



**Australian Government**  
**Department of Defence**

Reference:

**FOI 247/19/20 - STATEMENT OF REASONS UNDER THE FREEDOM OF INFORMATION ACT**

1. I refer to the application by Mr Luca Baird (Right-to-Know), under the *Freedom of Information Act 1982* (FOI Act), for access to:

*"I am seeking to make a Freedom Of Information request for documents related to a tender awarded to Qantas Airways in late September.*

*The tender in question was awarded to Qantas Airways and published on September 26, 2019. It was worth \$60,203.60 and for "Overseas Travel Services".*

*I am requesting the tender application as well as correspondence between Qantas Airways and the department regarding the tender.*

*Austender: CN3630611."*

**FOI decision maker**

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

**Documents identified**

3. I have identified four documents that match the description of the request.

**Decision**

4. I have decided to:

- a. Partially release four documents 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 exemption – personal privacy].
- 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. relevant provisions in the FOI Act;
- c. the Guidelines published by the Office of the Australian Information Commissioner under section 93A of the FOI Act (the Guidelines), and
- d. information provided by offices of the COMDT ADFA and the Australian Defence Force Academy.

## Reasons for decision

### Section 47F - Personal privacy

6. Section 47F exempts documents if disclosure would involve the unreasonable disclosure of personal information. Section 47F(1) states:

*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).*

7. Upon examination of the document, I identified personal information, specifically personnel names, contact details and employment identification details.

8. When assessing whether the disclosure of personal information is unreasonable, I considered the following factors:

- 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; and
- d. the effect the release of the personal information could reasonably have on the third party.

9. I found that the:

- a. specific personal information listed is not well known;
- b. individuals whose personal information is contained in the documents are not widely known to be associated with the matters dealt with in the documents; and
- c. information is not readily available from publicly accessible sources.

10. Taking into account the above factors, I consider that the release of this material would be an unreasonable disclosure of personal information and find it conditionally exempt under section 47F(1) of the FOI Act.

11. Section 11A(5) of the FOI Act requires an agency to allow access to an exempt document unless, in the circumstances, access to the document would, on balance, be contrary to the public interest. My public interest considerations are set out below.

### Public interest considerations – Sections 47F

12. I have found that some of the material identified in the document is conditionally exempt under sections 47F(1) 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’.

13. I considered the factors favouring disclosure set out in section 11B(3) of the FOI Act. The relevant factors being 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 their 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 6.22 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:

- a. the protection of an individual's right to privacy;
- b. the interests of an individual or a group of individuals;
- c. an agency's ability to obtain confidential information; and
- d. an agency's ability to obtain similar information in the future.

16. 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 sections and 47F(1) of the FOI Act.

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

#### **Additional Contextual Information**

18. The procurement was for international airfares associated with the participation of the Australian Defence Force Academy (ADFA) men's and women's rugby teams in the International Cadet Rugby Cup in Japan in October 2019. The invitation for ADFA to participate in the tournament was accepted by the Chief of Defence Force in December 2018. The bookings were made through Qantas Business Travel in accordance with Standing Offer Panel SON289574 – Whole of Australian Government Travel Management Services, and not through a limited tender directly with Qantas.

WGCDR Maria Brick  
Accredited Decision Maker  
Joint Capabilities Group