



Decision and Statement of reasons issued under the *Freedom of Information Act 1982*

Decision and reason for decision of Aaron (Position Number 62214261), Information Law Section, Legal Services and Audit Branch, Department of Veterans' Affairs

Applicant: Verity Pane

Decision date: 28 February 2022

FOI reference number: FOI 47721

Sent by email: foi+request-8344-34e45f28@righttoknow.org.au

Dear Ms Pane,

Freedom of Information Request: FOI 47721

Decision

1. The Department of Veterans' Affairs (**the department**) has undertaken a reasonable search of its records and has identified one (1) document relevant to your request.
2. I have made a decision to grant access in part to the one document.
3. The document that I have chosen to grant access in part is set out in **Schedule 1**, together with applicable exemption provisions. Where I have decided to grant access in part, I have provided access to an edited copy of the document, modified by deletions in accordance with section 22(2) of the *Freedom of Information Act 1982 (Cth)* (**FOI Act**).

Authority to make decision

4. I, Aaron (Position Number 62214261), Information Access Officer, Information Law Section, am an officer authorised by the Secretary of the department to make decisions about access to documents in the possession of the department in accordance with section 23(1) of the FOI Act.

Summary

5. On 29 January 2022 you made a request for access to a document in the possession of the department. Your request sought access to:

I wish for a copy of the full Department of Veterans' Affairs Chart of Accounts (the listing of all accounts, assigned a unique identifier to capture DVA's financial information, tracked by the Department's accounting system).

6. As no extensions of time have been applied to process your request, a decision on your request is due by 28 February 2022.
7. I have decided not to impose a charge in relation to this request, in accordance with Regulation 8 of the *Freedom of Information (Charges) Regulations 2019*.

Material taken into account

8. In accordance with section 26(1)(a) of the FOI Act, my findings on any material question of fact, the material on which those findings were based and the reasons for my decision to grant partial access to the document follows.
9. I have taken the following material into account in making my decision:
- the terms of your request;
 - the types of information and documents that are in the department's possession;
 - the content of the document that fall within the scope of your request;
 - Sections 3, 11 and 11A of the FOI Act which give the Australian community a legally enforceable right to obtain access to information held by the Government of the Commonwealth. I also considered the following provisions of the FOI Act relevant to my decision:
 - Section 11B Public interest exemption – factors
 - Section 15 Request for Access
 - Section 47E Public interest conditional exemptions--certain operations of agencies
 - Section 47F Public interest conditional exemptions--personal privacy; and

- the Guidelines issued by the Australian Information Commissioner under section 93A of the FOI Act (**FOI Guidelines**).

10. A full extract of all FOI Act provisions used to make my decision are provided in **Schedule 2**.

Reasons for decision

11. I have decided to **grant part access** to the document within the scope of your request, subject to the following exemptions in accordance with the FOI Act:

Public interest conditional exemptions--certain operations of agencies (section 47E(c) and 47E(d))

12. Section 47E of the FOI Act provides that a document is conditionally exempt if its disclosure would, or could reasonably be expected to, do any of the following:

- (a) prejudice the effectiveness of procedures or methods for the conduct of tests, examinations or audits by an agency;
- (b) prejudice the attainment of the objects of particular tests, examinations or audits conducted or to be conducted by an agency;
- (c) have a substantial adverse effect on the management or assessment of personnel by the Commonwealth, by Norfolk Island or by an agency;
- (d) have a substantial adverse effect on the proper and efficient conduct of the operations of an agency.

13. The document within the scope of your application contains the names and contact information of staff of the department. I have decided that section 47E(c) applies to this material, as identified in the attached schedule.

14. Section 47E(c) conditionally exempts documents where disclosure would, or could reasonably be expected to, have a substantial adverse effect on the management or assessment of personnel by the Commonwealth or an agency. Management of personnel by the department includes, among other things, human resources policies and activities, recruitment, and work health and safety.

15. The department has policies and procedures to support staff within its operating environment and to meet its obligations as an employer to provide a safe working environment. Some

policies restrict the amount of identifying information generally provided by individual staff members to clients. For example, staff are generally required to identify themselves in correspondence with clients by a given name and position number.

