



December 2024

Nosey (Right to Know)

By email: foi+request-12600-1359bd52@righttoknow.org.au

Dear Nosey

RE: Freedom of Information Request - Notice of intention to refuse request

I refer to your request received by the Department of Foreign Affairs and Trade (the department) on 14 December 2024 for access under the *Freedom of Information Act 1982* (the FOI Act) to:

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 [Centrelink Confirmation eServices \(CCeS\) - Services Australia](#), 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. 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.

Notice of intended practical refusal

In accordance with section 24AB(2) of the FOI Act, I am providing you notice of my intention to refuse access to the documents captured by your request.

The reason for the proposed practical refusal is that your request does not satisfy the requirement in section 15(2)(b) of the FOI Act to provide such information concerning the document as is reasonably necessary to enable a responsible officer of the department to identify it (section 24AA(1)(b) of the FOI Act).

Having reviewed your request, I am of the view that you have not provided sufficient information to allow the department to identify the documents you seek as we have been unable to identify any relevant line areas within Australia or any overseas Embassies or High Commissions with that may be tasked with searching for documents.

The department has attempted to seek this information from you informally, but we are yet to receive a response to our emails of 16 December 2024 and 19 December 2024.

Sections of the FOI Act referred to in this notice are accessible at www.legislation.gov.au.

Consultation to revise the scope of the request

Pursuant to section 24AB(2)(e) of the FOI Act, you have 14 days from the day you are given this notice to:

- a. withdraw your request,
- b. revise the scope of your request in such a way that enables officers of the department to identify areas of the department that can be tasked to undertake search for relevant documents, or
- c. inform the department that you do not wish to revise your request.

I invite you to contact me (via foi@dfat.gov.au) should you wish to revise the request in order that it may be processed. I am happy to take any reasonable steps to provide you, as far as is reasonably practicable, with any information to assist you in doing so.

In your consideration of a revised scope, you may wish to consider providing further clarity or direction as to what records you are seeking. You may find it useful to consult our [organisation chart](#) and advise us which branch are area of the department we should task your request to.

Please note that under section 24AB(7) of the FOI Act, if you do not *consult the contact person during the consultation period, make a revised request or indicate that you do / do not wish to revise the scope of your request*, your request will be considered to have been withdrawn.

Please also be aware that during this period of consultation, the statutory timeframe under section 15(5) of the FOI Act for the processing of your request is on hold (see section 24AB(8) of the FOI Act for details).

Contact

Should you have any queries regarding this decision please contact the Freedom of Information Section by email: foi@dfat.gov.au.

Yours sincerely

Brooke King

Brooke King
Director
Freedom of Information Section