



Sean of the clan Green

Via email: foi+request-9460-43b86e11@righttoknow.org.au

Dear Sean

Decision on your Freedom of Information request

I refer to your request to the former Department of Agriculture, Water and the Environment of 11 October 2022 that was directed to the Department of Climate Change, Energy, the Environment and Water (**department**) on 16 October 2022 for access under the *Freedom of Information Act 1982* (Cth) (**FOI Act**) to the following documents:

'I request any and all documents and recorded communications regarding any and all rain making or cloud seeding activities undertaken across all states and territories of Australia between 1st of August 2020 and today, the 11th of October 2022.'

My decision

The department holds 10 documents (totalling 20 pages) that relate to your request.

I have decided to:

- grant you **full access** to 5 documents (documents 3, 4, 6, 7 and 9); and
- grant you **part access** to 5 documents (documents 1, 2, 5, 8 and 10) with some of the content removed; and

I have decided that certain parts of documents that you have requested are exempt under the FOI Act as the information is personal information about other people.

On 24 October 2022, the department acknowledged your request and advised you that we would not include personal details about our staff. You did not contact the department again about this. Staff details have therefore been deleted in accordance with section 22(1)(a)(ii) of the FOI Act.

Documents that are part of this FOI request also contain information that is out of the scope of this request as they relate to matters other than rainmaking or cloud seeding activities undertaken across all states and territories of Australia between 1 August 2020 and 11 October 2022, which is the subject of your request. Out of scope material has been deleted under section 22(1)(a)(ii) of the FOI Act and pages that are out of scope have been removed entirely due to the size of certain documents.

Please see the schedule at **Attachment A** to this letter for a detailed list of the documents and the reasons for my decision.

How we will send your documents to you

The documents are attached.

You can ask for a review of my decision

If you wish to seek an internal review, you must apply to the department within **30 days** after the day you are notified of this decision. An application for internal review must be made in writing by post to the FOI Officer or email to foi@dcceew.gov.au.

Alternatively, you may apply directly to the Office of the Australian Information Commissioner (**OAIC**) to review my decision. An application for review by the Information Commissioner must be made in writing within **60 days** after the day you are notified of this decision. You can also make a complaint to the Information Commissioner if you have concerns about how the department handled your request.

You can find information about requesting a review, making a complaint, and other information about FOI on the OAIC website www.oaic.gov.au or phone the OAIC on 1300 363 992.

Further assistance

If you have any questions, please email foi@dcceew.gov.au.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Laura Smith', with a stylized, cursive script.

Laura Smith
A/g Branch Head
Environment Approvals Division
15 November 2022



Australian Government

Department of Climate Change, Energy,
the Environment and Water

Attachment A

LIST OF DOCUMENTS FOR RELEASE LEX-72041

Doc No.	Pages	Description	Decision	Exemption	Comments
1.	1-3	Report of 29 April 2021	Release in part	s 47F	Page 3: personal information exempt under s 47F Pages 1-3: out of scope material deleted under s 22(1)(a)(ii)
2.	4-8	Agenda meeting brief	Release in part	s 47F	Page 4: personal information exempt under s 47F Page 4: staff details deleted under s22(1)(a)(ii) Pages 4-8: out of scope material deleted under s 22(1)(a)(ii)
3.	9	Email correspondence of 6 May 2021	Release in full	N/A	Page 9: staff details deleted under s22(1)(a)(ii)
4.	10	Powerpoint slide from the Contracting Parties to the London Convention presentation	Release in full	N/A	N/A

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Doc No.	Pages	Description	Decision	Exemption	Comments
5.	11-12	Email correspondence of 7 March 2022	Release in part	s 47F	<p>Page 12: personal information exempt under s 47F</p> <p>Page 11: staff details deleted under s22(1)(a)(ii)</p> <p>Page 11: out of scope material deleted under s 22(1)(a)(ii)</p>
6.	13-14	Agenda Items	Release in full	N/A	<p>Page 13: staff details deleted under s22(1)(a)(ii)</p> <p>Pages 13-14: out of scope material deleted under s 22(1)(a)(ii)</p>
7.	15-16	Updated advice of 7 January 2022	Release in full	N/A	Pages 15-16: out of scope material deleted under s 22(1)(a)(ii)
8.	17	Agenda meeting brief	Release in part	s 47F	<p>Page 17: personal information exempt under s 47F</p> <p>Page 17: staff details deleted under s22(1)(a)(ii)</p> <p>Page 17: out of scope material deleted under s 22(1)(a)(ii)</p>
9.	18-19	Agenda Item on GESAMP report	Release in full	N/A	Pages 18-19: out of scope material deleted under s 22(1)(a)(ii)

