



Mr Peter Timmins

By email: foi+request-6960-da4d3338@righttoknow.org.au

Dear Mr Timmins

Re. Freedom of Information Request

The purpose of this letter is to give you a decision about access to documents that you requested under the *Freedom of Information Act 1982* (FOI Act).

I regret the delay in the finalisation of this matter.

I have identified documents relevant to your request and, after careful consideration of them, I have decided to exempt them in full.

Request

On 7 December 2020 you requested:

"...documents associated with the Audit report on Australia's engagement with key multilateral institutions:

- 1. The document in whatever form that records the message from the Prime Minister, PMO or Department of Prime Minister and Cabinet to the Department or to the Department via the Minister's office 'tasking' the Department to undertake the comprehensive audit.*
- 2. The final document signed off by the Minister that those who undertook the audit took as setting the instructions or approval of the scope, terms of reference, timetable and other aspect of the work to be undertaken in preparing the audit.*
- 3. Any document that includes the names of multinational organisations or governments with whom all or parts of the Audit report have been or are to be shared..."*

Reasons

I am an officer authorised under section 23 of the FOI Act to make decisions in relation to FOI requests.

In making my decision I have taken into account your request and the document that falls within its scope, the FOI Act, and the guidelines issued by the Australian Information Commissioner under section 93A of the FOI Act. The reasons for my decision are set out below. Sections of the FOI Act referenced in my decision letter can be found online at www.legislation.gov.au

Cabinet documents

Some material is exempt because it was submitted to the Cabinet for its consideration and was brought into existence for the dominant purpose of submission for consideration by the Cabinet (section 34(1)(a) of the FOI Act). In reaching this decision I have consulted the Cabinet Secretariat at the Department of the Prime Minister and Cabinet. The Cabinet Secretariat supports the application of this exemption.

Some material is exempt because it is an official record of the Cabinet (section 34(1)(b) of the FOI Act). In reaching this decision I have consulted the Cabinet Secretariat at the Department of the Prime Minister and Cabinet. The Cabinet Secretariat supports the application of this exemption.

Some material is exempt because it contains information, the disclosure of which, would reveal a Cabinet deliberation or decision which has not been officially disclosed (section 34(3) of the FOI Act). In reaching this decision I have consulted the Cabinet Secretariat at the Department of the Prime Minister and Cabinet. The Cabinet Secretariat supports the application of this exemption.

Documents affecting national security, defence or international relations

Some material is exempt as its release would or could reasonably be expected to cause damage to Australia's international relations (section 33(a)(iii) of the FOI Act). The document sets out the Department's views and analysis of the multilateral systems and includes consideration and analysis of the actions and roles of various international actors within them. Publication of the Department's views about international actors or multilateral systems would, or could reasonably be expected to, damage Australia's relations with those actors.

Some material is exempt as its release would, or could reasonably be expected to, cause damage to Australia's national security (section 33(a)(i) of the FOI Act). The document sets out the Department's views and analysis of the actions and roles of various international actors within them and consideration of how the multilateral system contributes to international cooperation for peace and security.

In addition, the identification of particular individuals by reference to particular roles enables, through disclosure log publication and the like, the development of a mosaic of the internal workings of a department such that external parties, including parties hostile to the broader national interest, can more easily target information leaks.

Certain operations of agencies

Some material is exempt on the basis that its disclosure would, or could reasonably be expected to, prejudice or have a substantial adverse effect on the department's operations, including on the department's proper and efficient conduct.

In this case, disclosure of the exempt material would have a substantial adverse effect on the department's operations because it would prejudice the department's ability to conduct frank and forthright assessments about when and how Australia engages with its foreign counterparts. The ability of the department to undertake this work and conduct assessments of these engagements is central to the proper conduct of Australia's diplomatic operations and the performance of the department's functions including the ability to advocate, promote, and protect Australia's interests overseas.

Personal Privacy

Finally, some material is exempt as its release would involve the unreasonable disclosure of personal information, including the names and contact details of departmental employees below the level of the Senior Executive Service.

The test of 'unreasonableness' implies a need to balance the public interest in disclosure of government-held information and the private interest in the privacy of individuals (paragraph 6.138 of the FOI Guidelines).

Section 47F(2) of the FOI Act sets out the matters to which the department must have regard when determining whether the disclosure of the material would involve an unreasonable disclosure of personal information. These matters are (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) any other matters that the agency considers relevant.

While the connection of an individual with their workplace, such as this department, may be generally known through public information, such as APS Job Gazettals, the particulars of a person's employment within the department, that is, their name, contact details and their role specific designation (as part of particular division or branches of an organization – and their particular tasks) are not necessarily matters that are well known.

For these reasons and in this context, applying the matters in s47F(2), the material captured by this request is not well known, the persons to whom the information relates are not associated with the matters dealt with in the documents, and the information is not readily available from publicly accessible sources.

Accordingly, the department considers that the material captured by the request is conditionally exempt under section 47F(1) of the FOI Act because disclosure of the material would constitute an unreasonable disclosure of personal information.

Public interest considerations

As the exemptions under subsections 47E(d) and 47F(1) of the FOI Act are conditional, section 11A(5) of the FOI Act requires access to be granted to the material unless access would, on balance, be contrary to public interest.

In this case, I have considered the public interest factors favouring disclosure set out in section 11B(3) of the FOI Act, including:

- (a) promoting the objects of the FOI Act, by informing the community of the department's operations; and
- (b) informing debate on a matter of public importance.

I have also considered the public interest factors against disclosure. Paragraph 6.22 of the FOI Guidelines sets out a non-exhaustive list of factors against disclosure. These include where disclosure could reasonably be expected to prejudice security, prejudice this agency's ability to obtain confidential information, prejudice this agency's ability to obtain similar information in the future, and prejudice the protection of an individual's right to privacy.

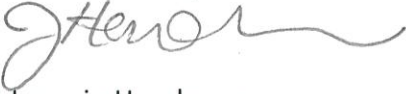
In light of these factors, and for the reasons set out above, on balance, I have concluded that release of the material would be contrary to the public interest.

Review

Your review rights are set out in the Attachment for your reference.

Please contact the FOI and Privacy Law Section by email to foi@dfat.gov.au if you have any queries in relation to this decision.

Yours sincerely

A handwritten signature in dark ink, appearing to read 'J Henderson', with a long, sweeping horizontal line extending to the right.

Jeannie Henderson

A/g Assistant Secretary

Multilateral Order Branch

Your review rights

Internal review

You may apply for internal review of the decision (section 54 of the FOI Act). The internal review application must be made within 30 days of the date of this letter.

Where possible, please attach reasons why you believe review of the decision is necessary.

The internal review will be carried out by another officer within 30 days.

Any request for internal review should be directed via email to foi@dfat.gov.au or addressed to:

Freedom of Information and Privacy Law Section
Department of Foreign Affairs and Trade
R G Casey Building
John McEwen Crescent
Barton ACT 0221
Australia

Australian Information Commissioner

You may apply within 60 days of the date of this letter to the Australian Information Commissioner to review my decision (section 54L of the FOI Act).

You may also make a complaint to the Australian Information Commissioner about the Department's actions in relation to this decision (section 70 of the FOI Act). Making such a complaint about the way the Department has handled your FOI request is a separate process to seeking review of my decision.

Further information on applying for an Australian Information Commissioner review is available at: <https://www.oaic.gov.au/freedom-of-information/foi-review-process>

Further information about how to make a complaint is available at: <http://www.oaic.gov.au/freedom-of-information/foi-complaints>