

From: [FOI](#)
To: [REDACTED] s 47F
Cc: [FOI](#)
Subject: FOI consultation from the Department of the Prime Minister and Cabinet (PM&C ref: FOI/2021/003)
 [SEC=OFFICIAL]
Date: Monday, 15 February 2021 1:03:54 PM
Attachments: [image001.jpg](#)
[image002.jpg](#)
[image003.jpg](#)
[image004.jpg](#)
[image005.png](#)
 [REDACTED] s 22(1)(a)(ii)

OFFICIAL

Dear [REDACTED] s 47F

The Department of the Prime Minister and Cabinet (the Department) has received a request under the *Freedom of Information Act 1982* (the FOI Act) in the following terms:

We seek a copy of [REDACTED] s 47F correspondence, submissions and statements relating to the Australian contingent to General Electric humanitarian operation in Banda Aceh.

What is the FOI Act?

The FOI Act is legislation that gives every person a legally enforceable right to obtain access to a document of an Australian Government agency or an official document of a minister, unless the document is exempt.

Why is the Department contacting you?

The Department has located documents relevant to the FOI request containing personal information about you. I am inviting you to tell us whether personal information should be exempt under the FOI Act.

Copies of the documents are attached. Material not within the scope of the FOI request has been redacted from the documents.

We would appreciate it if you could respond to the Department by **Friday, 19 February 2021** advising whether you have any concerns with the release of the documents. Should you require more time, please contact me

Please see below for an explanation of what ‘personal’ information means under the FOI Act, the process that the decision-maker must follow, publication of any material that could be released as a result of this application, and your appeal rights should the decision-maker make a decision you do not agree with.

Personal information – section 47F

Under section 47F of the FOI Act, a document is conditionally exempt if its disclosure would involve the unreasonable disclosure of personal information about an individual. ‘Personal information’ under the FOI Act has the same meaning as in the *Privacy Act 1988* and is defined as ‘information or an opinion about an identified individual, or an individual who is reasonably identifiable...whether the information or opinion is true or not and...whether the information or opinion is recorded in a material form or not’.

Under section 27A of the FOI Act, I invite your comments on whether disclosing the attached documents would involve an unreasonable disclosure of your personal information, and if so, reasons for that view.

In determining whether disclosing your personal information would be unreasonable, the decision-maker must have regard to the following factors, in accordance with section 47F(2) of the FOI Act:

- the extent to which the information is well known;
- whether the person to whom the information relates is known to be associated with the matters dealt with in the document;
- the availability of the information from publicly accessible sources; and

- any other matters that the agency considers relevant.

More information about this exemption is available in the 'Guidelines issued by the Australian Information Commissioner under section 93A of the *Freedom of Information Act 1982*', 'Part 6 – Conditional Exemptions': <https://www.oaic.gov.au/freedom-of-information/foi-guidelines/part-6-conditional-exemptions/#documents-affecting-personal-privacy-s-47f>.

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Yours sincerely

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| Adviser



FOI and Privacy Section | Legal Policy Branch

Government Division | Department of the Prime Minister and Cabinet

p. (02) 6271 5849

e. foi@pmc.gov.au | w. www.pmc.gov.au

One National Circuit Barton ACT 2600 | PO Box 6500 CANBERRA ACT 2600

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[image005.png](#)
s 22(1)(a)(ii)

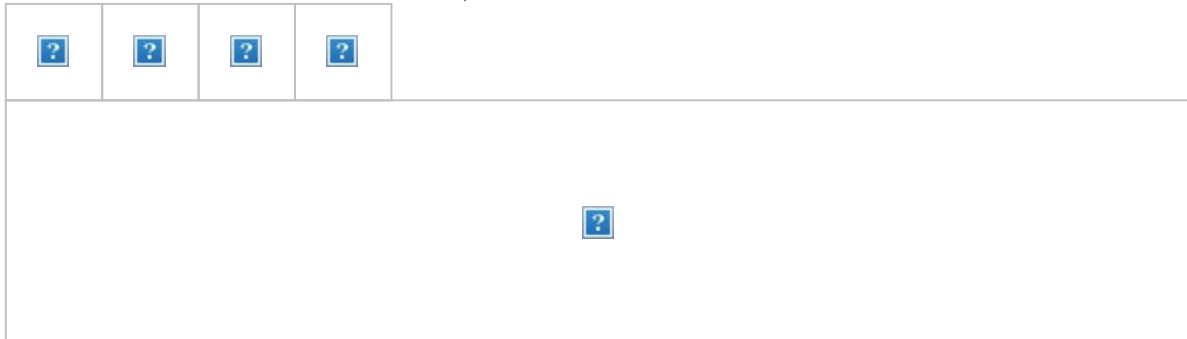
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| Adviser