16. This is consistent with the approach taken by other Commonwealth agencies with similar functions, including provision of support services and administration of statutory benefits schemes.
17. Implementation of these policies provides staff at more junior levels with confidence that they will not be inappropriately named or contacted in relation to actions taken in the course of their routine work the department.
18. Disclosure of identifying information about staff members in contained within the document would be inconsistent with these departmental policies.
19. Knowledge that identifying information about them may be disclosed in documents accessed under the FOI Act would be likely to undermine the confidence of staff in departmental policies intended to support their work health and safety. Staff concern about inappropriate contact and the potential for harassment by clients is based on known instances of such things occurring. For example, public identification of individual staff members in an online client forum.
20. An adverse effect on the department's ability to manage staff could reasonably be expected to result from widespread staff concern about disclosure of identifying information about staff members. Staff members may experience concern even when not based on personal experience of harassment.
21. I consider that this could reasonably be expected to have a substantial adverse effect on the ability of the department to manage staff, including in the areas of providing a working environment in which staff feel safe, meeting its work health and safety obligations, and attracting and retaining staff.
22. I have also decided that section 47E(d) applies to material in the document identified in the attached schedule.
23. Section 47E(d) conditionally exempts documents where disclosure would, or could reasonably be expected to, have a substantial adverse effect on the proper and efficient conduct of the operations of an agency.

24. The department provides a wide range of services to its clients. To facilitate efficient conduct of its operations it has established channels for communication on specific topics and in relation to specific services. These channels, such as email inboxes and telephone support lines, enable services to be delivered efficiently by directing clients to the most appropriate point of contact. In addition, the department is able to manage staffing efficiently by providing staff with access to communication points attached to a role rather than to an individual.
25. Disclosure of identifying information about staff members in these documents would disclose contact details for individual staff members, which is not generally available. Once contact details for individual staff members are disclosed they are likely to become publically known through publication on the disclosure log or through private correspondence. Making it possible for clients to address correspondence to individual staff members or seek to contact individuals directly is likely to undermine the departmental arrangements for channeling communications based on role rather than individual. Reduced efficiency in communication and delivery of services could be reasonably expected to result.
26. I consider that, across the whole of the department and its wide range of services to significant numbers of veterans and their family members, this adverse effect is likely to be substantial. This is because it would cause not just inconvenience to staff but failure in communication that may result in critical services not being delivered as required.
27. As a result, I am satisfied that some material in the document is subject to conditional exemption under section 47E(c) and (d).

Public interest conditional exemptions--personal privacy (section 47F)

28. Section 47F of the FOI Act provides that a document is conditionally exempt if its disclosure would involve the unreasonable disclosure of personal information about any person (including a deceased person).
29. Section 4 of the FOI Act provides that personal information has the same meaning as in the *Privacy Act 1988* (Privacy Act). Personal information is defined in section 6 of the Privacy Act as:
 - ..information or an opinion about an identified individual, or an individual who is reasonably identifiable:
 - (a) whether the information or opinion is true or not;
 - (b) whether the information or opinion is recorded in a material form or not.
30. The elements of 'personal information' are:

- (a) it relates only to a natural person (not, for example, a company);
- (b) it says something about the individual;
- (c) it may be in the form of an opinion, it may be true or untrue, and it may form part of a database;
- (d) the individual's identity is known or is reasonably ascertainable using the information in the document.

31. In determining whether disclosure of a document would be unreasonable, I must have regard to the following matters under section 47F(2):

- a. The extent to which the information is well known.
- b. Whether to person to whom the information relates is known to be (or have been) associated with the matters dealt with in the document.
- c. The availability of the information from publicly accessible sources.
- d. Any other matter considered relevant.

32. Contact details of an individual staff member, such as their email address, is personal information about that person.

33. The department has policies and procedures to support staff within its operating environment and to meets its obligations as an employer to provide a safe working environment. Some policies restrict the amount of identifying information generally provided by individual staff members to clients. For example, staff are generally required to identify themselves in correspondence with clients by a given name and position number. This reduces the likelihood that individuals are reasonably identifiable in a different context. For example, it reduces the likelihood that a private social media profile can be linked with an individual who is a departmental staff member.

