

9 October 2015

s47F

Dear s47F

1. I refer to your request of 8 August 2015 under the *Freedom of Information Act 1982* (FOI Act) in which you sought access to the following information:
  - *Supply the letter in which James Wallace submitted his Expression of Interest in joining the Seaward Village Working Party to Nedland's (sic) Council.*
2. DHA acknowledged receipt of your request on 12 August 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. Document 1 is partially and conditionally exempt under section 47F of the FOI Act and disclosure would be contrary to the public interest. I have decided to release a copy of these documents with redactions under section 22(1)(c) of the FOI Act. Those parts of the document that are not conditionally exempt are to be released.

#### **Material on which my findings are based**

6. 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

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.*

Document 1 contains the email addresses of a number of employees from third party organisations that have been approached by Defence Housing Australia to join the Seaward Village working party. 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. I find the release of the email addresses contained in this document would constitute an unreasonable disclosure of information.

Document 1 also contains the mobile phone number of a DHA employee. DHA employees use the mobile phones for both business and personal use. In summary, I find that the release of the mobile phone number contained in this document would constitute an unreasonable disclosure of information.

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 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 and that release of this information could result in individuals receiving unwanted correspondence. I consider that there is a public interest in the protection of personal information which was provided to DHA.

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 a copy of document 1 with redactions of the personal information.

### **Liability to pay charges**

7. I have decided not to impose any charges.

### **Rights of review**

8. 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**

9. 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**

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

Yours sincerely

s47F

**Pip Sackley**  
**Executive Officer**