

'PJ' and Australian Federal Police (Freedom of Information) [2018] AICmr 64 (10 September 2018) – Australian Information Commissioner

'Confidentiality' – 'Freedom of information' – 'Public interest' – 'Systems abuse' – 'Whether disclosure of personal information unreasonable'

Proceedings: Review of refusal access decision under *Freedom of Information Act 1982* (Cth).

Facts: The applicant applied to the Australian Federal Police (AFP) for access to "any notes made on myself by the Australian Federal Police. Not criminal records, but any and all police files/notes made on me." The AFP exempted access to 13 folios in part under s 47F (the personal privacy exemption) of the *Freedom of Information Act 1982* (Cth). Some exempt material included names, dates of birth and contact details of third party individuals, and information pertaining to an alleged domestic violence incident.

Issues: Whether the material the AFP found to be exempt under s 47F was conditionally exempt. If so, whether giving the applicant access to conditionally exempt documents would, on balance, be contrary to the public interest (s 11A(5)).

Decision and reasoning: Access to personal information of third party individuals and about an alleged domestic violence incident involving the applicant was refused.

Taking into account the nature of the information, that the information was provided for a limited purpose and was not well-known or available from other public sources, the Commissioner accepted the AFP's submission that disclosure could undermine a range of processes intended to protect individuals and could discourage those who may be affected by domestic violence from coming forward to police. The Commissioner was satisfied disclosure would be unreasonable and the relevant material was conditionally exempt under s 47F. It was also contrary to the public interest to give the applicant access to the conditionally exempt documents at this time.