

19 September 2014

Applicant
[REDACTED]

Dear Applicant

1. I refer to your request of 21 August 2014 for access to information held by Defence Housing Australia (DHA) under the *Freedom of Information Act 1982 (Cth)*.
2. 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.

Background

3. On 21 August 2014 you lodged a Freedom of Information (FOI) request by email, in which you have sought access to information, as below:

This request relates to the outcomes and conduct of the 'Net Promoter Score' assessed against DHA Sales Consultants, and not to specific individuals.

- 1) *System availability logs for DHA's payments system between 10 August and 21 August 2014, showing system uptime, scheduled outages and emergency outages for the period.*
 - 2) *Results of the 'Net Promoter Score' assessment for 2014, showing when questionnaires were sent out or lessors were contacted by telephone and whether each assessment returned a 'positive' (ie the 'Net Promoter Score Bonus' was paid) a 'negative' (ie the 'Net Promoter Score Bonus' was not paid) or any other result. Where they (sic) result was 'other' please include an explanation of its status.*
 - 3) *Status of the 'Net Promoter Score' process as at 21 August 2014 including how many Sales Consultants had been assessed and how many were still outstanding.*
 - 4) *Any email communications or directives from the MD, COO, General Manager Portfolio Operations to the National Sales Manager relating to outcomes of the Net Promoter Score regarding any and all FY2014 Sales Consultants.*
 - 5) *Any email communications, meeting minutes, or other directives from the MD, COO, General Manager Portfolio Operation or the National Sales Manager relating to payment of invoices submitted in August by [REDACTED]*
4. I acknowledged receipt of your request on 21 August 2014.
 5. I wrote to you on 17 September 2014 extending the statutory deadline under section 15(6) of the FOI Act to undertake consultation with a third party.

HEAD OFFICE



Legislative background

6. 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

7. I have identified a total of 10 documents listed at Attachment A.
8. Document 1 was created as a representative selection utilising the parameters of your FOI request. The complete system availability log for DHA's payments system would have been too large to reproduce. The document contains personal information for the purposes of section 47F of the FOI Act. I have decided to release document 1 with redactions under section 22 (1)(c) of the FOI Act.
9. Documents 2-8 contain personal information for the purposes of section 47F of the FOI Act.
10. Document 9 is a spreadsheet containing Net Promoter Score information. The document contains the names of DHA lessors, their contact identifiers, email addresses and phone numbers. The document also includes the names of external sales contractors. This information is not publicly available or known and would enable the identity of lessors and external sales contractors to be reasonably ascertained.
11. I consider document 10 to contain information that is out of scope of your application and irrelevant to your request under Section 22 of the FOI Act. I have, therefore decided to release this document with the irrelevant information redacted.
12. 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 documents 1-9 with redactions of personal information.

Material on which my findings are based

13. 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 Commission 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

14. **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.

15. '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'

16. 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 be 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.

17. Section 22 of the FOI Act states that if an agency decides that granting access to a document would disclose information that would reasonably be regarded as irrelevant to the request, then, where it is reasonably practicable to prepare a copy of the document with deletions, such a copy should be provided to the applicant.

Liability to pay charges

18. I have decided not to impose any charges.

Rights of review

19. 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.

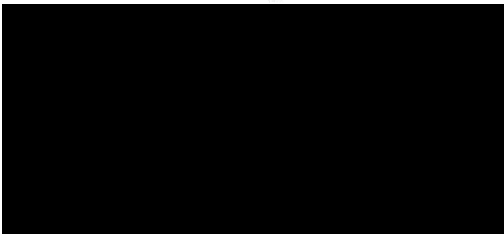
FOI disclosure log

20. In accordance with 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, 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

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

Yours sincerely



Pip Sackley
Executive Officer