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Australian Government  
Australian Financial Security Authority

20 December 2024

Nosey Rosey

By email only: [foi+request-12582-46b05d81@righttoknow.org.au](mailto:foi+request-12582-46b05d81@righttoknow.org.au)

Dear Nosey

### **Freedom of Information Request no. 24/25/2/063**

I refer to your request for access to documents under the *Freedom of Information Act 1982* (FOI Act) received by the Australian Financial Security Authority (AFSA) on Monday, 16 December 2024. I have taken your request to be for:

1. any documents, records, or related materials held by AFSA concerning the sharing of personal information originating from the Department of Veterans' Affairs (DVA) over the last ten years.

This letter sets out my decision on your request for access.

I am an authorised decision-maker under section 23 of the FOI Act.

### **Timeframe for processing your request**

Your request was received by AFSA on 16 December 2024. The statutory period for processing your request is 30 days. This means a response to your FOI request is due by 15 January 2025.

### **Summary of Decision**

I find that no documents exist relevant to your request and I refuse your request pursuant to s 24A(1) of the FOI Act.

Thorough searches have been conducted for documents relevant to your request. The searches included:

1. The Data and Information Governance branch
2. The Information Governance Sharepoint

Further, AFSA does not routinely receive any data from DVA as part of our routine data warehousing/reporting. Therefore, no documents have been found relevant to your request.

I am satisfied that the searches conducted were thorough and all reasonable steps have been taken to locate the documents relevant to your request.

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In accordance with section 24A(1) of the FOI Act I refuse access to documents on the grounds all reasonable steps have been taken to locate documents but the documents do not exist.

**Review Rights**

You are entitled to seek review of this decision.

A copy of section 24A (1) of the FOI Act is at **Attachment A** and information on your rights of review are at **Attachment B**. Although I note my decision is that no documents exist, you may wish to contend that not all the relevant documents have been identified.

If you have any queries about this notice, please do not hesitate to contact me on email [FOI@afsa.gov.au](mailto:FOI@afsa.gov.au).

Yours sincerely,



Leisa Pendle

Principal Lawyer

Email: [FOI@afsa.gov.au](mailto:FOI@afsa.gov.au)

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## Attachment A - Relevant Legislation

**Section 24A Requests may be refused if documents cannot be found, do not exist or have not been received.**

Document lost or non-existent

(1) 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; or
  - (ii) does not exist.

Document not received as required by contract

(2) An agency may refuse a request for access to a document if:

- (a) in order to comply with section 6C, the agency has taken contractual measures to ensure that it receives the document; and
- (b) the agency has not received the document; and
- (c) the agency has taken all reasonable steps to receive the document in accordance with those contractual measures.

## Attachment B - review rights

If you are dissatisfied with this decision, you have certain rights of review available to you.

Firstly, under section 54 of the FOI Act, you may apply for an internal review of the decision.

Your application must be made by whichever date is the later between:

- 30 days of you receiving this notice; or
- 15 days of you receiving the documents to which you have been granted access.

An internal review will be conducted by a different officer from the original decision-maker.

No particular form is required to apply for review although it will assist your case to set out in the application the grounds on which you believe that the original decision should be overturned.

An application for a review of the decision should be addressed to:

AFSA Legal  
[foi@afsa.gov.au](mailto:foi@afsa.gov.au)

If you choose to seek an internal review, you will subsequently have a right to apply to the Australian Information Commissioner for a review of the internal review decision.

### Review by the Australian Information Commissioner

Alternatively, under section 54L of the FOI Act, you may seek review of this decision by the Australian Information Commissioner without first going to internal review.

Your application must be made within 60 days of you receiving this notice.

The Australian Information Commissioner is an independent office holder who may review decisions of agencies and Ministers under the FOI Act.

More information is available on the Australian Information Commissioner's website  
[www.oaic.gov.au](http://www.oaic.gov.au).

You can contact the Information Commissioner to request a review of a decision online at [Contact us | Oaic](#) or by writing to the Information Commission at:

GPO Box 5288  
Sydney NSW 2601  
[foidr@oaic.gov.au](mailto:foidr@oaic.gov.au)

### Complaints to Ombudsman or Australian Information Commissioner

You may complain to either the Commonwealth Ombudsman or the Australian Information Commissioner about action taken by AFSA in relation to your request.

The Ombudsman will consult with the Australian Information Commissioner before investigating a complaint about the handling of an FOI request.

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Your enquiries to the Ombudsman can be directed to:

- Phone 1300 362 072 (local call charge) or
- via the online form ([Web Form Submission \(ombudsman.gov.au\)](http://ombudsman.gov.au))

Your enquiries to the Australian Information Commissioner can be directed to:

- Phone 1300 363 992 (local call charge) or
- via the online form [OAIC Web Form](#)

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