



13 January 2025

Our reference: LEX 82937

Only by email: foi+request-12574-0457a19b@righttoknow.org.au

Dear Nosey Rosey

Your Freedom of Information Request

I refer to your request received by Services Australia (the Agency) on 14 December 2024 for access under the *Freedom of Information Act 1982* (the FOI Act) to the following documents:

I am seeking access to records held by Services Australia concerning a security vulnerability identified within the MyService platform between 1 October 2024 and the date your office processes this request. This vulnerability reportedly allowed unauthorized access to veterans' personal and sensitive information by altering certain parameters in MyService's web addresses. As Services Australia provides information and communications technology support for the Department of Veterans' Affairs, including the MyService platform, I request any documents you hold that pertain to the discovery, investigation, and remediation of this vulnerability, as well as the decisions made regarding notifications to affected individuals and the Office of the Australian Information Commissioner (OAIC).

More specifically, I seek documents that record when and how Services Australia became aware of the vulnerability, including any correspondence between Services Australia staff and Department of Veterans' Affairs personnel, or any other agencies or service providers, where the existence or nature of this vulnerability was discussed. I request any technical assessments, investigation reports, internal briefings, risk assessments, or incident response records that detail the causes of the vulnerability, the scope of information potentially exposed, the corrective steps taken to address it, and any security or code changes applied to prevent similar incidents.

I also seek documents that discuss Services Australia's role in advising the Department of Veterans' Affairs on whether this incident constituted an "eligible data breach" under the Privacy Act 1988 (Cth). If you hold any records in which Services Australia considered, commented on, or recommended particular actions regarding notifying the OAIC or veterans whose data may have been exposed, I request access to those as well. This includes any internal deliberations, guidance notes, or communications with external parties about meeting the DVA's or Services Australia's responsibilities under the Notifiable Data Breaches scheme.

If Services Australia maintains policies, guidelines, or standard operating procedures that were consulted or applied in handling this vulnerability or determining the appropriate response, I request copies of these documents. I also seek any records that reflect final decisions, conclusions, or lessons learned, such as after-action reviews or improvement plans relating to cybersecurity and privacy controls following this incident.

Currently your request in its current terms is potentially voluminous and would capture a high volume of material, making it too large for the Agency to process. The Agency is formally consulting with you under section 24AB of the FOI Act.

This letter is giving you an opportunity to revise your request and give us more specific details about the documents you are seeking. Providing this information will assist the Agency in processing your request.

If you decide not to provide further information or revise your request, I will have to refuse your request as a 'practical refusal reason' exists. For a more detailed explanation of what this means, and suggestions on what to consider when revising your request, please see **Attachment A**.

How to send us a 'revised request'

Before we make a final decision on your request, you can submit a revised request.

Within the next 14 days (consultation period) you must do one of the following, in writing:

- withdraw the request
- make a revised request, or
- tell us you do not want to revise your request.

The consultation period begins the day after you receive this notice. Accordingly, your response is expected by **27 January 2025**.

If you do not contact us during the consultation period, your request will be taken as withdrawn by operation of the FOI Act. See **Attachment A** for relevant sections of the FOI Act.

If you decide to make a revised request, you should be specific about the documents you are seeking access to. This could help the Agency identify the documents in less time and require fewer resources to process your request.

The Agency has 30 days to give you a decision about your request, however the time taken to consult with you now is not included in this 30 day period.

Contact officer

I am the contact officer for your request. During the consultation period you are welcome to ask for my help in revising your request. You can contact me:

- via email to arrange a phone call, by providing a contact number and advising of a suitable time
- in writing to the address at the top of this letter, or

- via email to freedomofinformation@servicesaustralia.gov.au

Note: When you contact us please quote the reference number **FOI LEX 82937**.

Further assistance

If you have any questions, please email freedomofinformation@servicesaustralia.gov.au

Yours sincerely

Hannah
Authorised FOI Decision Maker
Freedom of Information Team
FOI and Reviews Branch | Legal Services Division
Services Australia

Attachment A

What I took into account

You requested access under the FOI Act to the following documents:

I am seeking access to records held by Services Australia concerning a security vulnerability identified within the MyService platform between 1 October 2024 and the date your office processes this request. This vulnerability reportedly allowed unauthorized access to veterans' personal and sensitive information by altering certain parameters in MyService's web addresses. As Services Australia provides information and communications technology support for the Department of Veterans' Affairs, including the MyService platform, I request any documents you hold that pertain to the discovery, investigation, and remediation of this vulnerability, as well as the decisions made regarding notifications to affected individuals and the Office of the Australian Information Commissioner (OAIC).

