



Nosey Rosey

By email: foi+request-12584-35173191@righttoknow.org.au

14 February 2025

Dear Nosey Rosey

ACCESS TO DOCUMENTS UNDER THE FREEDOM OF INFORMATION ACT 1982
REF: FOI 009 2024

I refer to your email dated 14 December 2024, seeking access to the following documents under the *Freedom of Information Act 1982* (Cth) (the Act):

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.

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.

If the only data [Authority name] received pertains solely to data linked to the Centrelink Confirmation eServices (CCeS) arrangements as described at <https://www.servicesaustralia.gov.au/centrelink-confirmation-eservices-cces>, and there were no other forms of DVA data shared, then no CCeS-related data needs to be provided under this request.



I emphasize that I am not authorizing the transfer of this FOI request to the Department of Veterans' Affairs or any other agency. If [Authority name] holds the requested information, it should provide it directly. If there are parts of this request that [Name of Agency] does not understand or believes are not held, I invite you to contact me to clarify or refine the scope under section 24AB of the FOI Act, rather than initiating a transfer. However, I do not consent to the transfer of this request to another entity. The FOI Act places the onus on agencies to process requests for documents they hold, and I expect [Authority name] to meet its responsibilities in this regard.

I note that the statutory timeframe for processing FOI requests is 30 days from the date of receipt. I do not consent to any extension of time due to internal reduced activity periods, holiday stand-down periods, or other internal operational issues. If [Authority name] considers that it cannot meet the 30-day timeframe, it may seek an extension from the Office of the Australian Information Commissioner as provided under section 15AB of the FOI Act. I request to be notified if such an application is made.

On 20 December 2024 I wrote to you to ask if you would consider scoping down your request, noting that I had also made a request to the Office of the Australian Information Commissioner for an extension of time under 15AB(2) of the Act, and this request was granted.

On 13 January 2025, I wrote to you again to suggest you consider revising your scope, and I provided you with some publicly available resources on what types of data we hold on veterans to help you with your consideration. You responded on 14 January claiming that I had not provided you with enough information.

On 24 January 2025, I sent you a formal notice under section 24AB of the Act. In this notice, I provided you with five categories of documents that I would be able to process for your request. I further noted other ways that you could reduce your scope, as well as an offer to help you to refine this scope by asking you what types of information you could limit your request to so that I could further liaise with the relevant subject matter experts.

I also advised you that I intended to refuse your request as it was framed, because searches revealed at least 250 documents that were likely within the scope of your request, noting that searches for documents in the Institute's mail system had not yet been undertaken, and would be a substantial and unreasonable diversion of resources.

On 26 January 2025 you wrote back and you declined to revise the scope of your request.

Decision

I am an officer authorised under subsection 23(1) of the Act to make decisions in relation to requests under the Act, and have been authorised to make this decision.

Under subparagraph 24AA(1)(a)(i) for the Act, a practical refusal exists if the work involved processing the request would substantially and unreasonably divert the resources of an agency from its other operations.

Under subsection 24AA(2) of the Act I must have regard to the resources that would have been used for the Institute in:

- identifying, locating, or collating the documents
- deciding whether to grant, refuse, or defer access to a document to which the request relates, or to grant access to an edited copy of such a document (including the

resources that would have been used for examining the document or consulting with any person or body in relation to the request)

- making a copy or an edited copy of the document
- notifying any interim or final decision on the request.

I am satisfied that processing your request would be a substantial and unreasonable diversion of resources as it would include at least 250 documents, and of those documents, I am satisfied that a specific subset of the documents would amount to over 5000 pages.

I am also satisfied that you were provided with the opportunity and assistance you would need to review the scope of your request.

On this basis, I am refusing your request under section 24 of the Act.

Application for internal review of decision

Section 54 of the Act gives you the right to apply for an internal review of my decision. An application for an internal review of my decision must be made in writing within 30 days of receipt of this letter.

No particular form is required, but it is advisable to set out in the application the grounds on which you consider that the decision should be reviewed. An application for review should be addressed to Freedom of Information at the following address:

Email: foi@aihw.gov.au

Post: Freedom of Information
Australian Institute of Health & Welfare
GPO Box 570, Canberra ACT 2601

Review by the Australian Information Commission

Alternatively, under s.54L of the Act, you may apply to the Australian Information Commissioner to review my decision. An application for review by the Information Commissioner must be made in writing within 60 days of the date of this letter, and be lodged in one of the following ways:

Online: <https://www.oaic.gov.au/freedom-of-information/your-freedom-of-information-rights/freedom-of-information-reviews/information-commissioner-review>

Email: foidr@oaic.gov.au

Post: Director of FOI Dispute Resolution
GPO Box 5218, Sydney NSW 2001

Phone: 1300 363 992

Yours sincerely,

C.Sorensen

C. Sorensen
General Counsel
Australian Institute of Health and Welfare