



FREEDOM OF INFORMATION

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Our ref: CRM 2016/17

2 October 2015

Michael, Right to Know
Email: foi+request-1136-05021172@righttoknow.org.au

Dear Michael,

Freedom of Information request

I refer to your email dated 12 July 2015, under the *Freedom of Information Act 1982* (the Act) seeking the following:

"All reports in relation to cases since January 2010 whereby recruits of AFP College have been either disqualified from completing the course or placed on a subsequent course due to injuries.

Injuries to include those sustained as part of recruit training as well as those sustained outside of the recruit training.

Courses to include both Federal Police Development Program and Protective Service Officer Program."

Attached at Annexure A to this letter is my decision and statement of reasons for that decision. A "Schedule of Documents" identified as falling into the scope of your request is at Annexure B.

Information Publication Scheme (IPS)

As notified to you on 13 July 2015 and in accordance with section 11C of the Act, it has been decided to publish the documents in full in respect of your request. Publication of the documents and any relevant documents will be made on the AFP website at <http://www.afp.gov.au/about-the-afp/information-publication-scheme/routinely-requested-information.aspx> between 5 and 10 days after notification of this decision.

Yours sincerely,

A handwritten signature in black ink, appearing to be 'J. Ellery', is written over a horizontal line.

Jacqueline Ellery
Acting Coordinator
Freedom of Information
Australian Federal Police

**STATEMENT OF REASONS RELATING TO AN FOI REQUEST BY
MICHAEL**

I, Jacqueline Ellery, Acting Coordinator, Freedom of Information, am an officer authorised under section 23 of the Act to make decisions in relation to the Australian Federal Police.

What follows is my decision and reasons for the decision in relation to your application.

BACKGROUND

On 12 August 2015, a further extension of time was granted by the Office of the Australian Information Commissioner (OAIC) pursuant to section 15AB of the Act to notify you of a decision by 10 September 2015.

On 7 September 2015, you were notified of our Intention to Refuse your request pursuant to section 24AB(2) notice.

On 30 September 2015, we agreed to your revised scope seeking access to the following:

"A report in relation to cases for the 2014-15 financial year whereby recruits of AFP College have been either disqualified from completing the course or placed on a subsequent course due to injuries.

Courses to include both Federal Police Development Program and Protective Service Officer Program."

SEARCHES

In relation to this request, a search was undertaken by AFP Recruit and Regional Training Team for documents relative to the request.

DECISION

I have identified one document relevant to your request. A schedule detailing my decision is at Annexure B.

I have decided that the document that relates to your request is released with deletions pursuant to subsection 47F of the Act.

My reasons for this decision are set out below.

WAIVER OF CHARGES

Further, given that the request has exceeded all statutory timeframes as outlined at Section 15 of the Act, the AFP is not able to impose any fees or charges as outlined at Regulation 5(2)&(3) of the *Freedom of Information (Charges) Regulations 1982*.

REASONS FOR DECISION

Folios to which section 47F apply:

Section 47F of the Act provides that:

- “(1) 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).”*

The document identified in the Schedule as exempt under this section of the Act contains personal information of third parties, in particular, AFP employees. Personal information is information about an individual whose identity is known or easily ascertainable. I find that this document contains personal information.

I have considered the public interest factors both in favour and against disclosure of the information in these folios.

In relation to the factors favouring disclosure, I believe the following are relevant:

- (a) the general public interest in access to documents as expressed in sections 3 and 11 of the FOI Act;
- (b) the extent to which the information is well known;
- (c) whether the person to whom the information relates is known to be (or to have been) associated with the matters dealt with in the documents;
- (d) the availability of the information from publicly accessible sources; and
- (e) the current relevance of the information.

In relation to the factors against disclosure, I believe that the following are relevant:

- (f) prejudice the protection of an individual's right to privacy; and
- (g) the need for the agency to protect its employees' private lives from inappropriate contact from members of the public in relation to AFP matters;
- (h) to inhibit the identification of AFP employees in circumstances that fall outside of their official roles and responsibilities, including the identification of their home addresses, private contact details and their families. This is particularly relevant in circumstances where they have taken proactive security measures to limit the amount of public information available about themselves.

While there is a public interest in providing access to documents held by the AFP, the information exempted under this section and in this instance are the middle names of AFP employees. I have given greater weight to factors (f) and (g) above and conclude that on balance, disclosure is not in the public interest.

The AFP maintains that disclosure of that information would be contrary to an AFP employee's right to the protection of their personal privacy, in particular, the identification of their medical circumstances.

I find that the release of this information would be an unreasonable disclosure of personal information and it is therefore exempt under section 47F of the Act.

EVIDENCE/MATERIAL ON WHICH MY FINDINGS WERE BASED

In reaching my decision, I have relied on the following documentary evidence:

- ❖ the scope of your application;
- ❖ the contents of the documents listed in the attached schedule;
- ❖ advice from AFP officers with responsibility for matters relating to the documents to which you sought access;
- ❖ *Freedom of Information Act 1982*;
- ❖ Guidance material issued by the Department of Prime Minister and Cabinet; and
- ❖ Guidelines issued by the Office of the Australian Information Commissioner.

