

OFFICIAL



Australian Government
Department of Finance

Agency reference: FOI 24-25/087
Contact: FOI Team
E-mail: foia@finance.gov.au

Noseyrosey
Via the Right to Know website

By email only: foi+request-12599-f52697d9@righttoknow.org.au

Dear Noseyrosey,

Decision and Statement of Reasons issued under the *Freedom of Information Act 1982* – FOI 24-25/087

On 14 December 2024, the Department of Finance (Finance) received your email, in which you sought access under the Commonwealth *Freedom of Information Act 1982* (FOI Act) to the documents set out in **Attachment A**.

On 20 December 2024, Finance contacted you and advised you that Finance would not hold any DVA client personal information and/or any data sharing agreements relating to DVA client personal information, as Finance's functions and responsibilities as a central agency would not extend to the collection and use of such identifiable personal information. Finance requested that you either withdraw your request on this basis or otherwise request a no documents decision letter.

On 30 December 2024, you responded and requested a formal decision letter confirming that Finance does not hold the documents you seek.

Authorised decision-maker

I am authorised by the Secretary of Finance and section 23(1) of the FOI Act to make decisions in relation to FOI requests.

The purpose of this letter is to provide you with notice of my decision under the FOI Act.

Background: Finance's functions and responsibilities in relation to data

The Department of Finance supports the government's ongoing priorities through the Budget process and fosters leading practice through the public sector resource management, governance and accountability frameworks.

Finance plays a lead role in advising the government on many of its strategic priorities, including providing advice to the government on optimal arrangements for the management

and ownership of public assets. Further information about our functions and responsibilities is available on our website: <https://www.finance.gov.au/about-us/department>.

As part of its functions and responsibilities, Finance is responsible for public data and related matters. The Data and Assurance Branch focuses on providing advice to Government on the design and implementation of key whole-of-government initiatives. The Branch's roles and responsibilities include leading whole-of-government data policy in the Commonwealth, providing policy advice to the Minister responsible for public data and supporting data governance mechanisms.

As set out above, Finance's role in the Commonwealth in relation to data is data governance and data policy, and does not deal with the personal information held by DVA.

My Decision

Section 24A of the FOI Act provides that an agency may refuse a request for access to a document if after taking reasonable steps to find the document, the agency is satisfied that the document does not exist.

The FOI Guidelines¹ issued by the Office of the Australian Information Commissioner relevantly provide:

[3.88] The Act is silent on what constitutes 'all reasonable steps'. The meaning of 'reasonable' in the context of s 24A(1)(a) has been construed as not going beyond the limit assigned by reason, not extravagant or excessive, moderate and of such an amount, size or number as is judged to be appropriate or suitable to the circumstances or purpose.

[3.89] ... What constitutes a reasonable search will depend on the circumstances of each request and will be influenced by the normal business practices in the agency's operating environment or the minister's office. At a minimum, an agency or minister should take comprehensive steps to locate documents, having regard to:

- the subject matter of the documents
- the current and past file management systems and the practice of destruction or removal of documents
- the record management systems in place
- the individuals within an agency or minister's office who may be able to assist with the location of documents, and
- the age of the documents

To confirm that Finance does not possess the documents you have requested, I have:

- consulted with the relevant business areas and staff within Finance who are responsible for data policy and working with the Department of Veterans Affairs, including the Data Policy and Assurance Branch and the Agency Advice Unit in the Aged Care, Veterans and Care Workforce Branch; and
- ensured that thorough searches were undertaken of relevant Finance systems, such as Finance share drives, Outlook, and the Parliamentary Document Management System in line with terms from your request such as 'DVA client data' and 'data sharing agreements – DVA'.

¹ <https://www.oaic.gov.au/freedom-of-information/freedom-of-information-guidance-for-government-agencies/foi-guidelines>

As a result of these consultations and searches, I am satisfied that all reasonable steps have been taken to find any documents that may fall within the scope of your request and consider that Finance does not hold any documents you have sought.

Therefore, in line with section 24A of the FOI Act, I have decided to refuse your request since, following consultation and searches, Finance does not hold documents that fall within the scope of your request.

Review and appeal rights

You are entitled to request an internal review or an external review by the Office of the Australian Information Commissioner (OAIC) of my decision. The process for review and appeal rights is set out at **Attachment A**.

If you have any questions about this request, please contact the FOI Team.

Yours sincerely,



Colleen Norton
A/g Assistant Secretary
Data Policy and Assurance Branch | Data and Digital Division
Department of Finance
10 January 2025

From: noseyrosey <foi+request-12599-f52697d9@righttoknow.org.au>
Sent: Saturday, 14 December 2024 3:04 PM
To: FOI Requests
Subject: Freedom of Information request - Documents Relating to the Sharing of DVA Client Information

Follow Up Flag: Follow up
Flag Status: Completed

Categories: New Request/Matter

[You don't often get email from foi+request-12599-f52697d9@righttoknow.org.au. Learn why this is important at <https://aka.ms/LearnAboutSenderIdentification>]

Dear FOI Officer,

I am making this request for access to documents under the Freedom of Information Act 1982 (Cth).

I seek access to 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. 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 [Authority name] has received or accessed and for what purposes. Specifically, I request:

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://aus01.safelinks.protection.outlook.com/?url=https%3A%2F%2Fwww.servicesaustralia.gov.au%2Fcentrelink-confirmation-eservices-cces&data=05%7C02%7CFOIA%40finance.gov.au%7C22644564a412484dc5a708dd1bf466fb%7C08954cee47824ff69ad51997dccef4b0%7C0%7C0%7C638697458862532386%7CUnknown%7CTWFpbGZsb3d8eyJFbXB0eU1hcGkiOnRydWUsIlYiOiIwLjAuMDAwMCIsIlAiOiJXaW4zMilslkFOljoiTWFpbGlldUljoyfQ%3D%3D%7C60000%7C%7C%7C&sdata=uhU%2BcfIMfUM2eMESognxqVZi1Q9P812WCGdzW1E9ZWE%3D&reserved=0>, 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.

