

2 April 2015

s47F

Dear s47F

1. I refer to your request of 5 March 2015 under the *Freedom of Information Act 1982* (FOI Act) in which you sought access to information relating to s47F North Nowra NSW 2541, for the period of coverage to include 01/07/2007 to present date, as below:

*I am requesting **All maintenance records and all internal and external correspondence records** in relation to:*

Repairs & maintenance, upkeep, inspections, work orders, contractors' reports, faults, rectifications, complaints, etc.

2. DHA acknowledged receipt of your request on 11 March 2015.
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. DHA has identified 19 documents, consisting of 476 pages, most of which fall within the scope of your FOI request.
6. Documents 7 and 11 will be released in full.
7. Documents 1-6, 8-10, 12 and 14-18 are partially and conditionally exempt under section 47F of the FOI Act and disclosure would be contrary to the public interest. Those parts of documents 1-6, 8-10, 12 and 14-18, that are not conditionally exempt are to be released with redactions under section 22(1)(c) of the FOI Act.
8. I consider that documents 13 and 19 and part of document 14, were considered irrelevant to the scope of the request. The information in these documents pre-dates your lease commencement date of 11 June 2008, and as a result, is not considered your personal information.

HEAD OFFICE



Material on which my findings are based

9. 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

10. Where 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 applies to that document or part of the document are set out below.

Section 47F – Public interest conditional exemption - Personal Privacy

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' is defined in section 4 of the FOI Act as:

Information or an opinion (including information forming part of a database), whether true or not, and whether recorded in a material form or not, about an individual whose identity is apparent, or can reasonably be ascertained, from the information or opinion.

11. Documents 1-6, 8-10, 12, and 14-18 contain the signatures of a number of DHA employees and the signatures of individuals outside of DHA. Release of the signatures would expose those individuals

to the risk of forgery. On that basis, I consider the release of the signatures of DHA employees and individuals outside of DHA would constitute an unreasonable disclosure of personal information.

12. In addition, documents 1-6, 8-10, 12 and 14-18 contain personal information of Defence members and DHA contractors. The documents contain the names, signatures and contact details of Defence members and the contact details of DHA contractors. I consider that this information is not publicly available and any release of the information in response to your request is likely to cause the Defence members stress, as the identity of the individuals concerned can be reasonably ascertained. The release of this information would be a release to the world at large and as a result, I find that the documents are exempt under section 47F(1).

Public interest test

Under subsection 11A(5), the FOI Act requires that the agency or minister give the FOI applicant access to a conditionally exempt document 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 be contrary to the public interest, I have weighed up the public interest for and against disclosure under subsections 11A(5) and 11B(3) of the FOI Act, and have taken into account the following factors which favour disclosure:

- (a) the extent to which disclosure would promote the objectives of the FOI Act;*
 - (b) the extent to which disclosure would assist in informing debate on a matter of public importance;*
 - (c) the extent to which disclosure would promote effective oversight of public expenditure; and*
 - (d) the extent to which disclosure would allow a person to access his or her own personal information.*
13. I find that the only factor favouring disclosure that is relevant in the circumstances is the extent to which disclosure would promote the objectives of the FOI Act. I do not consider that, in the circumstances, disclosure of the conditionally exempt material would assist in informing debate on a matter of public importance or would allow you to access your own information regarding your request.
14. Following consideration of these factors, I have decided that in the circumstances of this particular matter, the public interest in disclosing the personal information in documents 1-6, 8-10, 12 and 14-18 is outweighed by the public interest against disclosure. This is primarily because, on balance, very limited public purpose would be achieved through the release of this information, and the release of the information would cause harm or stress to the individuals concerned. In the circumstances, I consider that the protection of privacy is a factor that outweighs any factor in favour of disclosure.

Liability to pay charges

15. I have decided not to impose any charges.

Rights of review

16. 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. Information on your review rights is at Attachment B.

FOI Disclosure Log

17. 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

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

Yours sincerely

s47F



Pip Sackley
Executive Officer