**** YOU SHOULD READ THIS GENERAL ADVICE IN CONJUNCTION WITH THE LEGISLATIVE REQUIREMENTS OF THE FREEDOM OF INFORMATION ACT 1982.**

REVIEW AND COMPLAINT RIGHTS

If you are dissatisfied with a Freedom of Information decision made by the Australian Federal Police, you can apply for an internal or Information Commissioner (IC) Review. You do not have to apply for Internal Review before seeking an IC review.

You do not need to seek a review by either the AFP or the IC should you wish to complain about the AFP's actions in processing your request.

REVIEW RIGHTS under Part VI of the Act

Internal Review by the AFP

Section 53A of the Act gives you the right to apply for an internal review in writing to the Australian Federal Police (AFP) within 30 days of being notified of a decision. No particular form is required. It would assist the independent AFP decision-maker responsible for the internal review if you set out in the application, the grounds on which you consider that the decision should be reviewed.

Section 54B of the Act provides that the internal review submission must be made within 30 days. Applications for a review of the decision should be addressed to:

Freedom of Information
Australian Federal Police
GPO Box 401
Canberra ACT 2601

REVIEW RIGHTS under Part VII of the Act

Review by the Information Commissioner (IC)

Alternatively, Section 54L of the Act gives you the right to apply directly to the IC or following an internal review by the AFP. In making your application you will need to provide an address for notices to be sent (this can be an email address) and a copy of the AFP decision. It would also help if you set out the reasons for review in your application.

Section 54S of the Act provides for the timeframes for an IC review submission. For an *access refusal decision* covered by subsection 54L(2), the application must be made within 60 days. For an *access grant decision* covered by subsection 54M(2), the application must be made within 30 days.

Applications for a review of the decision should be addressed to:

Office of the Australian Information Commissioner
GPO Box 5128
Sydney NSW 2001

On 13 May 2014, as part of the 2014-15 Federal Budget, the Government announced that the OAIC would be abolished effective from 31 December 2014. The Freedom of Information Amendment (New Arrangements) Bill 2014, which proposes the closure of the Office of the Australian Information Commissioner (OAIC) on 31 December 2014, was not considered by the Senate before the end of the 2014. The OAIC will therefore remain operational until further notice. In the meantime, Information Commissioner reviews will continue to be handled by the OAIC.

For details on how this will affect the processing of IC review applications, visit www.oaic.gov.au/info-on-oaic-shut-down-and-foi-reviews-and-complaints.

The OAIC encourages parties to an IC review to resolve their dispute informally, and encourages agencies to consider possible compromises or alternative solutions to the dispute in this matter. The AFP would be pleased to assist you in this regard.

Further information about the process for IC review can be found in Part 10 of the Guidelines which are available on our website at <http://www.oaic.gov.au/publications/guidelines.html>.

RIGHT TO COMPLAIN under Part VIIB of the Act

Section 70 of the Act provides that a person may complain to the IC about action taken by the Australian Federal Police in relation to your application.

A complaint to the IC may be made in writing and identify the agency against which the complaint is made.

The IC may be contacted on 1300 363 992. There is no particular form required to make a complaint, but the complaint should set out the grounds on which you consider the action should be investigated.

SCHEDULE OF DECISION – CRM 2016/17
 RELEASE OF DOCUMENTS – MICHAEL (RIGHT-TO-KNOW)

Document No	Folio No	Date	Author	Description	Exemption	Reason
1	1	1.10.15	Australian Federal Police (AFP)	Statistical report	Released with deletions: 47F	s47F Deletions are made on the grounds that disclosure would involve the unreasonable provision of personal details of people other than the FOI applicant. Access must be given unless it would be contrary to the public interest.



Authorised Decision Maker:
 Jacqueline Ellery
 Acting Coordinator
 Freedom of Information
 Australian Federal Police

Date of Decision: 2 October 2015

Statistical report of recruits either back-squadded or removed from AFP Recruit Training courses 2014-2015 financial years due to injuries.

This report is compiled from a statistical analysis of AFP College records held for the 2014-2015 financial year, on recruit injuries sustained whilst on course necessitating either recruits to be placed onto a future course or removed completely and does not include recruits who were found to have pre-existing injuries during the running of the courses.

In the 2014-2015 Financial Year we had the following programs:

- PSOP1/2014 (7/10/14 - 19/12/14)
- FPDP1/2015 (5/1/15 - 19/6/15)
- FPDP2/2015 (5/1/15 - 19/6/15)
- FPDP3/2015 (2/3/15 - 14/8/15)
- FPDP4/2015 (2/3/15 - 14/8/15)
- PSOP1/2015 (2/3/15 - 22/5/15)
- PSOP2/2015 (2/3/15 - 22/5/15)

The only recruits withdrawn (or back-squadded) due to injury were as follows:

- FPDP2/2015 (5/1/15 - 19/6/15) 1 x recruit injured at OST, back squadded to complete driver training and OST with FPDP5/15
- FPDP3/2015 (2/3/15 - 14/8/15) 1 x recruit injured at OST, back squadded to complete driver training and OST with FPDP5/15
- FPDP4/2015 (2/3/15 - 14/8/15) 1 x recruit injured at OST, placed in an
47F

Nigel Price
A/Superintendent
Co-Ordinator Recruit Training
Workforce & Development
1 October 2015