34. I consider that disclosure of personal information of individual staff members in the document would be unreasonable because it would be inconsistent with departmental policies and procedures designed to support a safe and efficient working environment. Additionally, it would be unreasonable because it would be contrary to the expectations of those individual staff members, who may rely on those departmental policies and procedures for assurance of their personal privacy.

35. As a result I am satisfied that material in the document is conditionally exempt under section 47F.

Application of the public interest test – sections 47E(c), (d) and 47F

36. Under the FOI Act, access to a document covered by a conditional exemption must be given unless it would be contrary to the public interest.
37. The FOI Act sets out four factors favouring access, which must be considered if relevant. I consider that the following is relevant:
- Disclosure would promote the objects of the FOI Act by providing access to government held information.
38. I place little weight on this factor as disclosure of the names and contact details of the staff mentioned in the document does not form a significant component of the government information in the document.
39. The FOI Act does not set out factors against disclosure, however I have identified the following factors:
- a. Disclosure could be expected to adversely affect the management of staff of the department, resulting in a likely reduction in the capability of the department to efficiently carry out its functions;
 - b. Disclosure could be expected to adversely affect the delivery of services by the department in accordance with its functions;
 - c. Disclosure could be expected to interfere with the privacy of individuals who are department staff members.
40. I have placed greater weight on these factors. I consider that disruption of established channels for communication and delivery of services would be likely to follow disclosure of contact information about individual staff members. I consider that impairment of the department's ability to efficiently deliver services to veterans and their families could reasonably be expected as a result. Further, I consider that there is little public interest in the disclosure of information identifying individuals who are, or have been, staff members in roles more junior than the Senior Executive Service. Disclosure of that information could reasonably be expected to result in interference with the privacy of those individuals by enabling them to be identified in their private lives and associated with actions for which the department is responsible.
41. I consider that the public interest factor against disclosure outweighs the public interest factor favouring disclosure. I am, accordingly, satisfied that giving the applicant access to the

conditionally exempt material at this time would, on balance, be contrary to the public interest.

42. I am satisfied that no irrelevant factor has been considered, as set out in section 11B(4) of the FOI Act.

Access to the document

43. The document released to you in accordance with the FOI Act is enclosed.

Information Publication Scheme

44. The Information Publication Scheme requires the department to publish information released in response to individual requests made under the FOI Act, except in specified circumstances.
45. In accordance with section 11C(1)(a) of the FOI Act, details of your request and the document issued to you will not be made available in the department's FOI Disclosure Log as it relates to your business, commercial, financial or professional affairs and it would be unreasonable to publish this information.

Your rights of review

46. If you are dissatisfied with my decision, you may apply for internal review or request the Office of the Australian Information Commissioner (**OAIC**) review my decision. We encourage you to seek internal review as a first step as it may provide a more rapid resolution of your concerns.

Internal review

47. Under section 54 of the FOI Act, you may apply in writing to the department for an Internal Review of my decision. 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.
48. You can make your application for Internal Review in one of the following ways:

Post: Legal Services and Audit Branch, Department of Veterans' Affairs
GPO Box 9998, Canberra ACT 2601

Facsimile: (02) 6289 6337

Email: Information.Law@dva.gov.au

OAIC review

49. Under section 54L of the FOI Act, you may apply to the OAIC to review my decision. An application for review by OAIC must be made in writing within 60 days of the date of this letter, and be lodged in one of the following ways:

Online: www.oaic.gov.au
Post: Director of FOI Dispute Resolution
Office of the Australian Information Commissioner
GPO Box 5218, Sydney NSW 2001
Facsimile: (02) 9284 9666
Phone: 1300 363 992
Email: FOIDR@oaic.gov.au

50. More information about your review rights under the FOI Act is available in Fact Sheet 12 published by the OAIC: <https://www.oaic.gov.au/freedom-of-information/reviews-and-complaints/information-commissioner-review/>

Contact us

51. If you wish to discuss this decision, please do not hesitate to contact the Information Law Section using the following details:

Online: <https://www.dva.gov.au/about-us/overview/reporting/freedom-information/access-information>
Post: Information Law, Legal Services and Audit Branch
Department of Veterans' Affairs
GPO Box 9998, Canberra ACT 2601
Facsimile: (02) 6289 6337
Phone: 1800 838 372
Email: Information.Law@dva.gov.au

