



Australian Government

Civil Aviation Safety Authority

LEGAL AFFAIRS, REGULATORY POLICY
AND INTERNATIONAL STRATEGY

TRIM Ref: F16/4935

2 November 2016

Mr Rob Cumming

Via email: Rob Cumming foi+request-2253-5e7e56a6@righttoknow.org.au

Dear Mr Cumming,

ACCESS TO DOCUMENTS UNDER THE *FREEDOM OF INFORMATION ACT 1982*

I refer to your email dated 17 September 2016 seeking access to documents under the *Freedom of Information Act 1982* (Cth) (the Act). You sought access to documents related to the evidence for the Cessna SIDs being placed on Cessna aircraft in Australia and the Regulatory Impact Statement (RIS) in support for the SIDs program.

The scope of your request is as follows:

1. Documents relating to the basis for the SID's requirement;
2. Documents relating to the RIS for private aircraft in Australia in the implementation of SID's and the basis for the mandatory requirement in Australia compared to the US, when and where the SID's requirements for Australia is based on the FAA requirements; and
3. Documents that refer to private operations vs. commercial operations and
4. Any direct communications with the FAA from/to CASA Australia on this issue.

On 6 October 2016 I advised that I had made a decision to impose charges in the amount of \$88.58 in relation to your application.

In an email dated 8 October 2016, you advised that you wished to proceed with the request. Payment was received on 24 October 2016.

I am an officer authorised under section 23(1) of the Act to make decisions in relation to freedom of information requests.

I am the decision maker for your request. I have identified an email chain containing 3 pages which falls within scope of your request.

As explained previously, Aviation Ruling – Compliance with Supplemental Inspection Documents (publicly available at <https://www.casa.gov.au/sites/g/files/net351/f/ar0114-amended.pdf?v=1450759729>) explains the basis for the view that compliance with the SIDs is mandatory. On this basis, there is no RIS document as CASA has simply explained in the ruling how it considers the aviation legislation already operates to require compliance with the supplemental inspection documents.

Conditional exemption - personal information

Section 47F of the Act provides that a document is conditionally exempt if its disclosure under this Act would involve the unreasonable disclosure of personal information about any person.

The email chain contains personal information relating to two FAA officers and a third party who was cc'ed into the original email. This information is not in the public domain.

I consider this is information which is conditionally exempt under s.47F of the Act, on the grounds that any disclosure of it would involve the unreasonable disclosure of personal information as it would intrude on the right to privacy of the individuals concerned.

I consider that the release of this information would be an unreasonable disclosure of personal information, as it would intrude on the right to privacy of the individuals concerned. This information is not available from publicly accessible sources.

The Public Interest

Even though I have decided that parts of the abovementioned document are conditionally exempt under s.47F, I am also required to consider whether disclosing them would on balance be contrary to the public interest. If I am not satisfied of that, access must be given.

Section 31B of the Act provides that a document is exempt if it is conditionally exempt under Division 3, and access to the document would also, on balance, be contrary to the public interest for the purposes of s.11A(5) of the Act.

In applying this test, I have weighed the factors in favour of disclosure against those against it.

I have identified the following factor for disclosure:

- it would promote the objects of the Act, as described in s.3.

I have identified the following factor against disclosure:

- it could reasonably be expected to prejudice the protection of an individual's right to privacy.

In weighing the public interest factors for the purposes of this exemption, I have determined that the granting of access to the individuals' information would not further the objects of the Act, nor could access to this information be characterised as a matter of public importance telling in favour of disclosure.

On the other hand, disclosure of this kind of information would intrude on the right to privacy of the individuals concerned.

On balance, I consider that the public interest favours the protection of this personal information. I consider it would be contrary to the public interest to release this personal information to you.

Application for internal review of decision

Section 54 of the Act gives you the right to apply for an internal review of my decision. An application for internal review of my decision must be made in writing within 30 days of receipt of this letter.

No particular form is required, but it is desirable to set out in the application the grounds on which you consider that the decision should be reviewed. An application for review should be addressed to Freedom of Information at the address below:

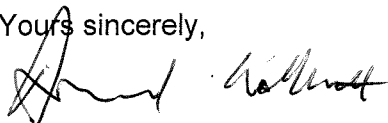
Freedom of Information
Legal Services Division
Civil Aviation Safety Authority
GPO Box 2005
Canberra ACT 2601

Review by the Australian Information Commissioner

Alternatively, under section 54L of the Act, you may apply to the Australian Information Commissioner to review my decision. An application for review by the Information Commissioner must be made in writing within 60 days of the date of this letter, and be lodged in one of the following ways:

online: <http://www.oaic.gov.au/freedom-of-information/requesting-a-review>
email: enquiries@oaic.gov.au
post: GPO Box 2999, Canberra ACT 2601
in person: Level 3, 175 Pitt Street, Sydney NSW
phone: 1300 363 992

Yours sincerely,



David Gobbitt
A/g Freedom of Information Coordinator
Legal Affairs, Regulatory Policy and International Strategy Branch

Email address: david.gobbitt@casa.gov.au