Doc No.	Pages	Description	Decision	Exemption	Comments
10.	20	Department brief	Release in part	s 47F	<p>Page 20: personal information exempt under s 47F</p> <p>Page 17: staff details deleted under s22(1)(a)(ii)</p> <p>Page 17: out of scope material deleted under s 22(1)(a)(ii)</p>

REASONS FOR DECISION

What you requested

'I request any and all documents and recorded communications regarding any and all rain making or cloud seeding activities undertaken across all states and territories of Australia between 1st of August 2020 and today, the 11th of October 2022.'

What I took into account

In reaching my decision, I took into account:

- your original request received by the department on 16 October 2022;
- the documents that fall within the scope of your request;
- information about:
 - the nature of the documents; and
 - the department's operating environment and functions;
- guidelines issued by the Australian Information Commissioner under section 93A of the FOI Act (Guidelines);
- the FOI Act.

Reasons for my decision

I am authorised to make decisions under section 23(1) of the FOI Act.

I have decided that certain parts of documents that you requested are exempt under the FOI Act. My findings of fact and reasons for deciding that an exemption applies to those documents are discussed below.

Section 47F of the FOI Act - unreasonable disclosure of personal information

I have applied the conditional exemption in section 47F(1) to documents 1, 2, 5, 8 and 10.

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:

- (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.'

Personal Information

The term 'personal information' is defined as follows:

'...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; and
- (b) whether the information or opinion is recorded in a material form or not.'

Paragraph 6.130 of the Guidelines provides:

'Personal information can include a person's name, address, telephone number, date of birth, medical records, bank account details, taxation information and signature.'

I find that documents 1, 2, 5, 8 and 10 contain personal information of Commonwealth government staff and another person that is not publicly available. This includes their name and mobile phone number.

Whether disclosure is 'unreasonable'

In addition to the factors specified in section 47F(2) of the FOI Act, paragraph 6.138 of the Guidelines provides:

'The personal privacy exemption is designed to prevent the unreasonable invasion of third parties' privacy. 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.'

I am satisfied that the disclosure of the third party personal information would be unreasonable for the following reasons:

- it relates to aspects of an individual's personal affairs;
- you do not have the consent from the individuals for the release of their personal information; and
- the information is private and not available in full or in part from publicly-accessible sources.

On this basis, I have decided that the personal information included in the documents referred to in the Schedule is conditionally exempt under section 47F(1) of the FOI Act.

Public interest considerations

Section 11A(5) of the FOI Act provides:

'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.'

When weighing up the public interest for and against disclosure under section 11A(5) of the FOI Act, I have taken into account relevant factors in favour of disclosure. In particular, I have considered the extent to which disclosure would:

- promote the objects of the FOI Act; and
- inform debate on a matter of public importance.

I have also considered the relevant factors weighing against disclosure, indicating that access would be contrary to the public interest. In particular, I have considered the extent to which disclosure could reasonably be expected to prejudice an individual's right to privacy.

Based on the above factors, I have decided that in this instance, the disclosure of the documents would, on balance, be contrary to the public interest.

I have not taken into account any of the irrelevant factors set out in section 11B(4) of the FOI Act in making this decision.

Conclusion

In summary, I am satisfied that parts of documents, as set out in the Schedule, are conditionally exempt under section 47F(1) of the FOI Act. Furthermore, I have decided that on balance it would be contrary to the public interest to release this information. Accordingly, I have decided not to release the documents in full to you.

As identified in the Schedule, I have deleted the exempt information in the document/s and released the remaining material in accordance with section 22(1) of the FOI Act.

Summary of my decision

In conclusion, I have decided to:

- grant you full access to 5 documents; and
- grant you part access to 5 documents.

I have decided that:

- documents 1, 2, 5, 8 and 10 are conditionally exempt in part under section 47F(1) of the FOI Act, and disclosure would be contrary to the public interest for the purposes of section 11A(5).