

18 October 2022

DHA Ref: FOI2223-02

Jane (received via the Right to Know website)  
Email: [foi+request-9288-c8b86620@righttoknow.org.au](mailto:foi+request-9288-c8b86620@righttoknow.org.au)

Dear Jane

I refer to your request received by Defence Housing Australia (DHA) on 19 August 2022, in which you sought access under the *Freedom of Information Act 1982 (Cth)* (**FOI Act**) to the following documents:

*'We request under the FOI Act documents (quotes, invoices, receipts) which relate to the purchase of alcohol by the agency (Defence Housing Australia) for the period 1 January 2022 to 30 June 2022'.*

On 29 August 2022, I acknowledged receipt of your request.

### Decision

I am an officer authorised under section 23 of the FOI Act to make decisions in respect of requests for access to documents. My decision and statement of reasons are set out below.

I have identified five documents which meet the parameters of your FOI request, consisting of eight pages as listed in the Schedule of Documents (the Schedule) at **Attachment A**.

I have decided to grant access in full to documents 2 and 5, and to grant access in part to documents 1, 3 and 4 as they contain personal information that is exempt from release under section 47F of the FOI Act.

Documents 1 to 5 contain material irrelevant to the scope of your request that has been removed under section 22 of the FOI Act.

### Material on which my decision is based

In making my decision, I have taken into account:

- a) the terms of your freedom of information request
- b) the documents that fall within the scope of your request
- c) advice provided to me by the officers of this agency that have core responsibility for the documents you sought access to, including confirmation that reasonable searches have been undertaken to identify all of the documents held within the scope of your request
- d) consultation with third parties whose personal information is contained in the documents



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- e) the Freedom of Information Guidelines issued by the Office of the Australian Information Commissioner under section 93A of the FOI Act (the FOI Guidelines)
- f) the relevant provisions of the FOI Act.

### **Liability to pay charges**

I have decided not to impose a charge for this application.

### **FOI Legislation**

The FOI Act provides a right of access to information in the possession of Commonwealth agencies, limited only by exceptions and exemptions provided for in the FOI Act.

Where the Schedule indicates an exemption claim has been applied to a document or part of a document, my findings of fact and reasons for deciding that the exemption provision applied to that document or part of the document are set out below.

### Personal information

Personal information is defined in the FOI Act using the same definition provided in the *Privacy Act 1988* (the Privacy Act). Personal information is any information or opinion about an identified individual who is reasonably identifiable.

I consider that documents 1, 3 and 4 contain the personal information of third parties.

### Section 47F – Public interest conditional exemption – Personal Privacy

Personal information is defined in the FOI Act using the same definition provided in the *Privacy Act 1988* (the Privacy Act). Personal information is any information or opinion about an identified individual, or an individual who is reasonably identifiable.

I consider that certain documents as outlined in the Schedule contain personal information of third parties, including personal club membership numbers and signatures of DHA Board members.

Section 47F of the FOI Act relevantly provides:

- 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:



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- 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.

With regard to the personal information of third parties, I consider that release of personal information about Board members such as their personal club membership number and signatures, would constitute an unreasonable disclosure of personal information because it relates to their private affairs and is not well-known information.

Therefore, I find that the personal information described above contained within certain documents as outlined in the Schedule, is conditionally exempt under section 47F of the FOI Act.

#### Public interest test

Under subsection 11A(5) the FOI Act requires access to a conditionally exempt document be granted unless (in the circumstances) access to the document at that time would, on balance, be contrary to the public interest.

To determine if the disclosure would, on balance, be contrary to the public interest, I have considered the FOI Guidelines, along with the factors that favour disclosure in accordance with section 11B(3) of the FOI Act, which include whether access would do any of the following:

- a. promote the objects of the FOI Act
- 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.

In relation to the conditionally exempt personal information, I consider that disclosure would not assist in informing debate on a matter of public importance or promote the objects of the FOI Act, and would prejudice the protection of an individual's right to privacy. On balance, it would be contrary to the public interest to release the personal information.

Therefore, I have decided that the relevant personal information is exempt under section 47F of the FOI Act.

#### Section 22 – Deletion of exempt or irrelevant material

Section 22 of the FOI Act provides that if an agency decides that granting access to a document would disclose information that would be exempt or reasonably be regarded as irrelevant to the request, then, where it is reasonably practicable to provide a copy with deletions, such a copy should be provided.



