome.

Complaints to the Information Commissioner

Information Commissioner

You may also complain to the Information Commissioner concerning action taken by an agency in the exercise of powers or the performance of functions under the FOI Act. There is no fee for making a complaint. A complaint to the Information Commissioner must be made in writing. Further details on this process can be found on their website at <https://www.oaic.gov.au/>.