



In reply please quote

30/5693

Mr Malcolm-leuan:Roberts
180 Haven Road
PULLENVALE QLD 4069
To be sent via email: malcolmr@conscious.com.au

Dear Malcolm,

Re FOI Application 30/5693 – Global Warming application

01. I refer to your application under the *Freedom of Information Act 1982* (FOI Act) originally received in the Bureau on 20 February 2013.

Your request

02. I extract the following from your email dated 18 March 2013 in which you agreed to revise the scope of your FOI request:

I am willing to change the scope of my request made under FOI provisions to the following:

1. *Copies of BoM advice, briefings, analysis and reports regarding global warming (aka climate change) to: the Howard Government from 2005 to 2007; Penny Wong when Climate Change Minister from 2007 to 2010 and Greg Combet when Climate change minister from 2010 to present.*

2. *Copies of internal BoM advice, briefs, reports and analysis to BoM Executives on global warming (aka climate change) from 2005 onwards.*

I am happy to specifically exclude the following from the scope of my request:

- *empirical observational data and output from computerised numerical models*;*
- *material already published and available to the public;*
- *third party material.*

03. In that email, you also indicated that:

I no longer require that the Bureau establish that the material to be released to me proves causation of global warming (climate change) by human CO2 production

04. At the same time, you also granted the Bureau an extension of 30 days in processing time under s.15AA of the FOI Act. I thank you on behalf of the Bureau for your consideration in this matter.

Payment of charges

05. On 22 April 2013, you were notified with respect to the charge for provision of access to documents. Payment was received on 14 May 2013.

My decision

06. I am authorised to make a decision about your request pursuant to s23 of the FOI Act.

07. A total of 19 documents were identified as being in scope of your request. I have decided to release 3 documents in full, one document with irrelevant material removed under s.22, and 15 documents in part with exempt material removed.

08. My reasons for exempting information from release, including the relevant sections of the FOI Act, are provided in paragraphs 09 to 31 below, and in the attached document schedule.

Reasons for decision

09. Documents 4, 12 and 15 are being released to you in full.

10. In relation to Document 1, this document provides a contact phone number for the then Director of Meteorology. As this individual is no longer employed by the Bureau, and this number has been allocated to another staff member, I regard this information as irrelevant to your request, and it has been removed under s.22 of the FOI Act.

11. I have also decided that certain personal information contained in Documents 2, 3, 5, 6, 7, 8, 9, 10, 11, 13, 14, 16, 17, 18 and 19 is exempt under section 47(F) of the FOI Act.

Section 47(F) personal Privacy

12. Section 47F(1) of the FOI Act provides that a document is a conditionally exempt document if its disclosure would:

involve the unreasonable disclosure of personal information about any person (including a deceased person).

13. In order to determine whether this exemption applies in relation to information in the documents I must be satisfied that:

- (a) the information is "personal information" about an individual as defined in the FOI Act; and
- (b) disclosure of the information would be unreasonable in the circumstances.

14. "Personal information" is defined in section 4(1) of the FOI Act as follows:

... 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.

15. In determining whether the disclosure of the document would be unreasonable in the circumstances I note that I am also required, under sub-section 47F(2) of the FOI Act to 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 Department considers relevant.

16. Whether or not the disclosure of personal information would be unreasonable also requires consideration of all relevant circumstances, including the nature of the information, the purpose for which the information was obtained, the likelihood of the information being information which the

person concerned would not wish to have disclosed, and whether the information has any current relevance as set out in *Re Chandra and Minister for Immigration and Ethnic Affairs*.

17. I am also aware of, and have had regard to the other factors listed as relevant in determining whether disclosure would be unreasonable, as set out in Part 6 of the Information Commissioner's FOI Guidelines.

18. Documents 2, 3, 5, 6, 7, 8, 9 10, 11, 13, 14, 16, 17, 18 and 19 include the names of the authors of the documents, and other Bureau staff who contributed to them. I consider that the names of the authors and contributors disclose personal information about these staff; that they drafted or worked on the documents and that the documents also contain those persons' opinions or advice on a particular topic. Some of the documents also include the authors' and contributors' mobile phone numbers. Accordingly, I find that the names and mobile phone numbers, taken in the context of the documents as a whole, constitute the personal information of the authors and contributors.