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To: FOI; s 47F
Cc: FOI
Subject: Re: FOI consultation from the Department of the Prime Minister and Cabinet (PM&C ref: FOI/2021/003) [SEC=OFFICIAL]
Date: Wednesday, 24 February 2021 10:41:15 AM
Attachments: [image001.jpg](#)
[image002.jpg](#)
[image003.jpg](#)
[image004.jpg](#)
[image005.png](#)

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s 47F

Regards s 47F

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Sent: Tuesday, February 23, 2021 5:17:47 PM
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Subject: FW: FOI consultation from the Department of the Prime Minister and Cabinet (PM&C ref: FOI/2021/003) [SEC=OFFICIAL]

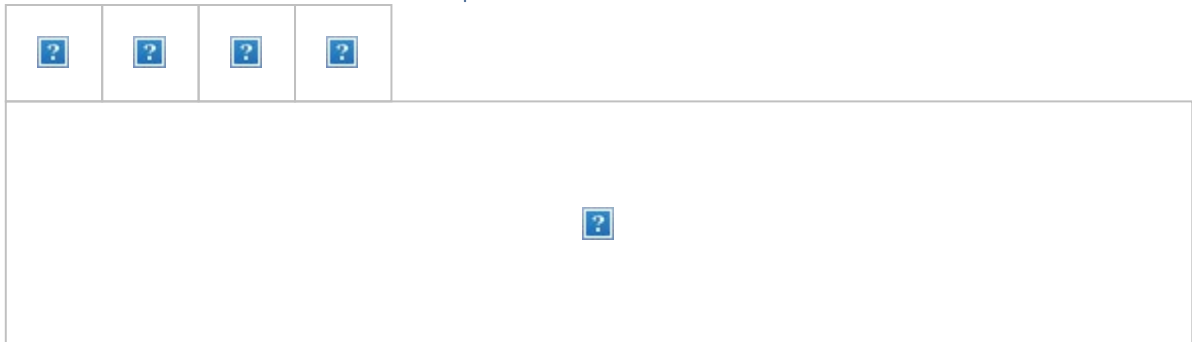
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Cc: FOI; s 47F
Subject: RE: FOI consultation from the Department of the Prime Minister and Cabinet (PM&C ref: FOI/2021/003) [SEC=OFFICIAL]
Date: Monday, 15 March 2021 8:36:31 PM
Attachments: [image001.jpg](#)
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OFFICIAL

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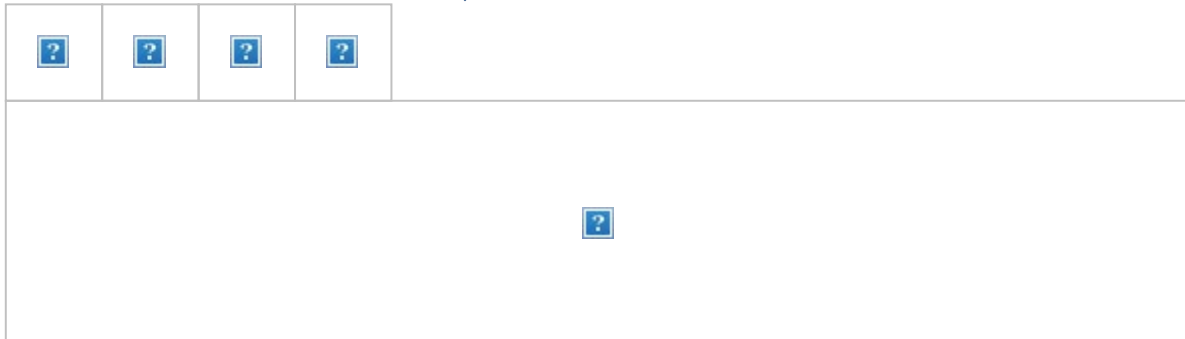
Thank you for your email of 24 February 2021 responding to our consultation request. We write to advise that the decision-maker for this FOI request has decided to refuse access to the documents in full, on the basis that the decision-maker found that the documents were conditionally exempt under section 47F of the FOI Act (personal privacy) and that their disclosure would, on balance, be contrary to the public interest.

