



OFFICIAL

Freedom of Information (FOI) request

Notice of Decision

Reference: FOI/2024/408

Noseyrosey

By email: foi+request-12606-d61a0758@righttoknow.org.au

Dear Noseyrosey,

I refer to your request dated 14 December 2024 to the Department of the Prime Minister and Cabinet, under the *Freedom of Information Act 1982* (the FOI Act).

The purpose of this letter is to provide you with a decision on your request for access under the FOI Act.

Scope of request

You requested access to documents relating the sharing of Department of Veterans' Affairs Client Information. The full terms of your request are set out at **Attachment A**.

On 13 January 2025, the Department undertook a consultation process and invited you to revise the scope of your request. On 14 January 2025, you confirmed that you do not wish to do so.

Request decided out of time

A decision on your request was due 15 January 2025. Unfortunately the Department was unable to complete the processing of your request by the due date. In these circumstances the Department follows the Guidelines issued by the Information Commissioner under section 93A of the FOI Act (the Guidelines) which states:

Where an access refusal decision is deemed to have been made before a substantive decision is made, the agency or minister continues to have an obligation to provide a statement of reasons on the FOI request.¹

¹ Paragraph 3.161 of the Guidelines

Authorised decision-maker

I am authorised to make this decision in accordance with arrangements approved by the Department's Secretary under section 23 of the FOI Act.

Material taken into account

In reaching my decision I have had regard to the following:

- the terms of your request
- searches and inquires undertaken by the Department
- the FOI Act
- the Guidelines

Decision

I have decided to refuse your request under section 24A(1) of the FOI Act, on the grounds that the Department has taken all reasonable steps to locate the documents you have requested, and those documents do not exist.

Reason for decision

My findings of fact and reasons for deciding to refuse your request for access are set out below.

1. Documents cannot be found or do not exist

Section 24A(1) of the FOI Act provides that:

An agency or Minister 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.*

In determining what the FOI Act means with respect to 'all reasonable steps', I have had regard to the Guidelines which discuss the meaning of 'reasonable' in section 24A(1)(a). It is not designed to go beyond the limit assigned by reason, not to be extravagant or excessive, rather to be moderate and of such an effort to be appropriate or suitable to the circumstances².

The Department has conducted a search, for any relevant records that would meet the terms of your request, in the document repositories of the Human Services Branch, the area most likely to hold

² Paragraph 3.88 of the Guidelines

documents relating to your request. Inquiries were also undertaken with the Behavioural Economics Team of the Australian Government regarding any relevant records that would meet the terms of your request. There were no documents found to be in the possession of the Department that are responsive to your request.

I am satisfied that the measures taken by the Department to locate documents in response to your request under the FOI Act, as outlined above, are appropriate and suitable given the circumstances. After taking all reasonable steps to find the documents, no documents relevant to your request have been identified.

Accordingly, I am refusing your request for access under section 24A(1) of the FOI Act as the documents you have requested do not exist.

Review rights

If you disagree with my decision, you may apply for Information Commissioner review of the decision.

Information Commissioner review

Under section 54L of the FOI Act, you may apply to the Australian Information Commissioner to review my decision. An application for review by the Information Commissioner must be made in writing within 60 days after the date of this letter. You can apply using the [OAIC Web Form](#).³

FOI Complaints

If you are unhappy with the way we have handled your FOI request, please let us know what we could have done better. We may be able to rectify the problem. If you are not satisfied with our response, you can make a complaint to the Australian Information Commissioner. A complaint to the Information Commissioner must be made in writing. You can make a complaint using the [OAIC Web Form](#).⁴

³ <https://webform.oaic.gov.au/prod?entitytype=ICReview&layoutcode=ICReviewWF>

⁴ <https://webform.oaic.gov.au/prod?entitytype=Complaint&layoutcode=FOIComplaintWF>

If you wish to discuss any aspect of your requests, you can contact the FOI Section by email at foi@pmc.gov.au.

Yours sincerely,

A handwritten signature in blue ink that reads "J Williamson". The signature is written in a cursive, flowing style.

Julia Williamson
A/g Assistant Secretary
Human Services Branch
Department of the Prime Minister and Cabinet

6 February 2025