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If Services Australia maintains policies, guidelines, or standard operating procedures that were consulted or applied in handling this vulnerability or determining the appropriate response, I request copies of these documents. I also seek any records that reflect final decisions, conclusions, or lessons learned, such as after-action reviews or improvement plans relating to cybersecurity and privacy controls following this incident.

Because of the amount of work involved for the Agency, under sections 24AA(1)(a)(i), 24 and 24AA(2) of the FOI Act, I intend to refuse your FOI request as it currently stands, as a 'practical refusal reason' exists. I am satisfied a practical refusal reasons exists on the basis that processing your request 'would substantially and unreasonably divert the resources' of the Agency.

As such, we are seeking you to consider revising your request. Please find below some information that may assist you in your consideration.

To process your request the Agency would have to undertake extensive searches to find and process the documents you have requested. We have consulted with the relevant business area to undertake preliminary searches for documents in scope of your request. These searches have identified more than 217 documents totalling over 2,201 pages. The majority of these documents are emails.

Based on my experience with the type and volume of documents, I estimate it would take more than 118 hours to process the documents. This includes approximately 8 hours for search and retrieval of the documents, time taken to save documents into the required format, and over 110 hours to review each page line by line to determine if any material requires redaction - that is the possible deletion of material, for example, any private information about a third-party individual, or sensitive operational material. This is a conservative calculation based on 3 minutes to review each page, which does not include the time for any further internal or external consultations that may be required, and decision-making.

Additionally, based on information provided by the relevant business area, I consider that a courtesy consultation with the Department of Veteran's Affairs (DVA) is likely required for the documents in scope of your request. This is because the subject matter of your request concerns matters relating to DVA.

The FOI Act provides that a document is conditionally exempt from release if its release would have a substantial adverse effect on the proper and efficient conduct of the operations of the Agency (section 47E(d)). Noting the subject of your request concerns a security vulnerability, the Agency will need to consider any sensitivities and risks with release of any cyber security material that may appear in documents in scope of your request.

Therefore, in addition to any other exemptions that may apply, I consider the section 47E(d) exemption may apply to the documents, or parts thereof, that you have requested.

Processing a request of this size would require a diversion of resources across multiple business areas to process. This would impact the Agency's ability to conduct its business-as-usual activities and provide services to the Australian public.

Assistance with your request

To assist you in clarifying the scope of your request (and with the view of removing the potentially voluminous practical refusal reason), please consider the following:

- You may wish to consider limiting your request to documents of a certain type or format, such as
 - reports, including reports to relevant external organisations, such as DVA and/or the OAIC
 - technical assessments, investigation reports, internal briefings, risk assessments, or incident response records
- Requesting documents of most importance first, noting you may lodge a new request for further documents (if required) once the initial matter is processed.

Relevant sections of the *Freedom of Information Act 1982*

Section 24AA(1)(a)(i) of the FOI Act provides a practical refusal reason exists in relation to a FOI request if the work involved in processing the request would substantially and unreasonably divert the resources of the Agency from its other operations.

Section 24AA(2) of the FOI Act sets out certain factors which the Agency must consider when determining whether providing access in relation to a request would substantially and unreasonably divert the Agency's resources. The Agency must specifically have regard to the resources which would have to be used for:

- identifying, locating or collating the documents within Services Australia's filing system
- deciding whether to grant, refuse or defer access to a document to which the request relates, or to grant access to an edited copy of such a document, including resources that would have to be used for examining the document or consulting in relation to the request
- making a copy, or an edited copy, of the document, and
- notifying any interim or final decision on the request.

Section 24AB(6) of the FOI Act provides the applicant must, before the end of the consultation period, do one of the following, by written notice to the Agency:

- withdraw the request,
- make a revised request, or
- indicate that the applicant does not wish to revise the request.

Section 24AB(7) of the FOI Act provides the request is taken to have been withdrawn at the end of the consultation period if:

- the applicant does not consult the contact person during the consultation period in accordance with the notice, or
- the applicant does not do one of the things mentioned in subsection (6) before the end of the consultation period.