If you consider any part of this request too broad or complex, please contact me promptly to discuss refining its scope. I remain willing to consider adjustments that will assist efficient processing, provided that they occur within the statutory timeframe and do not undermine the substance of what I am seeking.

Attachment A

I believe that disclosure of these documents is in the public interest, as it promotes transparency and accountability in how government agencies access and use sensitive personal information about veterans. Should you consider charges applicable, I request that you exercise your discretion to reduce or waive them, given the importance of the matter and its alignment with the principles of open government and public accountability.

I look forward to receiving your acknowledgment and decision within the statutory timeframe. Please contact me at the details below if you require further clarification.

Yours sincerely,

Nosey

Please use this email address for all replies to this request:

foi+request-12599-f52697d9@righttoknow.org.au

Is foi@finance.gov.au the wrong address for Freedom of Information requests to Department of Finance? If so, please contact us using this form:

https://aus01.safelinks.protection.outlook.com/?url=https%3A%2F%2Fwww.righttoknow.org.au%2Fchange_request%2Fnew%3Fbody%3Dfinance&data=05%7C02%7CFOIA%40finance.gov.au%7C22644564a412484dc5a708dd1bf466fb%7C08954cee47824ff69ad51997dccef4b0%7C0%7C0%7C638697458862549572%7CUnknown%7CTWFpbGZsb3d8eyJFbXB0eU1hcGkiOnRydWUsIlYiOiIlwLjAuMDAwMCIsIlAiOiJXaW4zMilslkFOljoiTWFpbCIsIlldUljoyfQ%3D%3D%7C60000%7C%7C%7C&sdata=yRlxZNwqTAG7wl0H2JB2ioY1ieYkws6Fh8rygQRWAs%3D&reserved=0

This request has been made by an individual using Right to Know. This message and any reply that you make will be published on the internet. More information on how Right to Know works can be found at:

<https://aus01.safelinks.protection.outlook.com/?url=https%3A%2F%2Fwww.righttoknow.org.au%2Fhelp%2Fofficers&data=05%7C02%7CFOIA%40finance.gov.au%7C22644564a412484dc5a708dd1bf466fb%7C08954cee47824ff69ad51997dccef4b0%7C0%7C0%7C638697458862566141%7CUnknown%7CTWFpbGZsb3d8eyJFbXB0eU1hcGkiOnRydWUsIlYiOiIlwLjAuMDAwMCIsIlAiOiJXaW4zMilslkFOljoiTWFpbCIsIlldUljoyfQ%3D%3D%7C60000%7C%7C%7C&sdata=5RR040D5xE6Nb7ekJX%2BicJDj4Twmzi0HVv9flohH9gk%3D&reserved=0>

Please note that in some cases publication of requests and responses will be delayed.

If you find this service useful as an FOI officer, please ask your web manager to link to us from your organisation's FOI page.

Be careful with this message

External email. Do not click links or open attachments unless you recognise the sender and know the content is safe.



Australian Government
Department of Finance

Your Review Rights

Legislation

A copy of the FOI Act is available at: <https://www.legislation.gov.au/Series/C2004A02562>. If you are unable to access the legislation through this website, please contact our office for a copy.

Internal Review (IR)

If you disagree with this decision, you can seek a review of the original decision. The review will be conducted by a different decision maker, usually someone at a more senior level.

You must apply for an IR within **30** calendar days of being notified of the decision or charge, unless we agree to extend your time. You should contact us if you wish to seek an extension.

We are required to make an IR decision within 30 calendar days of receiving your application. If we do not make an IR decision within this timeframe, then the original decision stands.

Your request for an IR should include:

- a statement that you are seeking a review of our decision;
- attach a copy of the decision you are seeking a review of; and
- state the reasons why you consider the original decision maker made the wrong decision.

Email: foia@finance.gov.au

Post: The FOI Coordinator
Legal and Assurance Branch
Department of Finance
One Canberra Avenue
FORREST ACT 2603

Information Commissioner review

You may apply directly to the Office of the Australian Information Commissioner (OAIC) for an Information Commissioner review of this decision. You must apply in writing within **60** calendar days of this notice.

For further information about review rights and how to submit a request for a review to the OAIC, please see <https://www.oaic.gov.au/freedom-of-information/your-freedom-of-information-rights/freedom-of-information-reviews/information-commissioner-review>.

Third parties

If you are a third party objecting to a decision to grant someone else access to your information, you must apply to the Information Commissioner within **30** calendar days of being notified of our decision to release your information.

The OAIC asks that you commence a review by completing their online form which is available on their website.

Your review application must include a copy of the notice of our decision that you are objecting to, and your contact details. You should also set out why you are objecting to the decision.

Email: FOIDR@oaic.gov.au

Post: Office of the Australian Information Commissioner
GPO Box 5218
Sydney NSW 2001

Phone: 1300 363 992 (local call charge).

Making a complaint

You may complain to the Information Commissioner about action taken by the Department in relation to your request.

Your enquiries to the Information Commissioner can be directed to:

Phone: 1300 363 992 (local call charge)

Email: enquiries@oaic.gov.au

There is no particular form required to make a complaint to the Information Commissioner. The request should be in writing and should set out the grounds on which it is considered that the action taken in relation to the request should be investigated and identify the Department of Finance as the relevant agency.