



8 November 2023

Our reference: LEX 76729

Trent Morrison-Francis
Right to Know

Only by email: foi+request-10823-cf625a7c@righttoknow.org.au

Dear Mr Morrison-Francis

Your Freedom of Information Request

I refer to your request, received by Services Australia (the Agency) on 31 October 2023 for access under the *Freedom of Information Act 1982* (the 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.

Your request involves too much work for the Agency

Your Freedom of Information (FOI) request covers a wide range of documents. We are asking you to revise your request because of the amount of work involved for the Agency.

The Agency is formally consulting with you under section 24AB of the FOI Act.

This letter is giving you an opportunity to provide us with specific information about the documents you need. Providing this additional information will assist the Agency in processing your request.

If you decide not to provide further information or revise your request, I will have to refuse your FOI request as a 'practical refusal reason' exists. For a more detailed explanation of what this means, including some suggestions on what to consider when revising your request, please see **Attachment A**.

How to send us a 'revised request'

Before I make a final decision on your request, you can narrow the size of your original request and submit a revised request.

Within the next 14 days you must do one of the following, in writing:

- withdraw the request

- make a revised request, or
- tell us you do not want to revise your request.

Your response will be expected by **22 November 2023**. If you do not contact us during the 14 day consultation period, your matter will be taken as withdrawn by operation of the FOI Act.

Contact officer

I am the contact officer for your request. During the consultation period you are welcome to ask for my help in revising your request. You can contact me:

- via email to freedomofinformation@servicesaustralia.gov.au, or
- in writing to the address at the top of this letter.

Note: When you contact us please quote the reference number FOI LEX 76729.

Timeframe for processing your request

Your request was received by the Agency on 31 October 2023. The 30 day statutory period for processing your request commenced from the day after that date. However the time taken to consult with you now is not included in this 30 day time period.

The timeframe for processing your request may also be extended if we need to consult third parties or for other reasons. We will advise you if this happens.

Charges

The Agency will advise you if a charge is payable to process your request and the amount of any such charge as soon as practicable. No charge is payable for providing a person with their own personal information.

Your Address

The FOI Act requires you provide us with an address which we can send notices to. You have advised your electronic is foi+request-10823-cf625a7c@righttoknow.org.au. We will send all notices and correspondence to this address. Please advise us as soon as possible if you wish correspondence to be sent to another address or if your address changes. If you do not advise us of changes to your address, correspondence and notices will continue to be sent to the address specified above.

Administrative Release of Documents

The Agency has administrative access arrangements (arrangements) for the release of certain documents without the need for a formal FOI request. Unless you advise us otherwise, in processing your request we may provide you with documents under these arrangements where appropriate. The arrangements do not extend to information or materials of third parties. You will be notified when documents are released to you under the arrangements.

Disclosure Log

Please note information released under the FOI Act may be published in a disclosure log on the Agency's website. Section 11C of the FOI Act requires this publication, however it is subject to certain exceptions, including where publication of personal, business, professional or commercial information would be unreasonable.

Exclusion of junior staff details

The Agency is working towards ensuring all staff have a choice about whether they provide their full name, personal logon identifiers and direct contact details in response to public enquiries. Where such details are included in the scope of a request, this may add to processing time and applicable charges as it may be necessary to consider whether the details are exempt under the FOI Act. On this basis, unless you tell us otherwise, we will assume these details are out of scope of your request and they will be redacted under section 22 of the FOI Act.

Further assistance

If you have any questions, please email freedomofinformation@servicesaustralia.gov.au.

Yours sincerely

Alexander
FOI Officer
Freedom of Information Team
FOI and Ombudsman Branch | Legal Services Division
Services Australia

Attachment A

What I took into account

You requested access under the 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.

Preliminary internal consultations have identified that that Veterans' data is not mutually exclusive to agreements between the Department of Veterans' Affairs (DVA) and Services Australia (the Agency), as veteran information may be shared in conjunction with our business-as-usual Medicare, Centrelink, Child Support and administrative service offers, or where information is provided to support other Federal entities to assist their administrative responsibilities. As the request is currently broadly worded, this request could extend to every exchange which may include Veterans' data.

The Agency has a large volume of information related to this request, with over 900 documents requiring review to capture a decade of exchanges. Internal consultations have also identified there will be a significant number of relevant stakeholders in the Agency required to conduct a manual search and retrieval of all relevant repositories of information for the range of documents and material you are seeking. This could further increase the estimate of the number of documents in scope and the retrieval time.

Additional time would then be required to examine every page line by line to determine if any material requires redaction, applying any relevant redactions under the FOI Act, and preparing a written notice of the decision.

Furthermore, it is unclear whether your request is seeking memorandum, data sharing agreements between Services Australia and DVA, or if the request is seeking data agreements in relation to any DVA recipients.

Therefore, I consider the processing time for your request in its current form would substantially and unreasonably divert the resources of the Agency from its other operations.

Suggestions on revising your request

To enable the Agency to process your request, I recommend that you provide additional information relating to the documents you are seeking access to, or otherwise consider revising the scope of your request. To assist you in providing additional information to the Agency to revise the scope of your request, you may wish to consider:

- Providing the title of the documents you are seeking access to
- Providing the format of the documents that you are seeking access to
- Providing further information about the content of the documents that you are seeking access to
- Limiting your request to a smaller timeframe, or an 'as at' date,
- Limiting your request to agreements between Services Australia and DVA, or

- Excluding particular documents that are not of interest.

Relevant sections of the *Freedom of Information Act 1982*

Section 24AA(1)(a)(i) of the FOI Act provides a practical refusal reason exists in relation to a FOI request if the work involved in processing the request would substantially and unreasonably divert the resources of the Agency from its other operations.

Section 24AA(2) of the FOI Act sets out certain factors which the Agency must consider when determining whether providing access in relation to a request would substantially and unreasonably divert the Agency's resources. The Agency must specifically have regard to the resources which would have to be used for:

- identifying, locating or collating the documents within Services Australia's filing system
- deciding whether to grant, refuse or defer access to a document to which the request relates, or to grant access to an edited copy of such a document, including resources that would have to be used for examining the document or consulting in relation to the request
- making a copy, or an edited copy, of the document, and
- notifying any interim or final decision on the request.

Section 24AB(6) of the FOI Act provides the applicant must, before the end of the consultation period, do one of the following, by written notice to the Agency or the Minister:

- withdraw the request,
- make a revised request, or
- indicate that the applicant does not wish to revise the request.

Section 24AB(7) of the FOI Act provides the request is taken to have been withdrawn at the end of the consultation period if:

- the applicant does not consult the contact person during the consultation period in accordance with the notice, or
- the applicant does not do one of the things mentioned in subsection (6) before the end of the consultation period.