

27 April 2015

Mr s47F  
s47F @defence.gov.au

Dear s47F

1. I refer to your request of 27 March 2015 under the *Freedom of Information Act 1982* (FOI Act) in which you sought access to the following information:

*All information pertaining to s47F Harrison ACT (Property ID s47F), including (by sic) not limited to) all records be that personal information, records, reports, visitation and inspection notes, remedies, maintenance and general correspondence from the periods between and including 6 February 2007 to 27 March 2015.*

2. DHA acknowledged receipt of your request on 1 April 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 51 documents consisting of 109 pages, which fall within the scope of your FOI request.
6. Documents 3-6, 8-40, 42, 44, 45, 46, 47, 50 and 51 will be released in full.
7. Documents 1, 2, 43, 48 and 49 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, 2, 43, 48 and 49 that are not conditionally exempt will be released with redactions under section 22(1)(c) of the FOI Act.
8. Parts of document 1 and 2 fall outside the scope of your request. I have decided to apply section 22 of the FOI Act and to release documents 1 and 2 with redactions of the out of scope information, in order to facilitate the release of the remainder of that document to you, as set out in the Schedule at Attachment A. Those parts of the document that are not conditionally exempt are to be released, unless otherwise exempt.
9. Documents 7 and 41 are duplicates of other documents and noted as such in Attachment A.

**HEAD OFFICE**



## Material on which my findings are based

10. 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

11. 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.*

12. Documents 1, 2, and 43 contain the mobile phone numbers of DHA staff. DHA employees use their mobile phones for both business and personal use. Release of the mobile phone numbers would enable people to contact DHA's employees outside of work hours. Therefore, I consider that



release of the mobile phone numbers would constitute an unreasonable disclosure of personal information.

13. Documents 48 and 49 contain the signatures of a number of DHA employees. Release of signatures would expose those individuals to the risk of forgery. On that basis, I consider the release of the signatures of DHA employees would constitute an unreasonable disclosure of personal information.

### **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.*

14. 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.
15. 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, 2 and 43 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.

### **Section 22 – Deletion of exempt or irrelevant material**

16. Section 22 of the FOI Act provides that if an agency decides that granting access to a document would disclose information that would be exempt or reasonably be regarded as irrelevant to the request, then where it is reasonably practicable to provide a copy with deletions, such a copy should be provided.
17. In respect of Document 1, the FOI request specifically requests *correspondence from periods between and including 6 February 200 to 27 March 2015*. Therefore, I consider that those parts of

documents 1 and 2 that are after 27 March 2015 do not fall within the scope of the request and in accordance with section 22 of the FOI Act have been redacted.

### **Summary**

18. I am satisfied that document 1, 2 and 43 are partially exempt from disclosure under section 47F of the FOI Act because it would constitute an unreasonable disclosure of personal information.
19. Documents that are not subject to any exemptions under the FOI Act are to be released in full. In circumstances where documents are subject to exemptions and it is practical for the exempt matter to be deleted, those documents will be released in part.

### **Liability to pay charges**

20. I have decided not to impose any charges.

### **Rights of review**

21. 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**

22. 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**

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

Yours sincerely

S47F

  
Pip Sackley  
Executive Officer