



13 July 2023

Our reference: LEX 73830

Lei Ying
Right to Know

Only by email: foi+request-10349-7b47c831@righttoknow.org.au

Dear Sir / Madam,

Decision on your Freedom of Information Request

I refer to your request, dated and received by Services Australia (the **Agency**) on 30 May 2023 for access under the *Freedom of Information Act 1982* (the **FOI Act**) to the following documents:

I request the release of operational blueprint documents:

109-03030000 - Administrative Appeals Tribunal (AAT)

109-21032647 - Requesting non-disclosure of information during an Administrative Appeals Tribunal (AAT) first review.

My decision

The Agency holds 2 documents (totalling 28 pages) that relate to your request.

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

I have decided that certain parts of the documents that you have requested are exempt under the FOI Act, specifically parts of the documents that, if released, would have a substantial adverse effect on the proper and efficient conduct of the operations of the Agency.

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 sections 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
YING, Lei - LEX 73830

Doc No.	Pages	Date	Description	Decision	Exemption	Comments
1.	1-15	23 March 2023	Administrative Appeals Tribunal (AAT) 109-03030000	Release in part	s 47E(d)	Conditionally exempt material relevant to the operations of the Agency deleted under s 47E(d) Out of scope material deleted under s 22
2.	16-28	23 March 2023	Requesting non-disclosure of information during an Administrative Appeals Tribunal (AAT) first review 109-21032647	Release in part	s 47E(d)	Conditionally exempt material relevant to the operations of the Agency deleted under s 47E(d) Out of scope material deleted under s 22



REASONS FOR DECISION

What you requested

I request the release of operational blueprint documents:

109-03030000 - Administrative Appeals Tribunal (AAT)

109-21032647 - Requesting non-disclosure of information during an Administrative Appeals Tribunal (AAT) first review.

What I took into account

In reaching my decision I took into account:

- your request dated 30 May 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**), and
- 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 certain parts of the documents that you requested are exempt under the FOI Act. My findings of fact and reasons for deciding that the exemption applies to those documents are discussed below.

Operations of the Agency

I have applied exemption section 47E(d) to the documents as outlined in the Schedule at Attachment A.

This section of the FOI Act allows the Agency to determine that a document 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 documents contain processes and internal guidance for Agency employees. I am satisfied this information is relevant to the operations and management of programs administered by the Agency, and is therefore relevant to the conduct of the Agency's operations.

I consider that providing this material to you, which is not publicly available, would negatively affect the conduct of the Agency's operations because it may allow customers to manipulate or bypass the Agency's cyber security systems.

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, so I must consider actions any member of the public might take if the information is in 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 disclosure of the material would promote the objects of the FOI Act, including an increasing public participation in Government processes.

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 access the Agency's established processes and systems to receive a favourable decision they would otherwise not be entitled to. 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 an assessment.

On balance, and having weighed the factors in favour of disclosure against the factors against disclosure, I find the public interest in disclosing the material is outweighed by the public interest factors against disclosure. Accordingly, I have decided not to release the documents in full to you.

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.



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.

Note 1: There are no fees for these reviews.

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 2: 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 3: 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.