The decision was notified to the applicant today.

If the applicant seeks review of the Department's decision, we will contact you again.

Yours sincerely

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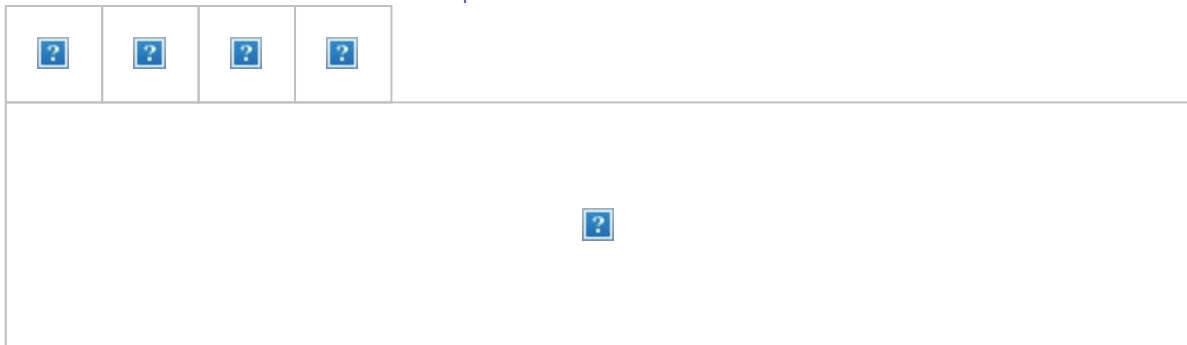
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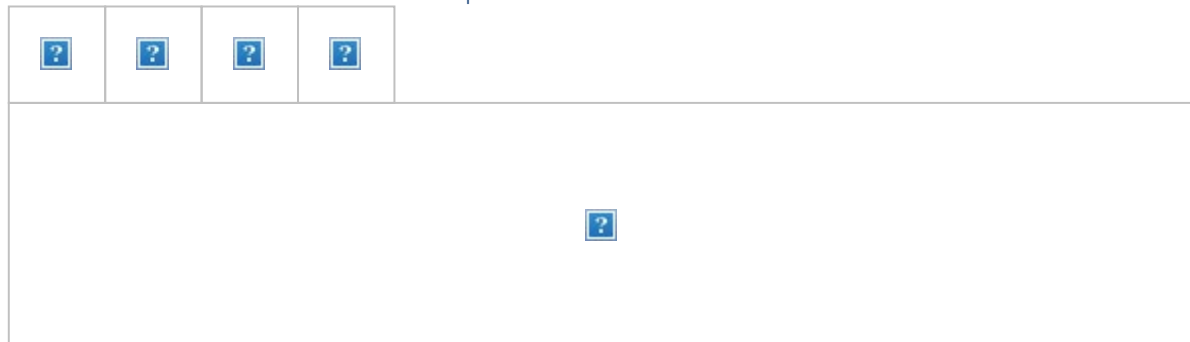
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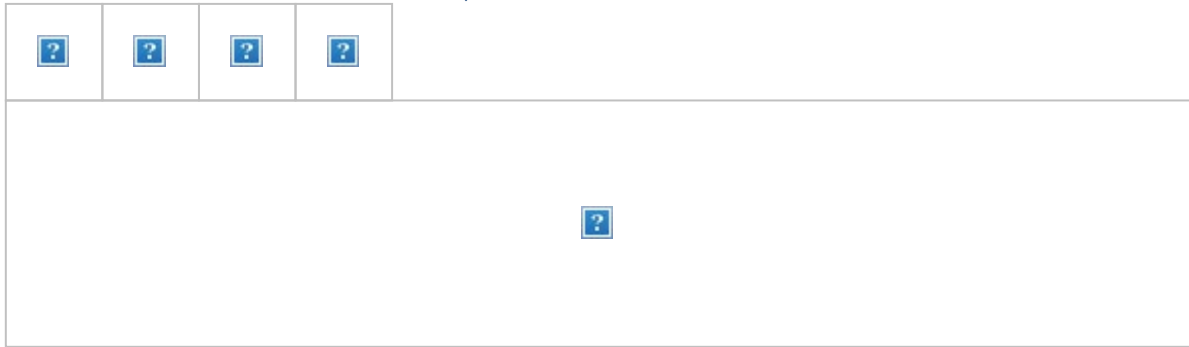
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Date: Thursday, 1 April 2021 6:15:57 PM
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[image003.jpg](#)
[image004.jpg](#)
[image005.png](#)
 s 22(1)(a)(ii)

