

11 August 2015

Applicant

s47F

Dear

s47F

I refer to your correspondence dated 23 June 2015, in which you requested access under the *Freedom of Information Act 1982* (Cth) (the FOI Act) to the following documents:

Any correspondence DHA has on file related to the boundary fence between lots s47F of Development Plan s47F. I would like any letters between current owners and reports provided by s47F

Decision maker

I am an authorised decision-maker under section 23 of the FOI Act.

Decision

DHA has identified 18 documents, consisting of 69 pages, as falling within the scope of your FOI request. A schedule of the documents is set out at Attachment A (the schedule).

I hereby decide that:

- a. Documents 1-6, 8, 9, 10, 12, 13, 16 and 18 will be released in full.
- b. Part of documents 7, 11, 14, 15 and 17 are partially and conditionally exempt under section 47F of the FOI Act and disclosure would be contrary to the public interest. Those parts of the documents 7, 11, 14, 15 and 17 that are not conditionally exempt are to be released, unless otherwise exempt or irrelevant.

Reasons

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

HEAD OFFICE



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.
- 3) 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.

Documents 7, 11, 15 and 17 contain the personal information of a number of third party organisations that have been engaged by DHA to provide consultancy services. The documents contain the names, addresses and contact details of those employees of third party organisations. These organisations are contractors of DHA, and their staff are not DHA employees. The third party organisations whose information is contained in these documents have advised that they do not consent to the release of personal information about its employees.

In summary, I find that the release of the personal information contained in these documents would constitute an unreasonable disclosure of information

Document 14 contains the signature of a DHA employee. Release of the signature of the employee would expose the employee to the risk of forgery. On that basis, I consider the release of the signature would constitute an unreasonable disclosure of personal information.

Public interest test

Under subsection 11A(5), the FOI Act requires the agency or Minister to 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.

I have decided that, in the circumstances of this particular matter, the public interest in disclosing the personal information in documents 7, 11, 14, 15 and 17 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. I consider that the protection of privacy is a factor that outweighs any factor in favour of disclosure.

I am satisfied that the personal information in documents 7, 11, 14, 15 and 17 is conditionally exempt under section 47F of the FOI Act. Furthermore, I have decided that on balance it would be contrary to the public interest to release the personal information. Accordingly, I have decided to release the documents with the exempt personal information redacted under section 22 of the FOI Act.

Material on which my findings of fact are based

I based my findings of fact on the following material:

- (a) the terms of your freedom of information request;
- (b) the content of the documents to which you sought access;
- (c) the relevant provisions of the FOI Act; and
- (d) the Freedom of Information Guidelines published by the Office of the Australian Information Commissioner under section 93A of the FOI Act (**the OAIC Guidelines**).

Liability to pay charges

I have decided not to impose any charges.

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 review rights is at Attachment B.

FOI disclosure log

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

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

Yours sincerely

s47F



Pip Sackley
Executive Officer