



22 November 2023

Our reference: LEX 76225

Lei Ying
Right to Know

Only by email: foi+request-10721-a960e773@righttoknow.org.au

Dear Sir / Madam

Decision on your Freedom of Information request

I refer to your request to Services Australia (the Agency) received on 29 September 2023 for access under the *Freedom of Information Act 1982* (the FOI Act) to the following documents:

'I request a release of the following pages of the Operational Blueprint:

008-03030010 What is medical evidence for Disability Support Pension (DSP)?

008-03030020 Diagnosis of a medical condition provided by an Assessment Services Psychologist for Disability Support Pension (DSP)

008-03040010 Assessing Continuing Inability to Work (CITW)

008-03130030 Cancellation of Disability Support Pension (DSP)

008-03190000 Reviews and appeals for Disability Support Pension (DSP) rejection or cancellation decisions.'

Administrative Access

The Agency has administrative access arrangements (the arrangements) for the release of certain documents.

Since you submitted your Freedom of Information (FOI) request, the Agency has decided to make some of the requested documents publicly available, Operational Blueprints 00-03030010 and 008-03040010.

Two of the documents, '008-03030010 What is medical evidence for Disability Support Pension (DSP)?' and '008-03040010 Assessing Continuing Inability to Work (CITW)' have now been published on the Operational Blueprint website, which can be accessed via this link:

<https://operational.servicesaustralia.gov.au/public/home.html>

In the interim, a PDF copy of the documents for administrative release are attached to the decision email.

I have considered these parts of your request withdrawn.

My decision

The Agency holds 3 documents (totalling 35 pages) that relate to your request.

I have decided to grant you **part access** to 3 documents (Documents 1 to 3), with some of the content removed.

I have decided certain parts of Documents 1 to 3 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** for the reasons for my decision.

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. 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

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



SCHEDULE OF DOCUMENT FOR RELEASE

YING, Lei (Right to Know) - LEX 76225

Document Number	Date	Pages	Description	Decision	FOI Act Exemption	Comments
1.	Published: 27 May 2023	1 - 4	Operational Blueprint: Diagnosis of a medical condition provided by an Assessment Services Psychologist for Disability Support Pension (DSP) 008-03030020	Release in part	s47E(d)	Information that would have a substantial adverse effect on the proper and efficient conduct of the operations of the Agency deleted under s47E(d). Irrelevant material deleted under s22.
2.	Published: 9 March 2023	5 - 11	Operational Blueprint: Cancellation of Disability Support Pension (DSP) 008-03130030	Release in part	s47E(d)	Information that would have a substantial adverse effect on the proper and efficient conduct of the operations of the Agency deleted under s47E(d). Irrelevant material deleted under s22.
3.	Published: 14 July 2023	12 - 35	Operational Blueprint: Reviews and appeals for Disability Support Pension (DSP) rejection or cancellation decisions 008-03190000	Release in part	s47E(d)	Information that would have a substantial adverse effect on the proper and efficient conduct of the operations of the Agency deleted under s47E(d). Irrelevant material deleted under s22.



REASONS FOR DECISION

What you requested

I request a release of the following pages of the Operational Blueprint:

008-03030020 Diagnosis of a medical condition provided by an Assessment Services Psychologist for Disability Support Pension (DSP)

008-03130030 Cancellation of Disability Support Pension (DSP)

008-03190000 Reviews and appeals for Disability Support Pension (DSP) rejection or cancellation decisions.

On 3 October 2023, I wrote to you acknowledging your Freedom of Information request.

On 16 October 2023, I wrote to you seeking an extension of time in accordance with section 15AA of the FOI Act. You replied agreeing to the extension on the same day. On 6 November 2023 I wrote to you seeking a further 10 day extension of time. Your agreement was received the same day, making the new due date for the decision 22 November 2023. The Office of the Australian Information Commissioner (OAIC) was advised of the extensions.

What I took into account

In reaching my decision I took into account:

- your original request dated 29 September 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 decisions

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

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

Operations of the Agency

I have applied the exemption in section 47E(d) of the FOI Act to parts of the documents (documents 1 to 3).

This section of the FOI Act allows the Agency to redact material from a document 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 information about Agency computer systems and data. I am satisfied there is a possibility of real harm resulting from release, as the documents contain information about the Agency's cyber operations and environment. Disclosure of this information creates the real risk of third-party actors gaining insight into Agency systems and processes, exploiting this knowledge for malicious purposes.

While I have no reason to believe you would misuse the exempt materials in any 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 that any member of the public might take once the information enters the public domain.

Additionally, in respect of your request for Document 1, this document contains policy and process, and discretionary decision-making guidance for Agency employees. I am satisfied this information is relevant to the implementation, delivery and management of a process administered by the Agency, and therefore is relevant to the conduct of the Agency's operations.

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 would increase the likelihood that a malicious actor would gain insight into Agency systems and processes, exploiting this knowledge for malicious purposes. This in turn would significantly prejudice the Agency's ability to promptly and effectively deliver services to the Australian public.

As such, I find the public interest factors in favour of disclosing the material are outweighed by the public interest factors 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.



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, 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 Services Australia 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 Services Australia 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 Services Australia'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.