



18 April 2023

Our reference: LEX 72239

Centrelink Customer
Right to Know

Only by email: foi+request-10026-647b17fd@righttoknow.org.au

Dear Centrelink Customer

Decision on your Freedom of Information Request

I refer to your request received by Services Australia (the Agency) on 5 March 2023 for access under the *Freedom of Information Act 1982* (the FOI Act) to the following documents:

I request a copy of operational blueprints relating to Section 24, such as:
110-19111307
106-07120080

My decision

The Agency holds two documents (totalling 56 pages) that relate to your request.

I have decided to grant you **part access** to two documents (Documents 1 and 2) with some of the content removed.

I have decided parts of these documents are exempt under the FOI Act because they contain operational information, the disclosure of which would, or could reasonably be expected to, have a substantial adverse effect on the proper and efficient conduct of the operations of the Agency and release is contrary to the public interest.

Please see the schedule at **Attachment A** to this letter for a detailed list of the documents and the reasons for my decision, including the relevant section of the FOI Act.

How we will send your documents to you

The documents are attached.

You can ask for a review of our decision

If you disagree with any part of the decision you can ask for a review. There are two ways you can do this. You can ask for an internal review from within the Agency, or an external review by the Office of the Australian Information Commissioner. You do not have to pay for a review of the decision. See **Attachment B** for more information about how to request a review.

Further assistance

If you have any questions please email freedomofinformation@servicesaustralia.gov.au.

Yours sincerely

Elizabeth
FOI Practitioner
Freedom of Information Team
FOI and Ombudsman Branch | Legal Services Division
Services Australia



SCHEDULE OF DOCUMENTS FOR RELEASE

Centrelink Customer (RIGHT TO KNOW) - LEX 72239

| Doc No. | Pages | Date | Description | Decision | Exemption | Comments |
|----------------|--------------|-----------------|--|-----------------|------------------|--|
| 1. | 1-37 | 7 March 2023 | Treatment of a partnered person as single under Section 24 new determinations 106-07120080 | Release in part | s 47E(d) | Information which, if released, would or could reasonably be expected to have a substantial adverse effect on the proper and efficient conduct of the operations of the Agency deleted under s 47E(d) Out of scope information deleted under s 22 |
| 2. | 38-56 | 6 February 2023 | Member of a couple reviews – Section 24 110-19111307 | Release in part | s 47E(d) | Information which, if released, would or could reasonably be expected to have a substantial adverse effect on the proper and efficient conduct of the operations of the Agency deleted under s 47E(d) Out of scope information deleted under s 22 |



REASONS FOR DECISION

What you requested

On 5 March 2023, you requested:

I request a copy of operational blueprints relating to Section 24, such as:
110-19111307
106-07120080

What I took into account

In reaching my decision I took into account:

- your request dated 5 March 2023
- your submissions provided by email on 27 March 2023
- the documents that fall within the scope of your request
- whether the release of material is in the public interest
- consultations with Agency officers about
 - the nature of the documents
 - the Agency's operating environment and functions
- guidelines issued by the Australian Information Commissioner under section 93A of the FOI Act (the Guidelines)
- the FOI Act.

Reasons for my decision

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

I have decided that parts of the documents you requested are exempt under the FOI Act.

Operations of the Agency

I have applied the exemption in section 47E(d) of the FOI Act to parts of Documents 1 and 2.

This section of the FOI Act allows the Agency to determine that material is exempt from release if its disclosure would have a serious or significant effect on the Agency's ability to conduct its operations efficiently and properly.

The requested documents contain operational processes and discretionary decision-making guidance for Agency employees. I am satisfied this information is relevant to the operations and management of an assessment process administered by the Agency, and is therefore relevant to the conduct of the Agency's operations.

I consider providing the exempt material to you, which is not publicly available, would negatively affect the conduct of the operations of the Agency because it would enable customers to manipulate or circumvent processes in relation to section 24, for the purpose of obtaining a favourable decision. Furthermore, it is reasonably likely that disclosure of this material would also allow individuals to present themselves in such a manner that would allow them to obtain an outcome to their own advantage and for monetary gain. I also consider some of the exempt material containing detailed system coding instructions for staff could be used as a 'how to' guide by a malicious user to navigate the Agency's system and manipulate a section 24 assessment.

