

Dear Nosey Rosey

Your Freedom of Information (FOI) Request – section 24AB consultation

I refer to your request for internal review of FOI decision LEX6865 for access to documents under the *Freedom of Information Act 1982 (FOI Act)*, received on 19 January 2025.

I am an officer authorised under section 23 of the FOI Act to make decisions in relation to FOI requests.

The Australian Electoral Commission (**AEC**) believes that work involved in processing your FOI request in its current form would substantially and unreasonably divert the resources of the AEC from its other operations/interfere with the performance of the AEC's functions due to its size, complexity, and broad scope. This is called a 'practical refusal reason' under section 24AA of the FOI Act.

On the basis of the practical refusal reason, I intend to refuse access to the documents you requested. However, before I make a final decision, you have the opportunity to revise your FOI request. This is called a 'request consultation process', and is set out in section 24AB of the FOI Act. You have 7 days to respond to this notice in one of the ways set out below.

Scope of your request

Initial request (14 December 2024)

In your initial FOI request of 14 December 2024, you indicated that the scope of your request was:

any and all documents, records, data, and supporting material held by [Name of Agency] concerning the sharing of personal information originating from the Department of Veterans' Affairs (DVA) over the last ten years.

You specified that this was to include the following:

- *any data transfers from or to the DVA, whether they were one-off exchanges or ongoing, systematic transfers of DVA client information, including personal, medical, financial, or service-related details concerning veterans or their dependents;*
- *All records of data sharing arrangements between DVA and [Authority name], including but not limited to memoranda of understanding, service-level agreements, emails, letters, meeting minutes, file transfer logs, internal reports, and instructions that outline what data was shared, when it was shared, and the format or system used for the transfer;*
- *Any policies, procedures, guidelines, or frameworks that govern how [Authority name] requests, obtains, stores, handles, or uses DVA client information. This includes documents that detail the criteria for approving access to such data, any consent or authorization processes, security controls, and retention or destruction policies; and*
- *Copies of any ethics committee approvals, privacy impact assessments, internal review board decisions, or other documents that reflect deliberations or authorizations for obtaining DVA client information. This includes records that show the agency considered the ethical, legal, or privacy implications of receiving or using DVA client data.*

- *Documents that outline the intended uses or practical applications of the DVA client data, such as project proposals, business cases, internal strategy papers, or briefings that explain why [Authority name] sought access to this information, how it was intended to be integrated into the agency's operations, and any expected outcomes or benefits.*
- *A representative sample (in a suitably de-identified or redacted form) of the data or data fields received, so long as providing this sample does not breach any exemption under the FOI Act. The purpose is to understand the nature and granularity of the information shared, without disclosing identifiable personal details.*

Internal review request (19 January 2025)

In your request for internal review, you refined the scope of your request to include the period between 2019-2024, and narrowed the scope of the subject matter to include:

- *Memoranda of understanding, service-level agreements, or contracts governing data sharing between the AEC and DVA;*
- *Privacy impact assessments or equivalent documents relating to the handling of DVA client data; and*
- *Policies or guidelines on how the AEC manages DVA client information, including retention, destruction, and security protocols.*

Document search process

In response to your initial FOI request (LEX6865), the original decision-maker arranged for relevant staff likely to be able to identify documents to undertake a comprehensive search of the relevant electronic holdings used by the AEC.

The internal review process empowers me to make a **fresh** decision on behalf of the AEC pursuant to section 54C(3) of the FOI Act.. Pursuant to paragraph 9.40 of the FOI Guidelines, internal review decision-makers are permitted to undertake further searches for documents. As such, I arranged for the following key word searches to be completed across the AEC's electronic holdings:

- *Department of Veteran's Affairs*
- *Department of Veterans Affairs*
- *DVA*
- *"DVA" (the full version of this acronym was searched whenever it was mentioned in conjunction with another word in this list) + "data"*
- *"DVA" + "ethics committee"*
- *"DVA" + "privacy impact statement"*
- *"DVA" + "internal review board decisions"*
- *"DVA" + "memoranda of understanding"*
- *"DVA" + "service-level agreements"*
- *"DVA" + "contracts"*
- *"DVA" + "data sharing"*
- *"DVA" + "retention"*

- “DVA” + “destruction”
- “DVA” + “security”
- “DVA” + “policy”

Please note that these searches were conducted using the original timeframe that you provided (10 years), as well as the revised timeframe that you provided (5 years).

Document search results

Please see the below table for the results of the above searches.

Search	5 years	10 years
All DVA permutations*	20,276 items	32,169 items
All DVA permutations + contracts	4,017 items	6,357 items
All DVA permutations + data	2,078 items	N/A
All DVA permutations + data sharing	850 items	963 items
All DVA permutations + destruction	1,642 items	5,004 items
All DVA permutations + ethics committee	213 items	298 items
All DVA permutations + internal review board decisions	2 items	9 items
All DVA permutations + memoranda of understanding	143 items	221 items
All DVA permutations + policy	9,075 items	12,875 items
All DVA permutations + privacy impact statement	30 items	43 items
All DVA permutations + retention	2,988 items	3,642 items
All DVA permutations + security	11,210 items	21,025 items
All DVA permutations + service-level agreements	159 items	74 items

* Permeations include: Department of Veterans Affairs, Department of Veteran’s Affairs, DVA

Why your request will be refused

I have decided that a practical refusal reason exists because giving access to the located documents would substantially and unreasonably divert the resources of the AEC. This is because, as indicated above, the scope of your request returned a large quantity of documents when searched (see section 24AA(2)(a) of the FOI Act). To examine the above documents, consult with DVA, and to make access grant decisions for the volume of documents found above would unreasonably divert the AEC’s resources (see section 24AA(2)(b) of the FOI Act).

In your request for internal review, you indicated that you are willing to revise your scope, and raised the point that agencies are to assist applicants to revise their requests pursuant to section 24AB(3) of the FOI Act.

Request consultation process

You now have the opportunity to revise your request so that it may proceed.

Before the end of the 7 day consultation period, you must write to the AEC and either:

- withdraw your request;
- make a revised request; or
- tell us that you do not wish to revise your request.

The 7 day consultation period will start on the day after you receive this notice.

During this period, you are welcome to seek assistance from AEC to revise your request. If you revise your request to adequately address the practical refusal reasons outlined above, the AEC will recommence processing it.

If you do not do one of the three things listed above during the consultation period or you do not contact the AEC to discuss your request during this period, your request will be taken to have been withdrawn.

Making a revised request

To narrow the scope of your request, you may wish to consider **both** of the following options:

1. You may request **current** versions of the types of documents you have requested. For example, you could request current versions of the following documents:
 - *Memoranda of understanding, service-level agreements, or contracts governing data sharing between the AEC and DVA;*
 - *Privacy impact assessments or equivalent documents relating to the handling of DVA client data; and*
 - *Policies or guidelines on how the AEC manages DVA client information, including retention, destruction, and security protocols.*
2. It is important to understand that the AEC has numerous Branches, and several sections within each Branch. It would also assist us to know what **type** of personal information you are seeking (e.g., employment information, roll information, State/Territory-specific information, electoral event information, etc.).

Further assistance

If you would like to revise your request or have any questions, please email FOI@aec.gov.au.

Yours sincerely

Anthony

Australian Electoral Commission