

21 January 2013

[REDACTED]
By email: [REDACTED]

Dear [REDACTED]

1. I refer to your email of 7 January 2013 under the *Freedom of Information Act 1982* (FOI Act) in which you sought access to information, as below:

Me and my wife are the lessor for the property at [REDACTED] Epping, NSW 2121 and lessee is DHA.

As per the notifications from DHA we have to submit a secondary valuation of rent for our property before 4 Feb 2013.

We therefore request you under the freedom of information act to send us the following details for the properties at [REDACTED] (all 15 Properties) [REDACTED] Epping, NSW 2121:

1. Rental valuation as of 31/12/2012; 2. rent paid for 2012 December and 3. Rent to be paid for 2013 January

2. DHA acknowledged receipt of your request on 8 January 2013.

3. I am an officer authorised under section 23 of the FOI Act to make decisions in respect of requests for access to documents.

Legislative background

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

Decision

5. My decision for your request appears below, in bolded text. The attached Schedule of Documents (Attachment A) lists the identified document.

We therefore request you under the freedom of information act to send us the following details for the properties at [REDACTED] (all 15 Properties) [REDACTED] Epping, NSW 2121:

1. Rental valuation as of 31/12/2012; 2. rent paid for 2012 December and 3. Rent to be paid for 2013 January.

HEAD OFFICE



I have identified a document (Document 1) as falling within the parameters of this part of your request. I have decided to release a copy of this document with redactions under section 22(1) (c) of the FOI Act.

Material on which my findings are based

6. I based my findings on the following material:
- the content of the identified documents;
 - the relevant provisions of the FOI Act;
 - the guidelines published by the Office of the Australian Information Commissioner under section 93A of the FOI Act (OAIC Guidelines);
 - advice from DHA staff whose duties relate more closely to the matters referred to in the document; and
 - the content of your FOI request.

Reasons for decision

7. Section 47F of the *Freedom of Information Act 1982* 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.

8. Upon examination of document 1, I have found that the document contains the personal information (as per the definition in section 4 of the FOI Act) of third parties and are conditionally exempt under section 47(2) of the FOI Act

9. Section 11A(5) of the FOI Act requires me to, nevertheless, give the applicant access to the information unless, in the circumstances access to it would at the time and, on balance, be contrary to the public interest. I have weighed the factors for and against the release of this information and decided that it is not in the public interest to release it. The factors affecting my decision include that it is neither well known nor readily available from publicly accessible sources. I consider that there is a public interest in the protection of personal information which was provided to DHA in confidence.

10. Where a decision is made to refuse access to a document, the release of a copy of the document with the exempt matter deleted should be considered under section 22(1) (c) of the FOI Act. Accordingly, I have decided to release a copy of document 1 with redactions of the personal information.

Liability to pay charges

11. I have decided not to impose any charges.

Rights of review

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

FOI Disclosure Log

13. In accordance with the requirements of section 11C of the FOI Act, Defence Housing Australia is required to publish, on its website, information released under the FOI Act within 10 working days of the applicant being given access to documents. Defence Housing Australia will also publish the decision notice, with any personal and business information deleted. The information published does not include personal information or the business, commercial, financial or professional affairs of any person if publication of that information would be unreasonable. Other information not published also includes that which the Australian Information Commissioner determines is unreasonable to publish.

Further information

20. Please do not hesitate to contact me if you have any questions about this matter.

Yours sincerely



Pip Sackley
Executive Officer

Attachments:

- A. Schedule of Documents.
- B. Your review rights.