OFFICIAL

Dear s 47F

We refer to the Department’s email of 15 March 2021 below.
 The FOI applicant has requested internal review of the Department’s decision to refuse access to the attached documents under section 47F of the FOI Act (personal privacy).
 If you wish to alter your views on release of the documents, or you wish to provide more information, please do so by **Friday, 9 April 2021**.
 If we do not hear from you by Friday, 9 April 2021, then the Department will rely on the views you expressed in your email of 24 February 2021.
 More information about your rights are published on the web site of the Office of the Australian Information Commissioner: <https://www.oaic.gov.au/freedom-of-information/your-foi-rights/when-an-foi-request-affects-you/>.
 Should you require more information, please contact us.

Yours sincerely
 FOI and Privacy Section | Legal Policy Branch
 Government Division | Department of the Prime Minister and Cabinet
 p. (02) 6271 5849
 e. foi@pmc.gov.au | w. www.pmc.gov.au
 One National Circuit Barton ACT 2600 | PO Box 6500 CANBERRA ACT 2600



From: FOI <FOI@pmc.gov.au>
Sent: Monday, 15 March 2021 8:36 PM
To: s 47F
Cc: FOI <FOI@pmc.gov.au>; s 47F
Subject: RE: FOI consultation from the Department of the Prime Minister and Cabinet (PM&C ref: FOI/2021/003) [SEC=OFFICIAL]

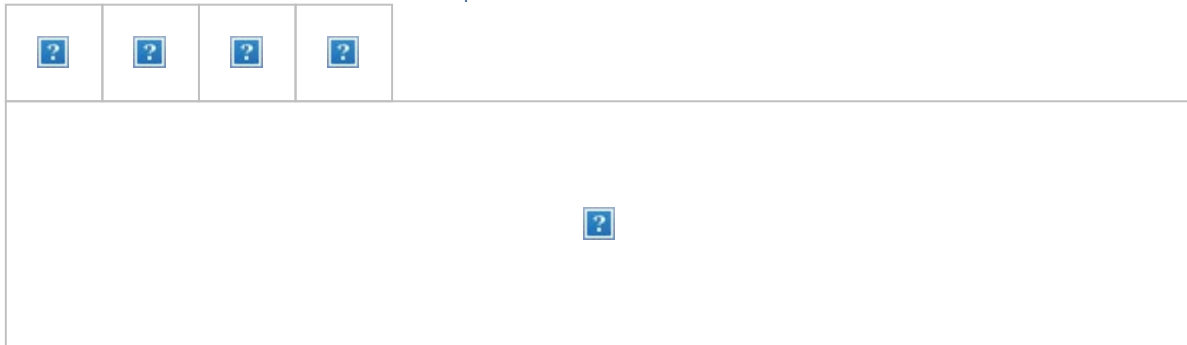
OFFICIAL

Dear s 47F

Thank you for your email of 24 February 2021 responding to our consultation request.
 We write to advise that the decision-maker for this FOI request has decided to refuse access to the documents in full, on the basis that the decision-maker found that the documents were conditionally exempt under section 47F of the FOI Act (personal privacy) and that their disclosure would, on balance, be contrary to the public interest.

The decision was notified to the applicant today.
If the applicant seeks review of the Department's decision, we will contact you again.
Yours sincerely

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From: [REDACTED] s 47F
Sent: Wednesday, 24 February 2021 10:41 AM
To: FOI <FOI@pmc.gov.au>; [REDACTED] s 47F
Cc: FOI <FOI@pmc.gov.au>
Subject: Re: FOI consultation from the Department of the Prime Minister and Cabinet (PM&C ref: FOI/2021/003) [SEC=OFFICIAL]
Dear Staff
Please do not disclose personal information [REDACTED] s 47F on this matter.
[REDACTED] s 47F
Regards [REDACTED] s 47F per
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From: FOI <FOI@pmc.gov.au>
Sent: Tuesday, February 23, 2021 5:17:47 PM
To: [REDACTED] s 47F
[REDACTED] s 47F
Cc: FOI <FOI@pmc.gov.au>
Subject: FW: FOI consultation from the Department of the Prime Minister and Cabinet (PM&C ref: FOI/2021/003) [SEC=OFFICIAL]

