



**Australian Government**  
**Department of Employment  
and Workplace Relations**

Our Ref LEX 853

Mr Trent Morrison-Francis

By email: [foi+request-10819-599aebc3@righttoknow.org.au](mailto:foi+request-10819-599aebc3@righttoknow.org.au)

Dear Mr Morrison-Francis

**Your Freedom of Information request - decision**

I refer to your request, received by the Department of Employment and Workplace Relations (the department) on 31 October 2023, for access under the *Freedom of Information Act 1982* (FOI Act) to the following documents:

“...All active Memorandum of Understanding, Heads of Agreement, Data Sharing Agreements, and Service Contracts that result in the sharing of veteran data, even if de-identified. I am looking for similar documents for programs and agreements that ceased within the last 10 years or are still active.”

The department did not make a decision on your request by the initial due date of 30 November 2023 and consequently the department was deemed to have refused your request by operation of section 15AC of the FOI Act. On 15 December 2023, the department applied to the OAIC for an additional 22 days to deal with your request. On 19 December 2023, the OAIC granted the department’s request for a further 22 days. The effect of the OAIC’s decision is that your request is taken never to have been deemed refused and a decision in relation your request must be made by 22 December 2023.

**My decision**

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

I have decided to refuse your request pursuant to subparagraph 24A(1)(b)(ii) of the FOI Act, on the basis that I am satisfied that the documents you are requesting 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.

I have decided to refuse your request pursuant to section 24A of the FOI Act on the basis that all reasonable steps have been taken by relevant departmental officers to locate documents falling within the scope of your request and I am satisfied, based on those consultations, that those documents do not exist.

### **Reasonable searches**

The department identified 3 relevant business areas that were most likely to hold documents within scope of your request. Those were: Digital Workplace Branch, Parliamentary and Governance Branch and Architecture, Design and Development Branch.

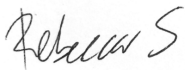
The Information Management Team in the Digital Workplace Branch performed a thorough IT system search of the department's shared computer drives and information storage system (HP Content Manager) including in their search terms the word 'veteran', the time period of 2013 to 2023 as well as the data sharing arrangement names as referenced in your request.

Both Parliamentary and Governance Branch and Architecture, Design and Development Branch reviewed agreements in their possession and also advised that no documents fell within the scope of your request.

Based on the above, I am satisfied that reasonable searches have been undertaken and that documents relevant to your request do not exist. 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**.

Yours sincerely



Rebecca  
Authorised Decision Maker  
Department of Employment and Workplace Relations

20 December 2023

## YOUR RIGHTS OF REVIEW

### 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.

### Applying for an internal review by an internal review officer

If you apply for internal review, a different decision maker to the decision maker who made the original decision will review your request. The internal review decision maker will consider all aspects of the original decision afresh and decide whether the decision should change.

An application for internal review must be made in writing within 30 days of receiving this letter. You can lodge your application:

Post: Commercial and Information Law Branch  
Department of Employment and Workplace Relations  
Location Code: C50MA1  
GPO BOX 9828  
CANBERRA ACT 2601

Email: [xxx@xxxx.xxx.xx](mailto:xxx@xxxx.xxx.xx)

### 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.

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

You can lodge your application in one of the following ways:

Online:

[https://forms.business.gov.au/smartforms/servlet/SmartForm.html?formCode=ICR\\_10](https://forms.business.gov.au/smartforms/servlet/SmartForm.html?formCode=ICR_10)

Email: [xxxxx@xxxx.xxx.xx](mailto:xxxxx@xxxx.xxx.xx)

Post: Australian Information Commissioner  
GPO Box 5218  
SYDNEY NSW 2001

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

*Australian Information Commissioner*

You may complain to the Australian Information Commissioner about action taken by an agency in the exercise of powers or the performance of functions under the FOI Act.

A complaint to the Australian Information Commissioner must be made in writing and can be lodged in one of the following ways:

Online:

[https://forms.business.gov.au/smartforms/servlet/SmartForm.html?formCode=ICCA\\_1](https://forms.business.gov.au/smartforms/servlet/SmartForm.html?formCode=ICCA_1)

Email: [xxxxx@xxxx.xxx.xx](mailto:xxxxx@xxxx.xxx.xx)

Post: Australian Information Commissioner  
GPO Box 5218  
SYDNEY NSW 2001