

Attachment A – Reasons – Internal Review

Request No. LEX7009

Authority

As Director, Electoral Law Section, Legal and Property Branch, I am an authorised decision-maker under section 23 of the FOI Act.

Decision

For the reasons set out below, I have decided to **affirm** the decision of the original decision-maker to refuse your request due to the existence of a practical refusal reason. This is because processing the requested documents would substantially and unreasonably divert the AEC's resources from its other operations (section 24AA(1)(a)(i) of 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.*

Request to consult

On 7 February 2025, the AEC wrote to you in accordance with sections 24AA and 24AB of the FOI Act indicating that your internal review 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 section 24AA(1)(a)(i) of the FOI Act.

By initiating a section 24AB consultation, the AEC took reasonable steps to assist you to revise your request, including making 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.

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 requires 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”

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	35,733 items
All DVA permutations + contracts	4,017 items	7,242 items
All DVA permutations + data	2,078 items	2,078 items
All DVA permutations + data sharing	850 items	1,060 items
All DVA permutations + destruction	1,642 items	5,540 items
All DVA permutations + ethics committee	213 items	333 items
All DVA permutations + internal review board decisions	2 items	9 items
All DVA permutations + memoranda of understanding	143 items	241 items
All DVA permutations + policy	9,075 items	14,397 items
All DVA permutations + privacy impact statement	30 items	43 items
All DVA permutations + retention	2,988 items	4,183 items
All DVA permutations + security	11,210 items	21,025 items

All DVA permutations + service-level agreements	159 items	164 items
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* The DVA permutations used were: Department of Veterans Affairs, Department of Veteran’s Affairs, DVA.

**Figures are reflective of searches conducted on relevant electronic holdings, noting that specific systems may not have been operational for the duration of the timeframes.

Relevant documents

I have decided to refuse your request on the basis that a practical refusal reason exists. This is because fulfilling your request would substantially and unreasonably divert the resources of the agency from its other operations under section 24AA(1)(a)(i) of the FOI Act.

Material taken into account

I have taken the following material into account in making my decision:

- a) the number of documents potentially falling within the scope of your request as identified by the search results described above;
- b) the FOI Act;
- c) the guidelines ([‘FOI Guidelines’](#)) issued by the Australian Information Commissioner under section 93A of the FOI Act; and
- d) the [FOI Guidance Notes](#), July 2011 issued by the Department of Prime Minister and Cabinet.

Decision

A practical refusal reason exists in relation to your request for internal review of 19 January 2025. This is because processing your request would substantially and unreasonably divert the resources of the agency from its other operations under section 24AA(1)(a)(i) of the FOI Act.

As demonstrated by the table on page 3 of this decision, for the AEC to process your internal review request would involve the AEC officers reviewing over 20,000 documents and considering whether those documents fall within the scope of your request. Having regard to the sheer quantity of documents, it is my view that the processing of your request would substantially and unreasonably divert the agency’s resources, particularly having regard to the steps that would be necessary to process such a request, including:

- a) the AEC consulting with DVA in relation to the documents in question; and
- b) AEC FOI officers consulting with line areas in relation to the contents of the documents; and
- c) the officers responsible for processing the request considering any exemptions under the FOI Act, potentially preparing redacted copies of documents and a schedule of documents.

Having regard to the limited resources available to the AEC as a relatively small agency within the Commonwealth and the large scale of work involved, this work would take many months to complete.

Final outcome

Accordingly, I am satisfied that the terms of your request returned an overwhelming number of documents that would substantially and unreasonably divert the resources of the AEC, particularly during the lead-up to a federal election.

It is open to you to make a fresh FOI request to the AEC.