



Ali Anwar

By email: foi+request-9013-fcddf4c2@righttoknow.org.au

Dear Mr Anwar

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 have identified documents relevant to the scope of your request and, after careful consideration, I have decided to release the documents in part.

Request

On 12 June 2022 you sought access under the FOI Act to:

"In 2005, the Israeli government attempted to appoint an Arie Scher, who had previously needed to leave his post in Brazil in a hurry, to the post of Israeli Consul in Canberra."

I am seeking all DFAT internal documents and communications from between January 2004 and December 2007 related to Scher. Typically, the man's name is transliterated to our language as 'Arie Scher' or 'Aryeh Scher'."

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 the terms of the request, 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. Where I refer to sections of the FOI Act, these are available at www.legislation.gov.au. Sections of the FOI Guidelines referenced can be found online at <https://www.oaic.gov.au/freedom-of-information/foi-guidelines/>.

Operations of the agency

Under section 47E(d) of the FOI Act, a document is conditionally exempt if 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.

I have decided that material contained within the documents is conditionally exempt under section 47E(d), as its release could have a substantial adverse effect on the operations of the department. Specifically, disclosure of this material could reasonably be expected to prejudice the department's internal processes for diplomatic reporting.

Public interest considerations

As section 47E(d) of the FOI Act is a conditional exemption, section 11A(5) of the FOI Act requires access to be granted to a conditionally exempt document unless access would, on balance, be contrary to the public interest.

In assessing the public interest, I have considered the FOI Guidelines and the public interest factors favouring disclosure, including to promote the objects of the FOI Act and inform debate on a matter of public importance.

I have also considered the public interest factors against disclosure, including that disclosure could reasonably be expected to prejudice the management functions of the department.

On balance, I am of the view that the public interest is weighed against disclosure of this material. In forming this view, I have not taken into account any of the irrelevant factors specified in section 11B(4) of the FOI Act.

Irrelevant material

Section 22(1)(a)(ii) of the FOI Act allows an agency to delete material from a document that would reasonably be regarded as irrelevant to the request for access. Some material contained within the documents has been removed as it is not relevant to the scope of your request.

In determining what is relevant to your request, I have taken note of the terms of your request and also note the email which you received from the department on 17 June 2022 in which you were invited to respond if you required the names and contact details of government officials not in the Senior Executive Service. As you have not stated that you require this information, I have decided to remove it from the documents being released to you.

Review

Your review rights are attached for your reference.

Should you have any queries regarding this matter please contact the FOI and Privacy Law Section by email to foi@dfat.gov.au.

Yours sincerely



Gemma Huggins
A/g Assistant Secretary
Middle East 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 receipt 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 receipt 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>