

LEX7009

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Internal Review Request: Freedom of Information Internal Review Request No. LEX7009

Your internal review request

On 19 January 2025 you wrote to the Australian Electoral Commission (**AEC**) requesting an internal review of FOI decision LEX6865 for access to documents under the *Freedom of Information Act 1982* (the FOI Act).

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.*

On 7 February 2025, the AEC wrote to you in accordance with ss 24AA and 24AB of the FOI Act indicating that your request may be refused on practical refusal grounds. This is because the resource impact of processing your request would substantially and unreasonably burden the AEC pursuant to s 24AA(1)(a) of the FOI Act.

By initiating a s 24AB consultation, the AEC took reasonable steps to assist you to revise your request, including putting forth suggestions as to how the scope could be narrowed in such a way that would reduce the processing workload and identify the documents within scope.

The AEC explained in detail the reasons why the scope of both your initial and revised requests are too broad and invited you to refine the scope of your request by 14 February 2025. However, the AEC did not receive a response to this email.

Identification of documents

I instructed officers in AEC Legal to contact relevant areas of the AEC to identify documents relevant to your request for review. These areas conducted searches to determine the documents that may fall within the scope of your request. Please see the table in **Attachment A** for the searches conducted and the number of documents found for each search.

Decision

As you did not respond to the AEC's consultation notice, I have decided to **affirm** the original decision-maker's decision to refuse the request on the basis that a practical refusal reason exists.

The reasons for my decision are set out in **Attachment A**.

Review rights

You are entitled to seek review of this decision. **Attachment B** sets out your rights to apply for review if you are dissatisfied with my decision.

Yours sincerely

Tim Mason (10184)

Director
Electoral Law Section
Legal and Property Branch
Australian Electoral Commission

18 February 2025