



Attachment C – Statement of Reasons – FOI20/080

This document, when read in conjunction with the Schedule of Documents at **Attachment B**, provides information about the reasons I have decided not to disclose certain material to you in response to your request for documents under the *Freedom of Information Act 1982* (FOI Act).

Public Interest Conditional Exemptions

An agency or minister can refuse access to a document or part of a document that is conditionally exempt from disclosure under Division 3 of Part IV of the FOI Act. One of the documents within the scope of your request contains material exempt under section 47F (personal privacy) of the FOI Act.

Where a document is assessed as conditionally exempt, it is only exempt from disclosure if disclosure would, on balance, be contrary to the public interest. The public interest test is weighted in favour of giving access to documents so that the public interest in disclosure remains at the forefront of decision making.

A single public interest test applies to each of the conditional exemptions. This public interest test includes certain factors that *must* be taken into account where relevant, and other factors which *must not* be taken into account.

The FOI Guidelines issued by the Office of the Australian Information Commissioner states the public interest test is considered to be:

- something that is of serious concern or benefit to the public, not merely of individual interest
- not something of interest to the public, but in the interest of the public
- not a static concept, where it lies in a particular matter will often depend on a balancing of interests
- necessarily broad and non-specific, and
- related to matters of common concern or relevance to all members of the public, or a substantial section of the public.

Brief information about each of the conditional exemptions applied when making a decision about disclosure of each of the documents to which you have requested access is set out below. Additional information about each of these conditional exemptions can be obtained from the Office of the Australian Information Commissioner *FOI Guidelines* available at: <https://www.oaic.gov.au/freedom-of-information/foi-guidelines/part-6-conditional-exemptions>.

Section 47F: Public interest conditional exemption—personal privacy

Section 47F of the FOI Act conditionally exempts material where disclosure would involve the unreasonable disclosure of personal information of any person, including a deceased person. This exemption is intended to protect the personal privacy of individuals.

Personal information means information or an opinion about an identified individual, or an individual who is reasonably identifiable whether the information or opinion is true or not, and whether the information or opinion is recorded in a material form or not. Personal information can include a person's name, address, telephone number, date of birth, medical records, bank account

details, taxation information, signature, or other information about a person, such as an opinion held by, or about, the person.

A decision maker must consider the following matters when determining whether disclosure would be unreasonable:

- the extent to which the information is well known
- 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
- the availability of the information from publicly accessible sources, and
- any other matters that the agency or minister considers relevant.

Other matters that may be considered by the decision maker include:

- the nature, age and current relevance of the information
- whether disclosure would cause stress or other detriment to the person to whom the information relates
- any opposition to disclosure expressed or likely to be held by that person
- the fact that the FOI Act does not control or restrict any subsequent use or dissemination of information disclosed, and
- whether disclosure of the information might advance the public interest in government transparency and integrity or would not achieve any public purpose.

In this case, the document at issue contains Professor Carney's residential address. Having considered each of the matters that must be considered under section 47F of the FOI Act, as well as a number of other relevant factors, I am satisfied that it would be unreasonable to disclose Professor Carney's residential address through the FOI process. This information is not publicly known and I believe that it would cause stress or other detriment to Professor Carney if it were disclosed.

Under the FOI Act, access to personal information must generally be disclosed unless doing so would be contrary to the public interest.

In deciding whether to disclose the conditionally exempt material, I have considered the factors favouring access set out in subsection 11B(3). I have not taken into account any of the irrelevant factors listed in subsection 11B(4).

Of the factors favouring disclosure, I consider the release of the conditionally exempt material would promote the objects of the FOI Act.

The FOI Act does not list any specific factors weighing against disclosure. However, the FOI Guidelines issued by the Information Commissioner under section 93A of the FOI Act provides a non-exhaustive list of factors against disclosure that the decision maker must consider in addition to any other relevant factors.

Of the factors relevant against disclosure, I consider the release of the conditionally exempt material could reasonably be expected to prejudice the protection of Professor Carney's right to privacy.

On balance, I consider that the factors against disclosure outweigh the factors favouring access and that access to the conditionally exempt material would be contrary to the public interest.

Accordingly, I have decided not to disclose the material that is conditionally exempt under section 47F.