



Australian Government
Department of Defence

FOI 084/17/18 STATEMENT OF REASONS UNDER THE FREEDOM OF INFORMATION ACT

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

I request documents related to the ten most recent instances where an employee has sought information, advice, guidance, or opinion on their social media use in a private capacity.

I limit the scope of documents to:

- the original request from the employee*
- the agency/department's response*
- any follow-up questions and response*
- only those sent to a relevant HR / conduct / social media (or similar) team (rather than managers across all areas of the organisation)*
- where the original request was created in the last 2 years*

Excludes personal email addresses, signatures, personnel (PMKeyS) numbers and mobile telephone numbers contained in documents that fall within the scope of this request.

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 one document as matching the description of the request.

Decision

4. I have decided to:
- a. partially release one document in accordance with section 22 [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; and
 - b. remove irrelevant material as referred to in the scope of the request in accordance with section 22(1)(b)(ii) of the FOI Act.

Material taken into account

5. In making my decision, I had regard to:
- a. the terms of the request;
 - b. the content of the identified document 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 Defence People Group (DPG), Ministerial and Executive Communication and Coordination Division (MECC), Navy, Army and Air Force.

Reasons for decision

Section 47F - Personal privacy

6. The document contains details of persons other than the applicant. This information could be used to reasonably ascertain the identity of an individual and therefore satisfies the definition of personal information in section 4 of the FOI Act.
7. Section 47F(2) states that to determine 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 publically accessible sources.
8. Against these criteria, I found:
- a. the specific personal information listed is not well known;
 - b. the individuals whose personal information is contained in the documents are not widely known to be associated with the matters dealt with in the document; and
 - c. the information is not readily available from publicly accessible sources.

9. With reference to the assessment above, I consider that the release of the personal details would be an unreasonable disclosure of personal information and is therefore conditionally exempt under section 47F of the FOI Act.

Public interest considerations – section 47F

10. I have found that information in the identified document is conditionally exempt under section 47F of the FOI Act. 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.

11. I considered the factors favouring disclosure set out in section 11B(3) of the FOI Act. The most relevant factor is that disclosure may promote some of the objects of the FOI Act, as information held by the Government is a national resource.

12. However, the disclosure of this information would not increase public participation in the Defence process, nor would it increase scrutiny or discussion of Defence activities, given that the content comprises only personal information of an individual.

13. Paragraph 6.22 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 or harm:

- a. the protection of an individual's right to privacy; and
- b. the interests of an individual or group of individuals.

14. It is for these 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.

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

Further Information

9. Searches for documents were conducted within DPG, MECC, Navy, Army and Air Force. DPG, Navy, Army and Air Force did not locate any documents matching the scope of this request.

10. Advice received from each of these areas is that inquiries of this nature are occasionally received by phone. No records of these conversations are taken.

11. The document identified as falling within the scope of this request was identified by the social media team in MECC. They have advised that they responded to the inquiry by phone. No record of this call was taken.

Dr Melanie Beacroft
Accredited Decision Maker
Associate Secretary Group