OFFICIAL

Dear [REDACTED] s 47F
We refer to our email of 15 February 2021 below. We would be grateful for a response by **Friday, 26 February 2021**. Should you require more time to respond, please contact us. If we do not receive a response from you by Friday, 26 February 2021, we may proceed to make a decision on access to the documents.
Yours sincerely
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e. foi@pmc.gov.au | w. www.pmc.gov.au
One National Circuit Barton ACT 2600 | PO Box 6500 CANBERRA ACT 2600



From: FOI <FOI@pmc.gov.au>

Sent: Monday, 15 February 2021 1:04 PM

To: [REDACTED] s 47F

[REDACTED] s 47F

Cc: FOI <FOI@pmc.gov.au>

Subject: FOI consultation from the Department of the Prime Minister and Cabinet (PM&C ref: FOI/2021/003) [SEC=OFFICIAL]

OFFICIAL

Dear [REDACTED] s 47F

The Department of the Prime Minister and Cabinet (the Department) has received a request under the *Freedom of Information Act 1982* (the FOI Act) in the following terms:

We seek a copy of [REDACTED] s 47F correspondence, submissions and statements relating to the Australian contingent to General Electric humanitarian operation in Banda Aceh.

What is the FOI Act?

The FOI Act is legislation that gives every person a legally enforceable right to obtain access to a document of an Australian Government agency or an official document of a minister, unless the document is exempt.

Why is the Department contacting you?

The Department has located documents relevant to the FOI request containing personal information about you. I am inviting you to tell us whether personal information should be exempt under the FOI Act.

Copies of the documents are attached. Material not within the scope of the FOI request has been redacted from the documents.

We would appreciate it if you could respond to the Department by **Friday, 19 February 2021** advising whether you have any concerns with the release of the documents. Should you require more time, please contact me

Please see below for an explanation of what 'personal' information means under the FOI Act, the process that the decision-maker must follow, publication of any material that could be released as a result of this application, and your appeal rights should the decision-maker make a decision you do not agree with.

Personal information – section 47F

Under section 47F of the FOI Act, a document is conditionally exempt if its disclosure would involve the unreasonable disclosure of personal information about an individual. 'Personal information' under the FOI Act has the same meaning as in the *Privacy Act 1988* and is defined as 'information or an opinion about an identified individual, or an individual who is reasonably identifiable...whether the information or opinion is true or not and...whether the information or opinion is recorded in a material form or not'.

Under section 27A of the FOI Act, I invite your comments on whether disclosing the attached documents would involve an unreasonable disclosure of your personal information, and if so, reasons for that view.

In determining whether disclosing your personal information would be unreasonable, the decision-maker must have regard to the following factors, in accordance with section 47F(2) of the FOI Act:

- the extent to which the information is well known;
- whether the person to whom the information relates is known to be associated with the matters dealt with in the document;
- the availability of the information from publicly accessible sources; and
- any other matters that the agency considers relevant.

More information about this exemption is available in the 'Guidelines issued by the Australian Information Commissioner under section 93A of the *Freedom of Information Act 1982*', 'Part 6 – Conditional Exemptions': <https://www.oaic.gov.au/freedom-of-information/foi-guidelines/part-6-conditional-exemptions/#documents-affecting-personal-privacy-s-47f>.

Public interest conditional exemption

If the decision-maker decides that your personal information is conditionally exempt under section 47F, they are also required to consider whether the disclosure of the document would be contrary to the public interest. Under section 11B of the FOI Act, the decision-maker is required to consider factors such as:

- promoting the objects of the FOI Act;
- informing debate on a matter of public importance; and
- promoting effective oversight of public expenditure.

The decision-maker cannot take the following factors into account:

- access to the document could result in embarrassment to the Commonwealth Government, or cause a loss of confidence in the Commonwealth Government;
- access to the document could result in any person misinterpreting or misunderstanding the document;
- access to the document could result in confusion or unnecessary debate.

If you consider that disclosure of a document would conditionally exempt under section 47F, I invite you to comment on whether release of the documents would be contrary to the public interest, in light of the above considerations.

Section 22 of the FOI Act allows information to be deleted from the document, where that information should not be disclosed. You may wish to consider whether deletion of any specific information would eliminate or substantially reduce any objections you might have to the release of the document.

Publication of information released to the FOI applicant

The FOI Act requires Australian Government agencies to publish information in documents released under the FOI Act. Under section 11C of the FOI Act, the Department cannot publish:

- personal information about any individual for this purpose, if it would be unreasonable to publish the information;
- information about the business, commercial, financial or professional affairs of any person, if it would be unreasonable to publish the information.