19. I have considered whether, in the circumstances of this request, it would be unreasonable to disclose the names and direct mobile phone numbers of the authors and contributors. Whether something is unreasonable must be determined taking into account relevant factors and balancing the legitimate public interest in the information with the privacy of the third party. There is no need to show any expected damage or harm to the third party although any such harm can be taken into account.

20. I have taken into account that the authors and contributors are not public figures. I am aware that the documents contain opinions in relation to a field of science that generates vigorous responses in the community. I am also aware of circumstances where individuals within the Bureau have received correspondence that makes allegations in relation to their professional credibility. In the circumstances, I find disclosure of the identity of the authors would be unreasonable and the information is conditionally exempt.

21. In relation to the authors' and contributors' mobile phone numbers, I have taken into account that these were only supplied for internal Bureau use. I have also considered the fact that mobile phone numbers are not made widely available by the Bureau, and that staff are available on these numbers outside of standard working hours.

Public Interest Test

22. Under the FOI Act, a public interest test applies to the conditional exemptions set out in Part IV of the FOI Act.

23. Accordingly, in considering whether this exemption applies, I must also consider whether providing access to the document(s) (at this time) would, on balance, be contrary to the public interest.

24. In deciding whether or not providing access would, on balance, be contrary to the public interest, there are a number of factors that favour access and a number of irrelevant factors that I must not take into account.

25. The factors favouring access (see sub-section 11B(3) of the FOI Act) include whether access would do any of the following:

- promote the objects of the FOI Act (including all the matters set out in sections 3 and 3A);
- inform debate on a matter of public importance;
- promote effective oversight of public expenditure;

- allow a person to access his or her own personal information.

26. I must not take into account the following factors (see sub-section 11B(4) of the FOI Act):

- 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;
- the author of the document was (or is) of high seniority in the agency to which the request for access to the document was made;
- access to the document could result in confusion or unnecessary debate.

27. I have considered whether the disclosure of the identity of individuals within the Bureau who worked on, or drafted, the documents (and their mobile phone numbers) would add to the body of knowledge that would enable the public to better understand and, participate in, the science relating to climate change. On the one hand, I accept that the names of the individuals would reveal who worked on, or prepared, the material. On the other hand, I have taken into account that the individuals are not public figures and, while naming individuals may satisfy curiosity about the authors and contributors, it would not shed any light on the proper functioning of government.

28. I have considered the circumstances surrounding the information in the documents. I am aware that climate change and its causes is a topic of significant public interest and concern and that there is a public interest in making available documents to facilitate public discussion and debate. I have also taken into account that public disclosure of the identities and mobile phone numbers of the authors and contributors could interfere with the work of those persons, that disclosure of the names of the authors and their mobile phone numbers would not inform a matter of public importance or promote the effective oversight of public expenditure. I consider the disclosure of the substance of the documents adequately promotes the objects of the FOI Act including increasing scrutiny, discussion and review of Government activities.

29. It should also be noted that I have decided not to redact position titles where they have been provided in the original documents.

30. Taking into account the above matters, on balance, I consider that disclosure of the names and mobile phone numbers of the authors in these documents is contrary to the public interest. Accordingly, I have decided that the names are exempt under section 47F of the FOI Act.

31. I have therefore made a decision to release Documents 1,2, 3, 5, 6, 7, 8, 9 10, 11, 13, 14, 16, 17, 18 and 19 in part, with the information that is exempt under section 47F of the FOI Act deleted.

Review Rights

32. If you are dissatisfied with this decision, you have certain rights of review available to you.

33. Firstly, under section 54 of the FOI Act, you may apply for an internal review of the decision. Your application must be made by whichever date is the later between:

- 30 days of you receiving this notice; or
- 15 days of you receiving the documents to which you have been granted access.