Yours sincerely,

Aaron (Position Number 62214261)

Information Access Officer

Information Law Section

Legal Services and Audit Branch

28 February 2022



Document Schedule

Applicant: Verity Pane
Decision date: 28 February 2022
FOI reference number: FOI 47721

Document reference	Date of document	Document description	Page number	Decision	Exemption provision
1	10/02/2022	Chart Of Accounts 2021-2022	121	Part Access	47E and 47F



Schedule of relevant provisions in the FOI Act

3 Objects—general

- (1) The objects of this Act are to give the Australian community access to information held by the Government of the Commonwealth or the Government of Norfolk Island, by:
 - (a) requiring agencies to publish the information; and
 - (b) providing for a right of access to documents.
- (2) The Parliament intends, by these objects, to promote Australia's representative democracy by contributing towards the following:
 - (a) increasing public participation in Government processes, with a view to promoting better informed decision-making;
 - (b) increasing scrutiny, discussion, comment and review of the Government's activities.
- (3) The Parliament also intends, by these objects, to increase recognition that information held by the Government is to be managed for public purposes, and is a national resource.
- (4) The Parliament also intends that functions and powers given by this Act are to be performed and exercised, as far as possible, to facilitate and promote public access to information, promptly and at the lowest reasonable cost.

11 Right of access

- (1) Subject to this Act, every person has a legally enforceable right to obtain access in accordance with this Act to:
 - (a) a document of an agency, other than an exempt document; or
 - (b) an official document of a Minister, other than an exempt document.
- (2) Subject to this Act, a person's right of access is not affected by:
 - (a) any reasons the person gives for seeking access; or
 - (b) the agency's or Minister's belief as to what are his or her reasons for seeking access.

11A Access to documents on request

Scope

- (1) This section applies if:
 - (a) a request is made by a person, in accordance with subsection 15(2), to an agency or Minister for access to:
 - (i) a document of the agency; or
 - (ii) an official document of the Minister; and
 - (b) any charge that, under the regulations, is required to be paid before access is given has been paid.
- (2) This section applies subject to this Act.
Note: Other provisions of this Act are relevant to decisions about access to documents, for example the following:
 - (a) section 12 (documents otherwise available);
 - (b) section 13 (documents in national institutions);
 - (c) section 15A (personnel records);
 - (d) section 22 (access to edited copies with exempt or irrelevant matter deleted).

Mandatory access—general rule

- (3) The agency or Minister must give the person access to the document in accordance with this Act, subject to this section.

Exemptions and conditional exemptions

- (4) The agency or Minister is not required by this Act to give the person access to the document at a particular time if, at that time, the document is an exempt document.

Note: Access may be given to an exempt document apart from under this Act, whether or not in response to a request (see section 3A (objects—information or documents otherwise accessible)).

- (5) The agency or Minister must give the person access to the document if it is conditionally exempt at a particular time unless (in the circumstances) access to the document at that time would, on balance, be contrary to the public interest.

Note 1: Division 3 of Part IV provides for when a document is conditionally exempt.

Note 2: A conditionally exempt document is an exempt document if access to the document would, on balance, be contrary to the public interest (see section 31B (exempt documents for the purposes of Part IV)).

Note 3: Section 11B deals with when it is contrary to the public interest to give a person access to the document.

- (6) Despite subsection (5), the agency or Minister is not required to give access to the document at a particular time if, at that time, the document is both:
- (a) a conditionally exempt document; and
 - (b) an exempt document:
 - (i) under Division 2 of Part IV (exemptions); or
 - (ii) within the meaning of paragraph (b) or (c) of the definition of exempt document in subsection 4(1).

11B Public interest exemptions — factors

Scope

- (1) This section applies for the purposes of working out whether access to a conditionally exempt document would, on balance, be contrary to the public interest under subsection 11A(5).
- (2) This section does not limit subsection 11A(5).

Factors favouring access

- (3) Factors favouring access to the document in the public interest include whether access to the document would do any of the following:
- (a) promote the objects of this Act (including all the matters set out in sections 3 and 3A);
 - (b) inform debate on a matter of public importance;
 - (c) promote effective oversight of public expenditure;
 - (d) allow a person to access his or her own personal information.

