

11 December 2013

Mr [REDACTED]

Dear Mr [REDACTED]

**Request for access to documents under the *Freedom of Information Act 1982* (the Act)**

1. I refer to your request of 11 November 2013 for access to information held by Defence Housing Australia under the *Freedom of Information Act 1982 (Cth)*.
2. I am an officer authorised under section 23 of the Act to make decisions in respect of request for access to documents. My decision and the reasons for that decision are set out below.

**Background**

On 11 November 2013 you lodged a *Freedom of Information Act 1982* (FOI Act) request by email, in which you have sought access to information, as below:

*Under the Freedom of Information Act 1982 (FOI ACT), I would like to apply for access to documents regarding all maintenance and repairs for DHA residence for which I was recently a tenant.*

*The following are my details and details of the DHA residence:*

Name: [REDACTED]

PMKEYS: [REDACTED]

DHA Residence: [REDACTED] Queensland, 4817.

*Dates for documents needed: 01/01/2011 - 11/11/2013*

**Documentation Requested**

3. I acknowledged your request on 12 November 2013.
4. 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 the reasons for that decision are set out below.

HEAD OFFICE



## Legislative background

5. 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

6. I have identified a document in the attached Schedule of Documents (at Attachment A). Document 1 contains commercially valuable information for the purposes of section 47 of the FOI Act. I have decided to release these documents with redactions under Section 22(1)(c) of the FOI Act.

## Material on which my findings are based

7. 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

8. **Section 47 of the *Freedom Of Information Act 1982* relevantly provides:**

**(1) A document is an exempt document if its disclosure under this Act would disclose:**

- a. Trade secrets; or
  - b. Any other information having a commercial value that would be, or could reasonably be expected to be, destroyed or diminished if the information were disclosed.
9. Defence Housing Australia purchases a wide range of goods and services via a tender process. In doing so, it follows the principles of open and effective competition. Upon examination of document 1, I have found that it contains information relating to the terms of a contract between DHA and its repair and maintenance contractors and are conditionally exempt under section 47(1)(b). This information is not publicly available, and its treated by DHA as being commercial-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 document 1 with redactions of the commercially valuable 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.

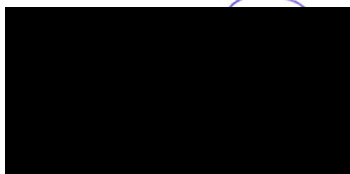
**FOI Disclosure Log**

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**

14. 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. FOI Fact Sheet 12 – Freedom of information – Your review rights.