



Australian Government
**Department of Industry,
Science and Resources**

Our ref: 76309

Noseyrosey

By email only: foi+request-12603-e2ab8f36@righttoknow.org.au

Dear Noseyrosey

Freedom of Information Act 1982 (Cth) – Notice of intention to refuse.

I refer to your request, received by the Department of Industry, Science and Resources (the department) on 14 December 2024 seeking access to documents under the *Freedom of Information Act 1982 (Cth)* (the FOI Act). You requested 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.*

Under subsection 24(1) of the FOI Act, I am satisfied that a practical refusal reason exists in relation to this request, being that your request does not provide enough information to reasonably enable the department to identify the documents you are seeking (section 24AA(1)(b) of the FOI Act).

The department does not routinely deal with the personal information of the public, including personal information relating to veterans. There is no area within the department that is more likely to hold documents relevant to your request than any other area. We have made preliminary enquiries with centralised areas of the department, which advised that they didn't generally deal with data-sharing agreements or associated documents.

Your request as currently framed would require a department-wide search to rule out the existence of any documents within the scope of your request, which is not feasible. We consider it is unlikely that the department holds any documents within scope of your request, however we are unable to make a decision to this effect due to the breadth of searches that would be required to confirm this.

As such, I am writing to provide you with written notice that I intend to refuse your request on the grounds that a practical refusal reason exists and to initiate a request consultation process in accordance with section 24AB of the FOI Act.

Request consultation process

Before I make a decision to refuse your request under section 24(1)(b) of the FOI Act, I would like to provide you with the opportunity to revise the scope of your request so that a 'practical refusal reason' no longer exists.

A copy of the department's organisational chart is enclosed. To enable the department to commence reasonable searches, it would assist if you could please identify a specific division in which to commence searches. Divisions are those listed in the blue boxes.

Should you wish to revise your request to identify specific areas within the department to search, you must do so **within 14 days** after the day you are given this notice (unless extended by agreement with the department). If you are unable to meet this deadline and wish to arrange an extension of time in which to consider this matter, or would like to discuss how you could best revise the scope of the request, please contact the FOI team by email at FOI@industry.gov.au.

Under subsection 24AB(6) of the FOI Act, you must, before the end of the 14 day consultation period, do one of the following by written notice to the department:

- withdraw the request;
- make a revised request; or
- indicate that you do not wish to revise the request.

Please note that under subsection 24AB(7), the request is taken to have been withdrawn at the end of the 14 day consultation period if:

- (a) the applicant does not consult the contact person during the consultation period in accordance with this notice; or
- (b) the applicant does not do one of the things mentioned in subsection (6) before the end of the consultation period.

In accordance with subsection 24AB(8) of the FOI Act, the 14 day consultation period is to be disregarded in calculating the processing period for the request.

Your written response should be addressed to:

FOI Coordinator
Department of Industry, Science and Resources
GPO Box 2013
CANBERRA ACT 2601

Or by email to: FOI@industry.gov.au

Should you wish to discuss this matter further, please contact the FOI team or by email at FOI@industry.gov.au.

Yours sincerely



Rebecca S
A/g Senior Freedom of Information Officer
Information Law Team
Department of Industry, Science and Resources
3 January 2025