Irrelevant factors

- (4) The following factors must not be taken into account in deciding whether access to the document would, on balance, be contrary to the public interest:
- (a) access to the document could result in embarrassment to the Commonwealth Government, or cause a loss of confidence in the Commonwealth Government;
 - (b) access to the document could result in any person misinterpreting or misunderstanding the document;
 - (c) the author of the document was (or is) of high seniority in the agency to which the request for access to the document was made;
 - (d) access to the document could result in confusion or unnecessary debate.

Guidelines

- (5) In working out whether access to the document would, on balance, be contrary to the public interest, an agency or Minister must have regard to any guidelines issued by the Information Commissioner for the purposes of this subsection under section 93A.

15 Requests for access (as related to the requirements for requests)

Persons may request access

- (1) Subject to section 15A, a person who wishes to obtain access to a document of an agency or an official document of a Minister may request access to the document.

Requirements for request

- (2) The request must:
- (a) be in writing; and
 - (aa) state that the request is an application for the purposes of this Act; and
 - (b) provide such information concerning the document as is reasonably necessary to enable a responsible officer of the agency, or the Minister, to identify it; and
 - (c) give details of how notices under this Act may be sent to the applicant (for example, by providing an electronic address to which notices may be sent by electronic communication).
- (2A) The request must be sent to the agency or Minister. The request may be sent in any of the following ways:
- (a) delivery to an officer of the agency, or a member of the staff of the Minister, at the address of any central or regional office of the agency or Minister specified in a current telephone directory;
 - (b) postage by pre-paid post to an address mentioned in paragraph (a);
 - (c) sending by electronic communication to an electronic address specified by the agency or Minister.

47E Public interest conditional exemptions—certain operations of agencies

A document is conditionally exempt if its disclosure under this Act would, or could reasonably be expected to, do any of the following:

- (a) prejudice the effectiveness of procedures or methods for the conduct of tests, examinations or audits by an agency;
- (b) prejudice the attainment of the objects of particular tests, examinations or audits conducted or to be conducted by an agency;
- (c) have a substantial adverse effect on the management or assessment of personnel by the Commonwealth, by Norfolk Island or by an agency;
- (d) have a substantial adverse effect on the proper and efficient conduct of the operations of an agency.

Note: Access must generally be given to a conditionally exempt document unless it would be contrary to the public interest (see section 11A).

47F Public interest conditional exemptions—personal privacy

General rule

- (1) 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).
- (2) In determining 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 publicly accessible sources;
 - (d) any other matters that the agency or Minister considers relevant.
- (3) Subject to subsection (5), subsection (1) does not have effect in relation to a request by a person for access to a document by reason only of the inclusion in the document of matter relating to that person.

Access given to qualified person instead

- (4) Subsection (5) applies if:
- (a) a request is made to an agency or Minister for access to a document of the agency, or an official document of the Minister, that contains information concerning the applicant, being information that was provided by a qualified person acting in his or her capacity as a qualified person; and
 - (b) it appears to the principal officer of the agency or to the Minister (as the case may be) that the disclosure of the information to the applicant might be detrimental to the applicant's physical or mental health, or well-being.
- (5) The principal officer or Minister may, if access to the document would otherwise be given to the applicant, direct that access to the document, so far as it contains that information, is not to be given to the applicant but is to be given instead to a qualified person who:
- (a) carries on the same occupation, of a kind mentioned in the definition of qualified person in subsection (7), as the first-mentioned qualified person; and
 - (b) is to be nominated by the applicant.
- (6) The powers and functions of the principal officer of an agency under this section may be exercised by an officer of the agency acting within his or her scope of authority in accordance with arrangements referred to in section 23.
- (7) In this section:
- qualified person means a person who carries on, and is entitled to carry on, an occupation that involves the provision of care for the physical or mental health of people or for their well-being, and, without limiting the generality of the foregoing, includes any of the following:
- (a) a medical practitioner;
 - (b) a psychiatrist;
 - (c) a psychologist;
 - (d) a counsellor;
 - (e) a social worker.

Note: Access must generally be given to a conditionally exempt document unless it would be contrary to the public interest (see section 11A).