



AFP

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Our Ref: LEX 3435

10 January 2024

NoseyRosey

By email: foi+request-12581-9cb4e17f@righttoknow.org.au

Dear Nosey

Freedom of Information request – proposed practical refusal – diversion of resources

I refer to your request dated 18 December 2024, seeking access to the following documents under the *Freedom of Information Act 1982* (the Act):

Request

I am seeking documents held by the AFP relating to the sharing of personal information originating from the Department of Veterans' Affairs (DVA) over the last ten years.

I request any and all documents, records, data, and supporting material held by the AFP concerning the sharing of personal information that the AFP has received from, or provided to, the DVA. This includes any arrangements, whether one-off data exchanges or ongoing systematic transfers of DVA client information, including personal, medical, financial, or service-related details about veterans or their dependents. In particular, I am seeking copies of memoranda of understanding, service-level agreements, internal correspondence, meeting minutes, file transfer logs, policy documents, reports, and any other records that detail the nature, purpose, and scope of information sharing between the AFP and the DVA.

If the AFP holds policies, procedures, or guidelines that govern how it requests, receives, stores, handles, or uses data originating from the DVA, I request access to those documents as well. Furthermore, if there have been any privacy impact assessments, ethics approvals, or internal reviews that relate to the AFP's use or handling of DVA-sourced information, I respectfully request access to those records. Additionally, if the AFP has any documents describing the intended uses, underlying rationale, or anticipated outcomes of accessing DVA client information, please include these in the scope of the request. If practicable, I also seek a suitably de-identified sample of the data fields to understand the nature and scope of the data shared.

If the AFP does not hold information beyond what is related solely to Centrelink Confirmation eServices (CCeS) arrangements, and there are no other forms of DVA data shared, then it is not necessary to provide the CCeS-related data. Otherwise, please include any relevant data or documentation within the scope of this request.

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Freedom of Information

/ GPO Box 401 Canberra City ACT 2601

/ Email: foi@afp.gov.au

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I believe that the work involved in processing your request in its current form would substantially and unreasonably divert the resources of the AFP from its other operations, due to the size and scope of your request. This is a 'practical refusal reason' (section 24AA of the Act).

On this basis, I intend to refuse access to the documents you requested. However, before I make a final decision, you have an opportunity to revise your request. This is a 'request consultation process' in accordance with section 24AB of the Act.

Why I intend to refuse the request

I note that this request is identical to FOI request LEX 2708 which was submitted on your behalf. A decision was made to refuse that request under section 24(1) of the Act. There is therefore no reason for the agency to provide a different decision in regard to this request.

I have decided that a practical refusal reason exists because:

1. Searches conducted to date of your request regarding internal correspondence only have identified at least 272084 emails that would need to be reviewed for relevance to the scope of your request;
2. I would need to examine each of these emails individually to determine the documents within the scope of your request, potentially consult with another person or body in relation to the request, make a copy or an edited copy of the documents, and redact exempt material from the documents;
3. Searching, reviewing and indexing these documents may also substantially and unreasonably divert the resources of the AFP from its other operations.

Consultation period

This consultation period is for **14 days**, commencing the day after the date of this notice. You have an opportunity to revise your request to enable it to proceed. Before the end of the consultation period, you must do one of the following in writing:

1. withdraw the request, or
2. make a revised request, or
3. indicate that you do not wish to revise the request.

Potential revision of request

Reducing the scope of your request may involve limiting your request for a specific document(s) and/or limit your request to a specific period of time. From previous correspondence it has been interpreted that you are seeking high level documentation regarding data sharing arrangements between the AFP and DVA, specifically in relation to the sharing of personal information. You may therefore wish to limit your request to current memoranda of understanding, service-level agreements, policies, procedures or guidelines that govern how the AFP requests, receives, stores, handles or uses personal information originating from the DVA. This suggestion is offered as guidance only. Should you decide to revise your request, this does not guarantee that the practical refusal reason will no longer exist. If it does no longer exist, there is no guarantee that documents will be released without exemptions applied. These decisions are made when any documents that are the subject of a request are assessed.

During the consultation period, you may contact me by email at foi@afp.gov.au. If you revise the request in a way that adequately addresses the practical refusal grounds, I will recommence processing your request. Please note that the time taken to consult you regarding the scope of your request is not taken into account for the purposes of the 30 day time limit for processing the request.

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If you do not respond in one of the 3 ways indicated above during the consultation period, your request will be taken to have been withdrawn.

Yours sincerely,

Daniel Funston
Freedom of Information Officer
Freedom of Information
Chief Counsel Portfolio

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