

11 May 2016

Mr James Smith
foi+request-1851-9bc41519@righttoknow.org.au

Dear Mr Smith

I refer to your request of 18 April 2016 for access to information held by Defence Housing Australia (DHA) under the *Freedom of Information Act 1982 (Cth)*.

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

Background

On 18 April 2016 you lodged a Freedom of Information (FOI) request by email, in which you have sought access to information, as below:

1. *Current social media policy of the department, which covers departmental use and/or private use by employees in an individual capacity.*
2. *Any current guidance material which is available for employees to make informed decisions about their private social media use.*

I acknowledged receipt of your request on 27 April 2016.

Legislative background

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

Decision

I have identified 4 documents, consisting of 9 pages as falling within the scope of your FOI request. A schedule of the documents is set out at Attachment A (the schedule).



Parts of Documents 1, 2 and 4 are partially and conditionally exempt under section 47F of the FOI Act and disclosure would be contrary to the public interest. Those parts of the documents 1, 2 and 4 that are not conditionally exempt are to be released, unless otherwise exempt or irrelevant.

Document 3 will be released in full.

Material on which my findings of fact are based

I based my findings of fact on the following material:

- The terms of your Freedom of Information request;
- The content of the documents to which you sought access;
- The relevant provisions of the FOI Act;
- The Freedom of Information Guidelines published by the Office of the Australian Information Commissioner under section 93A of the FOI Act (the OAIC Guidelines);
- Responses to third party consultation undertaken by DHA.

Reasons

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 applies to that document or part of the document are set out below.

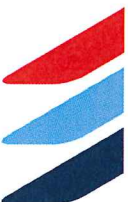
Section 47F – Public interest conditional exemption – Personal Privacy

Section 47F of the FOI Act relevantly provides:

- 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).
- 2) In determining whether the disclosure of the document would involve the unreasonable disclosure of personal information, an agency or Minister must have regard to the following matters:
 - 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;
 - d. Any other matters that the agency or Minister considers relevant.

'Personal information' is defined in section 4 of the FOI Act as;

Information or an opinion (including information forming part of a database), whether true or not, and whether recorded in a material form or not, about an individual whose identity is apparent, or can reasonably be ascertained, from the information or opinion.



Documents 1, 2 and 4 contain the names and mobile phone numbers of DHA employees. The employees use their mobile phones for both business and personal use. Release of the mobile phone numbers would enable people to contact the employees outside of work hours.

In summary, I find that the release of the personal information contained in documents 1, 2, and 4 would constitute an unreasonable disclosure of information.

Public interest test

Under subsection 11A(5), the FOI Act requires that the agency or minister give the FOI applicant access to a conditionally exempt document 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:

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

In relation to these documents, I find that the personal information contained in the documents would not assist in informing debate on a matter of public importance or promote the objectives of the FOI Act.

I have decided that on balance it would be contrary to the public interest to release the personal information. Accordingly, I have decided to release the documents with the personal information redacted.

Section 22 – Deletion of exempt or irrelevant material

Section 22 of the FOI Act provides that if an agency decides that granting access to a document would disclose information that would be exempt or reasonably be regarded as irrelevant to the request, then where it is reasonably practicable to provide a copy with deletions, such a copy should be provided.

I have decided to apply section 22 of the FOI Act to delete exempt material in respect of document 1 in order to facilitate the release of the remainder of those documents to you, as set out in the Schedule at Attachment A.

Liability to pay charges

I have decided not to impose any charges.



Rights of review

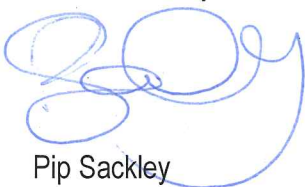
If you do not agree with my decision in relation to release of documents you are entitled to apply for an internal review of the decision and/or external review by the Australian Information Commissioner. Information on your rights is at Attachment B.

FOI disclosure log

In accordance with the requirements of section 11C of the FOI Act, Defence Housing Australia is required to publish, on its website, information released under the FOI Act within 10 working days of the application being given access to documents. Defence Housing Australia will also publish the decision notice, with any personal and business information deleted. The information published does not include personal information or the business, commercial, financial or professional affairs of any person if publication of that information would be unreasonable. Other information not published also includes that which the Australian Information Commissioner determines is unreasonable to publish.

Please do not hesitate to contact me if you have any further questions about this matter.

Yours sincerely



Pip Sackley
Executive Officer