While I have no reason to believe you would misuse the exempt material in this way, the FOI Act does not control or restrict use or dissemination of the information once released in response to an FOI request, so I must consider actions any member of the public might take if the information enters the public domain.

Public interest considerations

Access to conditionally exempt material must be given unless I am satisfied it would not be in the public interest to do so.

I consider the disclosure of the material would generally promote the objects of the FOI Act, which is in the public interest.

However, I also consider disclosure of the exempt material would

- prejudice the Agency's ability to properly and efficiently deliver services to the public by providing information which would allow customers to bypass or manipulate the Agency's established processes to receive a favourable decision they would otherwise not be entitled to, and
- prejudice the Agency's ability to provide services promptly and effectively to the Australian public, including those whom are vulnerable or in crisis.

As such, I find the public interest factors in favour of disclosing the material are outweighed by the public interest factors against disclosure, and that release of the material in question would be contrary to the public interest.

I have not taken into account any of the irrelevant factors set out in section 11B(4) of the FOI Act in making this decision.

I have deleted the exempt information in the documents and released the remaining material in accordance with section 22(1) of the FOI Act.



Attachment B

INFORMATION ON RIGHTS OF REVIEW

FREEDOM OF INFORMATION ACT 1982

Asking for a full explanation of a Freedom of Information (FOI) decision

Before you ask for a formal review of a FOI decision, you can contact us to discuss your request. We will explain the decision to you. This gives you a chance to correct misunderstandings.

Asking for a formal review of a FOI decision

If you still believe a decision is incorrect, the *Freedom of Information Act 1982* (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:

1. an Internal Review Officer in Services Australia (the Agency), and/or
2. the Australian Information Commissioner.

Applying for an internal review by an Internal Review Officer

If you apply for internal review, a different decision maker to the Agency delegate who made the original decision will carry out the review. The Internal Review Officer will consider all aspects of the original decision and decide whether it should change. An application for internal review must be:

- made in writing
- made within 30 days of receiving this letter
- sent to the address at the top of the first page of this letter.

Note: You do not need to fill in a form. However, it is a good idea to set out any relevant submissions you would like the Internal Review Officer to further consider, and your reasons for disagreeing with the decision.

Applying for 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.

If you do not receive a decision from an Internal Review Officer in the Agency within 30 days of applying, you can ask the Australian Information Commissioner for a review of the original FOI decision.

You will have 60 days to apply in writing for a review by the Australian Information Commissioner.

You can **lodge your application**:

Online: www.oaic.gov.au

Post: Australian Information Commissioner

GPO Box 5218
SYDNEY NSW 2001

Email: enquiries@oaic.gov.au

Note: The Office of the Australian Information Commissioner generally prefers FOI applicants to seek internal review before applying for external review by the Australian Information Commissioner.

Important:

- If you are applying online, the application form the 'Merits Review Form' is available at **www.oaic.gov.au**.
- If you have one, you should include with your application a copy of the Services Australia decision on your FOI request
- Include your contact details
- Set out your reasons for objecting to the Agency's decision.

Complaints to the Australian Information Commissioner and Commonwealth Ombudsman

Australian Information Commissioner

You may complain to the Australian Information Commissioner concerning action taken by an agency in the exercise of powers or the performance of functions under the FOI Act. There is no fee for making a complaint. A complaint to the Australian Information Commissioner must be made in writing. The Australian Information Commissioner's contact details are:

Telephone: 1300 363 992
Website: www.oaic.gov.au

Commonwealth Ombudsman

You may also complain to the Commonwealth Ombudsman concerning action taken by an agency in the exercise of powers or the performance of functions under the FOI Act. There is no fee for making a complaint. A complaint to the Commonwealth Ombudsman may be made in person, by telephone or in writing. The Commonwealth Ombudsman's contact details are:

Phone: 1300 362 072
Website: www.ombudsman.gov.au

The Commonwealth Ombudsman generally prefers applicants to seek review before complaining about a decision.