



Australian Government
Civil Aviation Safety Authority

LEGAL AND REGULATORY AFFAIRS

TRIM Ref: F17/9617

12 January 2018

Rob Cumming

Via email: Rob Cumming foi+request-4290-61ab08a4@righttoknow.org.au

Dear Rob,

Access to documents under the *Freedom of information Act 1982*

I refer to your email dated 10 January 2018, seeking access to documents under the *Freedom of Information Act 1982* (Cth) (the Act) regarding aircraft owned or operated by Josh Hoch and/or Hoch Air Pty Ltd.

Decision

I am the decision maker for your request. I have identified 1 document that is within the scope of your request, which is a Word document created by CASA's Aircraft Registrar. I have decided to release the document to you, with appropriate redactions, for the following reasons.

Conditional exemption - personal information

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

The document contains the Aviation Reference Number of Josh Hoch.

I consider this information to be conditionally exempt under s.47F of the Act on the grounds that any disclosure of such information would involve unreasonable disclosure of personal information. This information is not available from publicly accessible sources.

The Public Interest

Even though I have decided that part of the document is conditionally exempt under section 47F, I am also required to consider whether disclosing this information 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 material is exempt if it is conditionally exempt under Division 3, and access to the material 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 the right to privacy of individuals other than you.

In weighing the public interest factors for the purposes of this exemption, I have determined that access to this information would not be characterised as a matter of public importance telling in favour of disclosure.

On the other hand, disclosure of the personal information would intrude on the right to privacy of the individual concerned by providing personal information which is not available from publicly accessible sources.

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 information to you for this reason.

Conditional exemption – business information

Section 47G(1)(a) of the Act provides that a document is conditionally exempt if its disclosure under the Act would disclose information concerning the business, commercial or financial affairs of an organisation or undertaking, in a case in which the disclosure of the information would, or could reasonably be expected to, unreasonably affect the lawful business, commercial or financial affairs of that organisation or undertaking.

The document contains the Aviation Reference Number of Hoch Air Pty Ltd.

On this basis, I consider that part of the document is conditionally exempt under section 47G(1)(a) on the grounds that full disclosure would disclose information concerning an organisation's business affairs and would, or could reasonably be expected to, unreasonably affect the lawful business, commercial or financial affairs of Hoch Air Pty Ltd.

For the reasons discussed above, I have decided that parts of the document are conditionally exempt.

The Public Interest

Even though I have decided that parts of the document are conditionally exempt under section 47G(1)(a), I am also required to consider whether disclosing this information 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 section 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.

I have identified the following factor against disclosure:

- it could reasonably be expected to unreasonably adversely affect the business, commercial or financial affairs of Hoch Air Pty Ltd.

In weighing the public interest factors for the purposes of this exemption, I have determined that the granting of full access to the document 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 could unreasonably adversely affect the business, commercial or financial affairs of Hoch Air Pty Ltd.

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

I am satisfied that disclosure of parts of the document would be contrary to the public interest.

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:

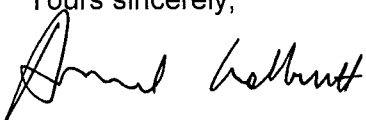
Freedom of Information
Legal and Regulatory Affairs Division
Advisory and Drafting Branch
Civil Aviation Safety Authority
GPO Box 2005
Canberra ACT 2601

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
Freedom of Information Officer
Legal and Regulatory Affairs Division
Advisory and Drafting Branch
Civil Aviation Safety Authority

Registration Mark	Manufacturer	Model	Serial No.	ARN	RH/RO Name	RH/RO Start Date	Type - RH/RO
VH-SZA	CESSNA AIRCRAFT COMPANY	404	4040205	s 47G(1)(a)	HOCH AIR PTY LTD	16/06/2016	Registered Operator
VH-VER	CESSNA AIRCRAFT COMPANY	404	4040611		HOCH AIR PTY LTD	24/08/2016	Registered Operator
VH-UMS	BEECH AIRCRAFT CORP	C24R	MC-483		HOCH AIR PTY LTD	26/08/2016	Registered Operator
VH-SNZ	BEECH AIRCRAFT CORP	58	TH-698		HOCH AIR PTY LTD	25/03/2015	Registered Operator
VH-MLC	BEECH AIRCRAFT CORP	95-B55	TC-867	s 47F	HOCH, Josh	22/07/2010	Registration Holder & Registered Operator

Released under Freedom of Information