

Reference: FOI 24-011

**Nosey Rosey**

[foi+request-12617-6a73a603@righttoknow.org.au](mailto:foi+request-12617-6a73a603@righttoknow.org.au)

Dear Nosey Rosey

### **Your Freedom of Information request—decision**

I refer to your request to Safe Work Australia (the Agency) on 14 December 2024 for access to documents under the *Freedom of Information Act 1982* (FOI Act).

You requested access 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 <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.'*

## **My decision**

I am authorised to make decisions under section 23(1) of the FOI Act.

I have decided to refuse your request for access under subsection 24A(1) of the FOI Act on the basis that all reasonable steps have been taken to find the documents and I am satisfied that the documents do not exist.

## **Reasons for decision**

An agency may refuse a request for access under subsection 24A(1) of the FOI Act 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 Agency's record management database was searched for relevant documents using key search terms relevant to your request. Search terms used included "DVA or Veterans' Affairs". Searches were also conducted of individual and group email accounts and consultation with relevant members of the Agency's staff also took place.

I am satisfied that the searches conducted were thorough and all reasonable steps have been taken to locate documents relevant to your request. I am satisfied that the documents referred to in your request do not exist.

### **Why the documents do not exist**

In making this decision, I note that the Agency leads the development of national policy to improve work health and safety (WHS) and workers' compensation arrangements across Australia. As part of this, the Agency is responsible for developing and evaluating the model WHS laws. The Agency has not received personal information originating from the DVA over the last ten years. The Agency also has not had a data sharing agreement with the DVA in relation to the provision of personal information originating from the DVA over the last ten years.

I have therefore decided to refuse your request pursuant to subparagraph 24A(1)(b)(ii) of the FOI Act. I have enclosed information about your rights of review under the FOI Act at **Attachment A**.

### **Further assistance**

If you have any questions, please email [FOI@swa.gov.au](mailto:FOI@swa.gov.au).

Yours sincerely



Angela Wallbank  
Group manager, Policy and Consultation  
Safe Work Australia

Date 15 January 2025

## Attachment A

### Review rights and complaints

If you are dissatisfied with this decision, certain rights of review and avenues to lodge a complaint are available to you.

#### Asking for an explanation of an FOI decision

Before you ask for a formal review of an FOI decision, you can contact us and we will explain the decision to you.

#### Asking for a formal review of an FOI decision

If you still believe the decision is incorrect, the FOI Act gives you the right to apply for a review of the decision. Under sections 54 and 54L of the FOI Act, you can apply for a review of an FOI decision by:

- an internal review officer in the department and/or
- the Australian Information Commissioner.

There are no fees for applying for a formal review.

#### Internal Review

You may apply for an internal review of the decision. Your application must be made by whichever date is the later of:

- 30 days of you receiving this notice, or
- 15 days of you receiving the documents to which you have been granted access.

An internal review will be conducted by a different officer from the original decision-maker. No particular form is required to apply for review, although it will assist your case to set out in the application the grounds on which you believe that the original decision should be overturned. An application for a review of the decision should be addressed to:

FOI Officer  
GPO Box 641  
CANBERRA ACT 2601

Or

[FOI@swa.gov.au](mailto:FOI@swa.gov.au)

If an internal review is conducted, you may apply to the Australian Information Commissioner for a review of the internal review decision.

### **External review by the Australian Information Commissioner**

If you do not agree with the original decision or the internal review decision, you can ask the Australian Information Commissioner to review the decision.

The Australian Information Commissioner is an independent office holder who may review decisions made under the FOI Act. More information is available on the Australian Information Commissioner's website at [www.oaic.gov.au](http://www.oaic.gov.au).

Your application must be made within 60 days of you receiving this notice.

You can submit your application using the [Information Commissioner Review Application](#) online form. You can contact the Australian Information Commissioner by emailing [enquiries@oaic.gov.au](mailto:enquiries@oaic.gov.au).

You can also contact the Australian Information Commissioner to request a review of a decision by writing to the Australian Information Commission at:

Office of the Australian Information Commissioner  
GPO Box 5218  
Sydney NSW 2001

## **Complaints to the Australian Information Commissioner**

You may complain to either the Commonwealth Ombudsman or the Australian Information Commissioner about action taken by Safe Work Australia in relation to your FOI request.

Your complaint to the Australian Information Commissioner must be in writing. You may complain to the Australian Information Commissioner vis their online [FOI complaint form](#).

The Commonwealth Ombudsman will consult with the Australian Information Commissioner before investigating a complaint about the handling of an FOI request.

Enquiries to the Commonwealth Ombudsman can be directed to:

Phone 1300 362 072 (local call charge)

Email [ombudsman@ombudsman.gov.au](mailto:ombudsman@ombudsman.gov.au)

Enquiries to the Australian Information Commissioner can be directed to:

Phone 1300 363 992 (local call charge)

Email [enquiries@oaic.gov.au](mailto:enquiries@oaic.gov.au)