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Some of the information contained in the documents is not related to the purchase of alcohol. I therefore consider this information to be irrelevant to the request.

I have decided to apply section 22 of the FOI Act to delete exempt or irrelevant material to facilitate the release of the remainder of the documents, as set out in the Schedule.

### **Rights of review**

If you do not agree with my decision in relation to release of documents, you are entitled to apply for an internal review of the decision and/or external review by the Australian Information Commissioner. Information on your rights is at **Attachment B**.

Your sincerely

**Sally**

FOI Officer

E. [xxx@xxx.xxx.xx](mailto:xxx@xxx.xxx.xx)

Defence Housing Australia



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**Attachment A**

**FOI Request – FOI2223-02: Jane - Right to Know website - Schedule of Documents**

<b>Document No.</b>	<b>Page numbers</b>	<b>Title/Description</b>	<b>Date</b>	<b>Decision</b>
1	1-2	Commonwealth Club payment and tax invoice	28/03/2022	Released in part. Exempt in part under section 47F - personal privacy Irrelevant material removed under section 22
2	3	Commonwealth Club payment and tax invoice	24/01/2022	Released in full. Irrelevant material removed under section 22
3	4-5	Commonwealth Club payment and tax invoice	10/05/2022	Released in part. Exempt in part under section 47F - personal privacy Irrelevant material removed under section 22
4	6-7	Commonwealth Club payment receipt and tax invoice	30/03/2022	Released in part. Exempt in part under section 47F - personal privacy Irrelevant material removed under section 22
5	8	Jam payment receipt and tax invoice	21/06/2022	Released in full Irrelevant material removed under section 22

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35 Hinder Street, Gungahlin ACT 2912  
T. 139 342 | dha.gov.au  
ABN 72 968 504 934

## Your review rights under the FOI Act

If you disagree with the decision made by Defence Housing Australia (DHA) under the *Freedom of Information Act 1982* (the FOI Act), you can ask for a review of the decision. Under sections 54 and 54L of the FOI Act, you can request a review of a 'refuse access' decision, for example refusal to: give access to documents, or a decision refusing to amend or annotate a record of your personal information.

There are two ways you can ask for review of a decision: internal review by DHA, and external review by the Australian Information Commissioner.

### Internal review

You can ask DHA to review its decision. An internal review requires a fresh decision to be made by a DHA officer with internal review delegation at a more senior level than the original decision maker. There is no charge for an internal review.

To request an internal review of this decision, you must send your request to DHA in writing using the details below within 30 days of being notified of the primary decision. You may wish to outline the aspects of the decision to which you are objecting and why. We will acknowledge your request for internal review upon receipt, and will make an internal review decision within 30 days of receiving your request.

**Email:** [foi@dha.gov.au](mailto:foi@dha.gov.au)

**Post:** Privacy & FOI

Defence Housing Australia

PO Box 4923

Kingston ACT 2604

### External Review

You may apply directly to the Information Commissioner for an external review without requesting an internal review. However, requesting an internal review in the first instance allows DHA the opportunity to reconsider its initial decision and your concerns are likely to be addressed more quickly.

### Making a complaint

You may make a complaint to the Information Commissioner about actions taken by DHA in relation to your application. The complaint needs to be in writing.

Further information about the external review process or how to make a complaint to the Information Commissioner is available by visiting <https://www.oaic.gov.au/freedom-of-information/reviews-and-complaints/>:

### Contacting the Australian Information Commissioner

To apply for an external review by the Information Commissioner, it is recommended that you complete the online form available at <https://www.oaic.gov.au/freedom-of-information/reviews-and-complaints/information-commissioner-review/>. Further information about assistance with applying for an external review is also available.

If you're unable to use the online form, download and complete the OAIC FOI review form from the above website, and send it to the OAIC either by:

- **Email:** send it to [foidr@oaic.gov.au](mailto:foidr@oaic.gov.au) (be aware that email isn't encrypted, so it can be copied or tracked)
- **Mail:** send it to the Director of FOI Dispute Resolution, GPO Box 5218, Sydney NSW 2001 (send it by registered mail if you're concerned about sending it by standard post)
- **Fax:** send it to 02 9284 9666

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