



Notice of Decision

REQUEST BY: Nosey Rosey (Right to Know)

REFERENCE: FOI/2425/038

Freedom of Information Act 1982

Dear Applicant,

Freedom of information request ref. FOI/2425/038

1. The purpose of this letter is to give you a decision about access to documents that you requested from the National Indigenous Australians Agency (NIAA) under the *Freedom of Information Act 1982* (FOI Act).
2. I am an officer authorised by the NIAA's Chief Executive Officer under section 23(1) of the FOI Act to make decisions in relation to FOI requests.

Summary

3. On 14 December 2024, you requested access to the following:

"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 [...]"

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 NIAA 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."

4. On 16 December 2024, we wrote to you requesting that you clarify whether the request was intended for the NIAA. On that same date, you confirmed this was the case. Your request became valid on 16 December 2024 and the 30 day statutory period for processing your request commenced from the day after that date.
5. On 24 December 2024, the NIAA acknowledged your request and confirmed that we understood the scope of your request to be as follows:

"I seek access to any and all documents, records, data, and supporting material held by the NIAA 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 NIAA has received or accessed and for what purposes. Specifically, I request:

All records of data sharing arrangements between DVA and the NIAA, 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 the NIAA 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 the NIAA 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 NIAA 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."

6. On 24 December 2024, the NIAA wrote to you and requested a 30 day extension of time under section 15AA of the FOI Act to process your request. On 30 December, you responded and did not consent to the extension of time.
7. On 2 January 2025, the NIAA sought your agreement to an 8 day extension of time under section 15AA of the FOI Act to account for the processing time lost during the annual shut down period (24 December 2024 to 1 January 2025). The NIAA also clarified that it only holds records from 1 July 2019, when the NIAA was established. On that same day, you confirmed that you did not agree to this extension and agreed to the amended date range.
8. A decision in relation to your request is due on 15 January 2025.

Material taken into account

9. I have taken the following material into account in making my decision:
 - the terms of your request
 - the acknowledgement sent to you
 - document searches undertaken by NIAA advisers
 - the FOI Act, and
 - Guidelines made by the Australian Information Commissioner under section 93A of the FOI Act (FOI Guidelines).

Decision

10. Section 24A(1) of the FOI Act provides that where all reasonable steps have been taken to find documents, and the agency is satisfied that documents cannot be found or do not exist, then the agency may refuse a request for access to the documents.
11. I have decided that the documents you requested access to do not exist (section 24A(1)(b)(ii) of the FOI Act). Information about why they do not exist is given below.



Information about why the documents do not exist

12. Documents do not exist because our searches indicate the NIAA does not have data sharing arrangements with the DVA related to personal or DVA client information.

Information about searches

13. The NIAA searched for documents in the locations set out below:

- NIAA parliamentary document management system (PDMS)
- NIAA records management systems
- Electronic documents saved on computers
- Emails

14. I am satisfied that the searches undertaken by the NIAA were reasonable, having regard to the following:

- the subject matter of the documents, being documents about transfers of personal information to the NIAA from the DVA,
- NIAA staff thoroughly searched all relevant record management systems or locations, and
- searches were completed by NIAA staff members from the Wellbeing and Suicide Prevention Policy Team, which is the team that is best placed to conduct searches.

15. I am satisfied that all reasonable steps have been taken to locate documents within the scope of your FOI request, and that no documents have been identified. Accordingly, I have decided to refuse your request under subsection 24A(1) of the FOI Act.

16. Your rights to seek review under the FOI Act or submit a complaint are set out in **Attachment A** to this notice.

Questions about this decision

17. If you have questions about this notice or NIAA's FOI process, please contact the NIAA's FOI Coordinator:

Email: foi@niaa.gov.au

Post: Freedom of Information Coordinator
National Indigenous Australians Agency
GPO Box 2191
Canberra ACT 2601

Yours sincerely



Catherine Orchard

Acting Branch Manager
Health and Wellbeing Branch
13 January 2025