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20 January 2025

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Nosey Rosey  
Right to know

[www.accc.gov.au](http://www.accc.gov.au)

**Sent via email: [foi+request-12578-2fd66732@righttoknow.org.au](mailto:foi+request-12578-2fd66732@righttoknow.org.au)**

Dear Nosey

### **Access refusal – documents do not exist**

I refer to your email dated 14 December 2024 and further email dated 30 December 2024 in which you revised your request for access, under the *Freedom of Information Act 1982* (Cth), to:

#### ***Documents Sought***

*Formal Agreements: Memoranda of Understanding (MOUs), service-level agreements (SLAs), or other agreements between the ACCC and the Department of Veterans' Affairs (DVA) regarding the sharing of personal information originating from DVA.*

*Governance Documents: Policies, procedures, guidelines, or frameworks that detail how the ACCC accesses, uses, stores, or destroys personal information originating from DVA.*

*Privacy and Ethical Considerations: Privacy impact assessments, internal reviews, or other documents discussing the legal, ethical, or privacy implications of handling DVA client information.*

#### ***Exclusions***

*I do not seek access to individual complaint files or case-specific records.*

*Duplicate or draft versions of documents where final versions are available may also be excluded.*

#### ***Terminology Clarifications***

*'DVA Client Information: Refers to personal, medical, financial, or service-related data shared by DVA for any systematic or ongoing arrangement, as well as ad hoc transfers.*

#### ***Purpose of Request***

*The aim of this request is to understand whether systematic or formal data-sharing arrangements exist between the ACCC and DVA, including the governance frameworks and safeguards involved.*

### **Decision**

I have decided to refuse your request under s.24A(1) of the Act on the basis that the document does not exist.

I am authorised under s.23 of the Act to make this decision.

### **Reasons for decision**

Section 24A(1) of the Act relevantly provides as follows:

An agency or Minister may refuse a request for access to a document if:

- (a) all reasonable steps have been taken to find the document; and
- (b) the agency or Minister is satisfied that the document:
  - (i) is in the agency's or Minister's possession but cannot be found.
  - (ii) does not exist.**

Therefore, we may refuse a request for access to a document if we take all reasonable steps to find that document and we are satisfied that the document does not exist.

The ACCC took the following steps to locate the document:

- A thorough search by the FOI team of our databases to locate any information or documents that may relate to your request to determine which areas may hold documents relating to your request.
- A thorough search in the relevant ACCC records management systems by staff in the ACCC's People and Culture branch, Competition Division, Consumer and Fair Trading Division, the National Anti-Scam Centre, the Specialist Advice and Services Division and the AER for documents matching, or similar to, the scope of the request provided by you.
- Confirmation with relevant ACCC staff that no such document exists.

Based on the nil results of these steps, I conclude that the requested document does not exist within the records of the ACCC.

Please note that whilst the AER is a separate legal entity, it does not hold separate records in its own right and is staffed by the ACCC. Therefore, FOI requests for AER documents are processed by ACCC's FOI section and this decision covers and relevant documents relating to the AER.

### **Rights of review**

Your rights of review are set out in Attachment A.

Yours sincerely



Rebecca Fenech

FOI Manager  
Specialist Advice and Services Division

Sent by email 20/01/2025

# Attachment A

## Information on rights of review

### ACCC Internal Review

Under s.54 of the FOI Act, you can ask for an internal review of this decision. If you request an internal review request, another officer of the ACCC will review your request and make a new decision.

#### **Timeframe for requesting internal review**

You have 30 days from the receipt of this decision to request an internal review.

You may seek an extension to this timeframe with our agreement.

#### **Is there a charge?**

There is no charge payable for requesting an internal review.

#### **Requesting an internal review**

Your request for internal review must be in writing and indicate that you are seeking an internal review. You will need explain why this decision should be changed.

Please send your internal review request to the FOI Team by:

**Email:** [xxx@xxxx.xxv.au](mailto:xxx@xxxx.xxv.au)

#### **When will the decision be made?**

We have 30 days from the receipt of your internal review request to make a decision.

If we do not make a decision within 30 days or such further period as the IC allows, the original decision is considered affirmed. In such circumstances, you can seek review of our deemed decision by the Information Commissioner.

### Review by the Information Commissioner

You can ask for a review of this decision by the Australian Information Commissioner (IC). The Office of the Australian Information Commissioner (OAIC) encourages applicants to seek internal review first, however you are not required to go through our internal review process before seeking review by the IC. If you do choose to seek an internal review, you can still seek IC review of the internal review decision if we refuse access to your request.

#### **Timeframe for requesting IC review**

You have 60 days from the receipt of an access refusal decision to request IC review.

You may seek an extension to this timeframe from the OAIC.

#### **Is there a charge?**

There is no charge payable for requesting an IC review.

## **Requesting IC review**

Your request for IC review must be in writing and include:

- your name and contact details
- a copy of the ACCC's decision that you disagree with (if you've received one)
- the reason(s) why you disagree with the decision

You can lodge your request for IC review online:

**Online:** <https://www.oaic.gov.au/contact-us#reviews>

## **Complaint to the Information Commissioner**

You can request the Information Commissioner to investigate action taken by the ACCC in relation to this FOI request. The Information Commissioner will consider your complaint and, if appropriate, conduct an investigation. Any investigation will be completely independent.

### **Is there a charge?**

There is no charge payable for making a complaint to the IC.

### **Lodging an IC complaint**

You must lodge your complaint in writing and give a clear and brief description of each issue you're complaining about and what outcome you'd like.

You can lodge a complaint online:

**Online:** <https://www.oaic.gov.au/contact-us#complaints>