



15 May 2023

Our reference: LEX 72807

Mr Robert Stokes (Right to Know)

By email: foi+request-10129-34103e84@righttoknow.org.au

Dear Mr Stokes

Decision on your Freedom of Information Request

I refer to your request received by Services Australia (the **Agency**) on 1 April 2023 for access under the *Freedom of Information Act 1982* (the **FOI Act**) to the following documents:

Please provide a copy of the document "Assessing and coding medical evidence for a temporary incapacity exemption".

My decision

The Agency holds one document (totalling 40 pages) that relates to your request.

I have decided to grant you **part access** to the document with some of the content removed.

I have decided that certain parts of the document you requested are exempt under the FOI Act, because it contains operational information, the disclosure of which would have a substantial adverse effect on the proper and efficient conduct of the operations of the Agency, and I am satisfied that release would be contrary to the public interest (section 47E(d) of the FOI Act).

Please see the schedule at **Attachment A** to this letter for a description of the document and the reasons for my decision, including the relevant sections of the FOI Act.

How we will send your document to you

The document is 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. 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

Leanne
Authorised FOI Decision Maker
Freedom of Information Team
FOI and Ombudsman Branch | Legal Services Division
Services Australia



SCHEDULE OF DOCUMENTS FOR RELEASE
STOKES, Robert (Right to Know) – LEX 72807

Doc No.	Pages	Date	Description	Decision	FOI Exemption	Comments
1.	1 - 40	5 April 2023	Operational Blueprint 'Assessing and coding medical evidence for temporary incapacity exemptions' 001-22112401	Release in part	s 47E(d)	Information that would have a substantial adverse effect on the proper and efficient conduct of the Agency deleted under s 47E(d). Irrelevant material deleted under s 22.



REASONS FOR DECISION

What you requested

Please provide a copy of the document "Assessing and coding medical evidence for a temporary incapacity exemption".

What I took into account

In reaching my decision I took into account:

- your original request dated 1 April 2023
- the document that falls 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 document
 - the Agency's operating environment and functions
- guidelines issued by the Australian Information Commissioner under section 93A of the FOI Act (the **Guidelines**), and
- the FOI Act.

Reasons for my decisions

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

I have decided that certain parts of the document you requested are exempt under the FOI Act. My findings of fact and reasons for deciding that the exemption applies to that document are discussed below.

Section 47E(d) of the FOI Act – Operations of the Agency

I have applied the conditional exemption in section 47E(d) to parts of Document 1.

Section 47E(d) of the FOI Act relevantly provides:

A document is conditionally exempt if its disclosure under this Act would, or could reasonably be expected to [...]:

- (d) have a substantial adverse effect on the proper and efficient conduct of the operations of an Agency.

I have found that parts of the document contain material that is conditionally exempt from release under section 47E(d) including:

- details of Agency operational processes and guidelines for Agency employees, that are not publicly available and which relate to the operations and management of a program administered by the Agency, and
- details of the Agency's system identifiers held on the Agency's network.

I consider that releasing the exempt material to you would negatively affect the conduct of the operations of the Agency. This is because release of the exempt material would allow customers to circumvent established processes and procedures relating to the assessment of medical evidence for temporary incapacity exemptions. This in turn would compromise the Agency's ability to provide equitable treatment to customers, provide payment assurance through compliance functions, and ensure the effective delivery of associated functions. Furthermore, it is reasonably likely that disclosure of the exempt material would allow individuals to manipulate the Agency's processes to their own advantage and compromise the Agency's ability to accurately assess and code medical evidence for temporary incapacity exemptions.

The Agency holds a large amount of data on internal network drive locations and in internal systems and databases, which are accessed by Agency staff. I am satisfied that the information within the document relating to the Agency's internal systems and data storage locations is not currently publicly available. If this information were to be made publicly available, the Agency's ability to protect Agency data could be compromised. As the Agency holds a large amount of personal information relating to customers, the Agency must ensure that information that may compromise the security of this information is not released. The Agency must ensure its ability to protect the networks, and maintain the security of data held, to mitigate current and future cyber security risks.

Whilst 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, so I must consider actions any member of the public might take once the information enters the public domain and is available to the world at large.

Public interest considerations

Section 11A(5) of the FOI Act provides:

'The Agency or Minister must give the person access to the document if it is conditionally exempt at a particular time unless (in the circumstances) access to the document at that time would, on balance, be contrary to the public interest.'

When weighing up the public interest for and against disclosure under section 11A(5) of the FOI Act, I have taken into account relevant factors in favour of disclosure. In particular, I have considered the extent to which disclosure would promote the objects of the FOI Act, and inform debate on a matter of public importance.

I have also considered the relevant factors weighing against disclosure, indicating that access would be contrary to the public interest. In particular, I have considered the extent to which disclosure could reasonably be expected to:

- impact the Agency's ability to maintain the privacy and security of personal information
- impact the Agency's ability to properly and efficiently deliver services to the public, and
- adversely affect or harm the interests of an individual or group of individuals, particularly vulnerable customers, by providing the information necessary for customers to gain access to tailored service options without eligibility, therefore restricting the availability of these resources for the vulnerable cohorts they were designed to service.

Based on these factors, I have decided that in this instance, the public interest in disclosing the information in the above-mentioned document is outweighed by the public interest against disclosure.

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.

Summary of my decision

In conclusion, I have decided to grant you part access to one document.

I have decided that Document 1 is conditionally exempt, in part, under section 47E(d) of the FOI Act, and disclosure would be contrary to the public interest for the purposes of section 11A(5).



Attachment B

INFORMATION ON RIGHTS OF REVIEW

FREEDOM OF INFORMATION ACT 1982

Asking for a full explanation of a Freedom of Information 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 an Freedom of Information 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 is available at **www.oaic.gov.au**.
- If you have one, you should include with your application a copy of the Agency's 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.