Apart from possible release to the FOI applicant, I invite you to comment on the possible release of the document to the public more generally on the Department's website (<https://www.pmc.gov.au/government/departmental-foi-disclosure-logs>). If you consider that the documents should not be published, please provide reasons why the publication of the document would be unreasonable.

Review rights

If the decision-maker decides to release the documents and you do not want them released, you will be provided with the decision and information on your rights of review.

More information about your rights of review is available at: <https://www.oaic.gov.au/freedom->

[of-information/guidance-and-advice/personal-and-business-information-third-party-review-rights/](#).

How to contact us

Please send your response to by email to foi@pmc.gov.au.

Should you require more information, please contact me.

Yours sincerely

s 47F

| Adviser

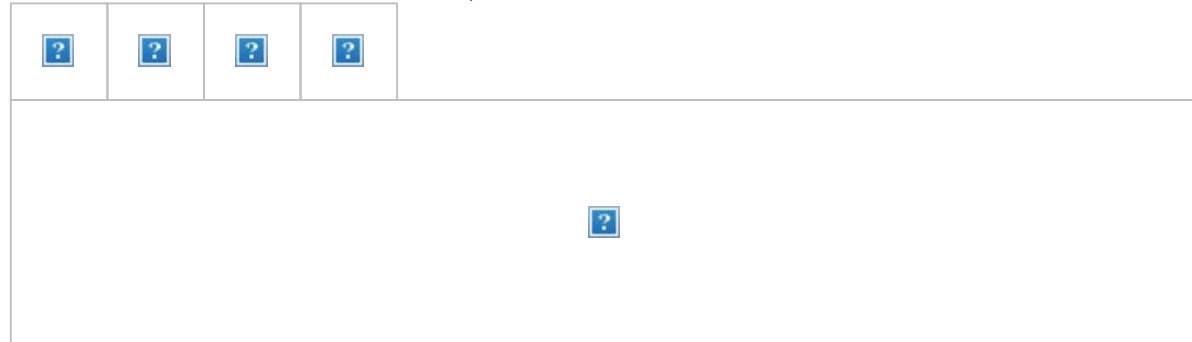
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From: s 47F
To: FOI
Subject: Re: FOI consultation from the Department of the Prime Minister and Cabinet (PM&C ref: FOI/2021/003) [SEC=OFFICIAL]
Date: Tuesday, 6 April 2021 7:15:47 AM
Attachments: [image001.jpg](#)
[image002.jpg](#)
[image003.jpg](#)
[image004.jpg](#)
[image005.png](#)

Dear Staff,

s 47F

Regards s 47F

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From: FOI
Sent: Thursday, April 1, 2021 5:15:50 PM
To: s 47F
Cc: s 47F FOI
Subject: RE: FOI consultation from the Department of the Prime Minister and Cabinet (PM&C ref: FOI/2021/003) [SEC=OFFICIAL]

OFFICIAL

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Sent: Monday, 15 March 2021 8:36 PM
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OFFICIAL

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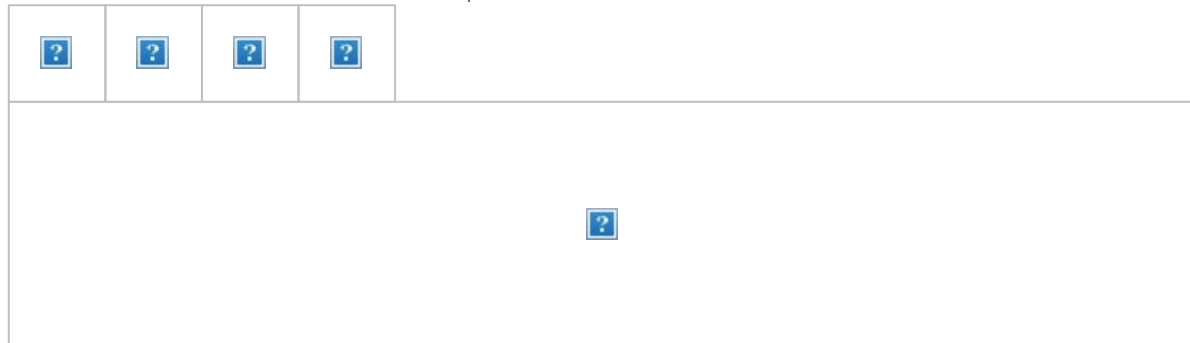
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Yours sincerely

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