



Reference: AF26715178

**FOI 052/16/17 STATEMENT OF REASONS UNDER THE FREEDOM OF INFORMATION ACT**

1. I refer to the application by Mr Ato Nvudho under the *Freedom of Information Act 1982* (FOI Act), for access to:

*“1. All documents which address, or mention, the impact of prolonged bargaining on employee morale. This includes all impact, whether actual, perceived, anticipated, or otherwise.*

*2. Documents which describe how employee morale has been measured over time, covering a period of at least the last 2 years*

*excluding personal email addresses, signatures, PMKeys numbers and mobile telephone numbers, contained in documents that fall within the scope of the FOI request. In addition, excluding duplicates of documents”*

**FOI decision maker**

2. I am the accredited officer pursuant to section 23 of the FOI Act to make a decision on this FOI request.

**Documents identified**

3. I identified four documents as matching the description of the request.

4. The decision in relation to each document is detailed in a schedule of documents.

5. I have added an FOI reference number and Serial number to each of the documents, which corresponds with the schedule.

**Decision**

6. I have decided to:

a. release three in documents in full; and

b. partially release one document in accordance with section 22(1)(a)(ii) [access to edited copies with exempt or irrelevant matter deleted] of the FOI Act, on

the grounds that the deleted material is considered exempt under section 47F [public interest conditional exemptions-personal privacy] of the FOI Act. .

- c. remove irrelevant material as referred to in the scope of the request in accordance with section 22(1)(a)(ii) of the FOI Act.

**Material taken into account**

- 7. In making my decision, I had regard to:
  - a. the terms of the request;
  - b. the content of the identified documents in issue;
  - c. relevant provisions in the FOI Act;
  - d. the Guidelines published by the Office of the Australian Information Commissioner under section 93A of the FOI Act (the Guidelines); and
  - e. advice received from officers within the department – Director General Workforce Planning.

**Reasons for decision**

**Section 47F - Personal privacy**

8. Upon examination of the documents, I identified information, specifically the personal details of an individual who requested a Media Response from the department. In accordance with section 47F(2) of the FOI Act, in determining whether the disclosure of the identified personal information would be unreasonable, I had regard to:

- a. the extent to which the personal 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 documents;
- c. the availability of the information from publicly accessible sources.

9. Against the above criteria I found that the specific information is not well known nor is it available from publicly available sources.

10. Following consideration of the above criteria, I am satisfied that the specific material is conditionally exempt under section 47F of the FOI Act.

11. Section 11A(5) of the FOI Act, requires Defence to allow access to an exempt document unless, in the circumstances, access to the documents would, on balance, be contrary to the public interest.

**Public interest considerations - section 47F**

12. Section 11A(5) provides that, if a document is conditionally exempt, it must be disclosed “unless (in the circumstances) access to the document at that time would, on balance, be contrary to the public interest”.

13. I considered the factors favouring disclosure set out in section 11B(3) of the FOI Act. The relevant factors are that disclosure may promote some of the objects of the FOI Act, as information held by the Government is a national resource and it would allow the applicant access to his own personal information.

14. However disclosure of this information would not increase public participation in the Defence process (section 3(2)(a) of the FOI Act), nor would it increase scrutiny or discussion of Defence activities (section 3(2)(b) of the FOI Act).

15. Paragraph 6.29 of the Guidelines specifies a non-exhaustive list of public interest factors against disclosure. The factors I find particularly relevant to this request are that release of this information could reasonably be expected to prejudice the protection of an individual's right to privacy.

16. Releasing the personal details of individuals who request Media Responses from the department could reasonably be expected to cause significant harm to the individuals named. The release of these details could also adversely affect any future requests for Media Responses to the department.

17. It is for those reasons that I find that the public interest factors against disclosure outweigh the factors for disclosure and I deem the information exempt under section 47F of the FOI Act.

18. None of the factors listed in section 11B(4) [irrelevant factors] were taken into account when making my decision.



Peter Bavington  
Accredited Decision Maker  
Defence People Group

27 September 2016

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**FREEDOM OF INFORMATION REQUEST NO. 052/16/17**

<b>Serial</b>	<b>Date</b>	<b>Document title</b>	<b>Author</b>	<b>Addressee</b>	<b>Number of pages</b>	<b>Document description</b>	<b>Decision under the Act</b>	<b>Reason for decision</b>
1	June 2015	YourSay Defence APS morale DSPR PUB No. 52/2015	Directorate of Strategic People Research	Nil	16	Research Publication	Full Access	
2	February 2016	YourSay Organisational Climate snapshot Defence Groups DPIR Pub No. 83/2016	Directorate of People Intelligence & Research	Nil	4	Research Publication	Full Access	
3	March 2016	YourSay Indicators of culture in Defence DPIR PUB No. 47/2016	Directorate of People Intelligence & Research	Nil	2	Research Publication	Full Access	
4	10 February 2016	Results of the 2015 YourSay Surveys	Deputy Secretary Defence People	Minister Chester	15	Ministerial Advice	Partial access	Deletions made in accordance with section 22 of the FOI Act, on the grounds that the deleted material is exempt under section 47F [Personal privacy] of the FOI Act.