



8 December 2023

Trent Morrison-Francis

BY EMAIL: foi+request-10822-878b3338@righttoknow.org.au

In reply please quote:

FOI Request: FA 23/11/00009

File Number: FA23/11/00009

Dear Trent Morrison-Francis

Freedom of Information (FOI) request – Access Decision

I refer to your email dated 31 October 2023, in which you requested access to documents held by the Department of Home Affairs (Department) under the *Freedom of Information Act 1982* (the FOI Act).

The purpose of this letter is to provide you with a decision on your request for access under the FOI Act.

1 Scope of request

You have requested access to the following documents:

*I, Trent Morrison-Francis, am requesting access to documents under the Freedom of Information Act 1982. Specifically, I am seeking:
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.
I prefer to receive these documents electronically via the Right to Know system by responding to the email through which this request has been sent.*

On 28 November 2023 the Department sent you a notice under section 24AB of the FOI Act, advising you that a 'practical refusal reason' existed in relation to this request, as it appeared that the work involved in processing the request would 'substantially and unreasonably divert the resources' of the Department from its other operations.

Under the notice, you were provided with a 14-day 'consultation period', during which you could consult with the Department about the scope of the request.

You responded to the notice on 4 December 2023 without providing a revised scope for the Department to consider.

2 Decision

I am an officer authorised under section 23 of the Act to make decisions in respect of requests to access documents. My decision is to refuse access under section 24(1)(b) of the Act. My reasons are set out below.

Section 24(1)(b) of the FOI Act provides that where a practical refusal reason exists, an agency may refuse to process a request only if the agency has undertaken the 'consultation process' in s24AB of the Act, and after completing the consultation, the agency remains satisfied that a practical refusal reason exists.

I note that I have undertaken the consultation process in section 24AB and note that the practical refusal reasons still exist. I therefore remain satisfied that the request still meets the definition of a 'practical refusal reason' in section 24AA(1)(a)(i) in that processing the request will involve a substantial and unreasonable diversion of the Department's resources.

I therefore refuse your request for access under section 24(1)(b) of the Act.

Your FOI request has accordingly been finalised. I invite you to submit a new request to the Department, should you wish to reconsider a new scope.

3 Legislation

A copy of the FOI Act is available at <https://www.legislation.gov.au/Series/C2004A02562>. If you are unable to access the legislation through this website, please contact our office for a copy.

4 Your Review Rights

Information Commissioner Review

You may apply directly to the Office of the Australian Information Commissioner (OAIC) for an Information Commissioner review of this decision. You must apply in writing within 60 days of this notice. For further information about review rights and how to submit a request for a review to the OAIC, please see <https://www.oaic.gov.au/freedom-of-information/your-freedom-of-information-rights/freedom-of-information-reviews/information-commissioner-review>.

5 Making a complaint

You may complain to the Information Commissioner about action taken by the Department in relation to your request.

Your enquiries to the Information Commissioner can be directed to:

Phone 1300 363 992 (local call charge)

Email enquiries@oaic.gov.au

There is no particular form required to make a complaint to the Information Commissioner. The request should be in writing and should set out the grounds on which it is considered that the action taken in relation to the request should be investigated and identify the Department of Home Affairs as the relevant agency.

6 Contacting the FOI Section

Should you wish to discuss this decision, please do not hesitate to contact the FOI Section at foi@homeaffairs.gov.au.

Yours sincerely

[Electronically signed]

Anjani

Position No. 60165359

Authorised FOI Officer - Freedom of Information

FOI and Records Management Branch | Legal Group

Department of Home Affairs | www.homeaffairs.gov.au

Email foi@homeaffairs.gov.au