



FOI 481/24/25

**Noseyrosey**

Via email: [foi+request-12595-d0263e62@righttoknow.org.au](mailto:foi+request-12595-d0263e62@righttoknow.org.au)

Dear Noseyrosey,

**NOTIFICATION OF A REQUEST CONSULTATION PROCESS – FOI 481/24/25**

I refer to your request for access to the following documents, in the possession of the Department of Defence (Defence) under the *Freedom of Information Act 1982* (Cth) (FOI Act).

I am an officer authorised under section 23(1) of the FOI Act to make decisions in relation to FOI requests.

I am writing to tell you that I believe that the work involved in processing your request in its current form would substantially and unreasonably divert the resources of this agency from its other operations due to its size. This is called a ‘practical refusal reason’ (section 24AA).

On this basis, I intend to refuse your request. However, before I make a final decision to do this, you have an opportunity to revise your request. This is called a ‘request consultation process’ as set out under section 24AB of the FOI Act. You have **14 days** to respond to this notice in one of the ways set out below.

**Reason for Intending to Refuse Your Request**

In your request, you sought documents relating to:

*I seek access to any and all documents, records, data, and supporting material held by Defence concerning the sharing of personal information originating from the Department of Veterans’ Affairs (DVA) over the last ten years. This includes 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.*

*I am interested in obtaining a comprehensive understanding of what DVA client information Defence has received or accessed and for what purposes. Specifically, I request:*

*All records of data sharing arrangements between DVA and Defence, 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 Defence 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 Defence 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 Defence 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.*

For the purpose of providing this notice, I have considered whether processing your request would be unreasonable. I consider that processing your request, as it currently stands, would be unreasonable because the work involved in processing your request in its current form would substantially and unreasonably divert the resources of the agency from its other operations.

Section 24(1) of the FOI Act provides that an agency may refuse to give access to documents in accordance with an FOI request if:

- a practical refusal reason exists in relation to the request; and
- following a request consultation process under section 24AB of the FOI Act, the agency is satisfied that the practical refusal reason still exists.

Section 24AA(1)(a)(i) of the FOI Act provides that a practical refusal reason exists in relation to an FOI request if the work involved in processing the request would substantially and unreasonably divert the resources of the department from its other operations.

Preliminary searches undertaken by two teams that could reasonably be expected to hold documents, have identified that a significant amount of resources would have to be diverted to commence initial considerations of your request and to arrange for the required searches to be undertaken.

Following review of documentation associated with two single projects within their remit, one Defence team has identified that in excess of 7985 documents would need to be reviewed in the first instance. Using a conservative estimate of two minutes to collectively retrieve and consider each document, it would take one full time staff member in excess of 266 hours to examine these documents for relevance alone.

Further, searches undertaken by a second Defence team revealed that they hold over 763 documents that would require manual review and consideration. Using the same estimate as above, it would take one full time staff member in excess of 25 hours to examine these documents for relevance.

In *VMQD and Commissioner of Taxation (Freedom of information)* [2018] AATA 4619 (17 December 2018) at paragraph 101, the Senior Tribunal Member Puplick stated that “what constitutes valid practical refusal grounds is thus agency specific and resource dependent. Nevertheless, for any agency, a burden in excess of 200 hours would almost certainly make the threshold of a rational and objective test”. The above estimate reflects searches undertaken by two Defence team’s only, does not reflect the time required to conduct additional searches of information holdings for all relevant teams, does not include time to consult with any persons in relation to the request, and does not include the time required to grant, refuse or defer access or redact any exempt material from the documents, making copies etc. As such, I regard the actual time required to fulfil this request to be considerably higher than the estimate above and am satisfied that your request as it is currently framed, constitutes valid practical refusal grounds.

### **Request Consultation Process**

You now have an opportunity to revise your request to enable Defence to process it.

Revising your request can mean narrowing the scope of the request to make it more manageable or explaining in more detail the documents you wish to access. For example, by providing more specific information about exactly what documents you are interested in, Defence will be able to pinpoint the documents more quickly and avoid using excessive resources to process documents you are not interested in.

Before the end of the consultation period, you must do one of the following, in writing:

- Withdraw your request
- Make a revised request
- Tell us that you do not wish to revise your request.

The consultation period starts on the day after you receive this notice and ends on **23 January 2025**.

If you revise your request in a way that adequately addresses the practical refusal reason outlined above, we will recommence processing it. (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 your request.)

In your consideration of submitting a revised request, you may like to consider:

- limiting your request to be for documents relating to a specific topic, decision or circumstance;
- limiting your request to be for one type of document (i.e. report/s); and
- providing a shorter timeframe for documents.

If you do not do one of the three things listed above during the consultation period your request will be taken to have been withdrawn.

**Contact Officer**

If you would like to revise your request or have any questions, please contact the Freedom of Information Case Manager by email at:

foi.casemanagement@defence.gov.au

Yours sincerely,

A handwritten signature in black ink, appearing to be the name 'Erin', written in a cursive style.

**Erin**

Executive Level 1 officer Freedom of Information Directorate  
Governance Group

Department of Defence  
Russell Offices  
R1-05-A PO Box 7910  
Canberra BC ACT 2610  
**9 January 2025**