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Australian Government

**Department of Infrastructure,
Transport, Regional Development,
Communications and the Arts**

Our reference: FOI 25-217

Noseyrosey

By email: foi+request-12604-be95ec11@righttoknow.org.au

Dear Noseyrosey

Decision on your Freedom of Information Request

On 14 December 2024, you submitted a request to the Department of Infrastructure, Transport, Regional Development, Communications and the Arts (the Department), seeking access to documents under the *Freedom of Information Act 1982* (FOI Act).

1 Your request

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.

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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.

On 23 December 2024, the Department commenced a formal request consultation process with you, advising you that we did not consider the request satisfied the requirement in section 15(2)(b) of the FOI Act, and consequently we considered the work involved in processing your request would substantially and unreasonably divert the resources of the Department from its other operations.

On 30 December 2024, at the conclusion of that request consultation, you agreed to revise the scope of your request to the following:

Formal Agreements: Memoranda of Understanding (MOUs), service-level agreements (SLAs), or similar agreements related to data sharing between the Department of Veterans' Affairs (DVA) and the Department of Infrastructure.

Governance Documents: Policies, procedures, guidelines, or frameworks governing the receipt, storage, handling, or use of DVA client information by the Department. This includes criteria for approving access, consent or authorization processes, security controls, and retention or destruction policies.

Privacy Assessments: Privacy impact assessments or internal reviews discussing the ethical, legal, or privacy implications of handling DVA client data.

Timeframe

From 1 January 2014 to 14 December 2024.

Clarifications

The request focuses on systematic or formal data-sharing arrangements or governance structures. It does not seek individual complaint files or records unrelated to formal agreements or policies.

Any data related solely to Centrelink Confirmation eServices (CCeS) may be excluded unless part of a broader data-sharing arrangement.

2 Authority to make decision

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

3 Decision

Section 24A of the FOI Act provides that an agency may refuse a request for access to a document if:

- (a) all reasonable steps have been taken to find the document, and
- (b) the agency or Minister is satisfied that the document:
 - (i) is in the agency's or Minister's possession but cannot be found, or
 - (ii) does not exist.

The business areas responsible for the functions captured by the subject matter of your request have conducted searches of the Department's information holdings, including the Parliamentary Document Management System, case management systems, and electronic database systems. No documents or electronic data matching the description in your request were identified as being in the possession of the Department.

I am satisfied that all reasonable steps have been taken to find documents which would be relevant to your request and that the documents do not exist in the possession of the department.

I have decided, in accordance with section 24A of the FOI Act, that the Department does not hold a document in its possession that meets the terms of your request.

4 Material taken into consideration

In making my decision, I had regard to the following:

- the terms of your request
- the provisions of the FOI Act
- the guidelines issued by the Australian Information Commissioner under section 93A of the FOI Act (the FOI Guidelines)
- advice from departmental officers with responsibility for the subject matter captured by your request

5 Legislative provisions

The FOI Act, including the provisions referred to in my decision, are available on the Federal Register of Legislation website: www.legislation.gov.au/Series/C2004A02562.

6 Your review rights

If you are dissatisfied with my decision, you may apply for a review of it.

6.1 Internal review

You can request an internal review within 30 days of receiving this decision. An internal review will be conducted by a different departmental officer from the original decision-maker.

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No particular form is required to apply for review although it will assist the Department if you are able to set out the grounds on which you believe that the original decision should be changed.

Applications for internal review can be sent to FOI@infrastructure.gov.au.

If you choose to seek an internal review, you will also have a right to apply for Information Commissioner review (IC review) of the internal review decision once it has been provided to you if you remain dissatisfied with the decision.

6.2 Information Commissioner review or complaint

An application for IC review must be made in writing to the Office of the Australian Information Commissioner (OAIC) within 60 days of the decision.

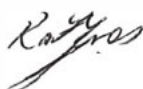
If you are not satisfied with the way we have handled your FOI request, you can lodge a complaint with the OAIC. However, the OAIC suggests that complaints are made to the agency in the first instance.

More information about the Information Commissioner reviews and complaints is available on the OAIC website here: www.oaic.gov.au/freedom-of-information/foi-review-process.

Further information

If you require further information regarding this decision, please contact the Department's FOI Section at FOI@infrastructure.gov.au.

Yours sincerely



Kate Feros
Assistant Secretary
Government Services Branch
People, Culture and Change Division

Date: 22 January 2025

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