34. An internal review will be conducted by a different officer from the original decision-maker. No particular form is required to apply for review although it will assist your case to set out in the

application the grounds on which you believe that the original decision should be overturned. An application for a review of the decision should be addressed to:

Freedom of Information Officer
Bureau of Meteorology, GPO Box 1289 Melbourne 3001

35. If you choose to seek an internal review, you will subsequently have a right to apply to the Australian Information Commissioner for a review of the internal review decision.

External review by the Australian Information Commissioner

36. Alternatively, under 54L of the FOI Act, you may seek review of this decision by the Australian Information Commissioner without first going to internal review. Your application must be made within 60 days of you receiving this notice.

37. The Information Commissioner is an independent office holder who may review decisions of agencies and Ministers under the FOI Act. More information is available on the Information Commissioner's website www.oaic.gov.au.

38. You can contact the Information Commissioner to request a review of a decision online or by writing to the Information Commissioner at:

GPO Box 2999
Canberra ACT 2601

Complaints to Ombudsman or Information Commissioner

39. You may complain to either the Commonwealth Ombudsman or the Information Commissioner about action taken by the Bureau of Meteorology in relation to the application. The Ombudsman will consult with the Information Commissioner before investigating a complaint about the handling of an FOI request.

40. Your enquiries to the Ombudsman can be directed to:

Phone 1300 362 072 (local call charge)
Email ombudsman@ombudsman.gov.au

41. Your enquiries to the Information Commissioner can be directed to:

Phone 1300 363 992 (local call charge)
Email enquiries@oaic.gov.au

42. There is no particular form required to make a complaint to the Ombudsman or the Information Commissioner. The request should be in writing and should set out the grounds on which it is considered that the action taken in relation to the request should be investigated and identify the Bureau of Meteorology as the relevant agency.

Already publicly available information

43. As per the terms of your revised request, I have excluded from the documents information which is already publicly available or has been provided by third parties. I would like to point out however, that over the years, the Bureau has made publicly available a wide range of information about global warming.

44. The Bureau's principal advice on long-term climate change trends is the *State of the Climate Report* which is produced with the CSIRO every two years. Links to the 2010 and 2012 Reports can be accessed via the following URL:

<http://www.csiro.au/Outcomes/Climate/Understanding/~//link.aspx?id=2CF9DB89B8C3460F83BEAC6C98D1A7EE&z=z>

45. The Bureau also publishes an *Annual Australian Climate Summary*, which provides the Bureau's official summary of the Australian climate on an annual basis. An archive of these summaries from 2001 onwards can be accessed online at:

http://www.bom.gov.au/climate/annual_sum/annsum.shtml

46. The Bureau also provides ad-hoc advice on climate change, including relevant public inquiries. Examples of this publicly available information include:

- The 2007 Climate Change in Australia Technical Report prepared jointly by the Bureau of Meteorology and CSIRO:
http://www.climatechangeinaustralia.gov.au/documents/resources/TR_Web_FrontmatterExecSumm.pdf
- Rural Water use and the Environment: The Role of Market Mechanisms (Productivity Commission, 2006)
http://pc.gov.au/data/assets/pdf_file/0003/15168/sub028.pdf
- Climate Science Update: A report to the 2011 Garnaut Review (Garnaut Review, 2011)
<http://www.garnautreview.org.au/update-2011/commissioned-work/climate-science-update.pdf>
- Barriers to Effective Climate Change Adaptation (Productivity Commission, 2012)
http://pc.gov.au/data/assets/pdf_file/0005/118922/subdr166.pdf
- Recent Trends and Preparedness for Extreme Weather Events (Senate Standing Committee on Environment and Communications 2013)
http://www.aph.gov.au/Parliamentary_Business/Committees/Senate_Committees?url=ec_ctte/extreme_weather/submissions.htm

47. While I appreciate that publicly available material is out of scope of your request, I believe that the above information will further assist you.

For further information

48. If you have any questions about your application, or need further information, please do not hesitate to contact the Bureau's FOI Coordinator on 03 96694319 or via email: FOI@bom.gov.au

Yours sincerely



Chris Stocks

Assistant Director, People Management

23 May 2013