



17 November 2023

Our reference: LEX 76729

Trent Morrison-Francis  
Right to Know

Only by email: [foi+request-10823-cf625a7c@righttoknow.org.au](mailto: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. Additionally, your request is unclear and does not sufficiently identify the documents you require.

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 **1 December 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 If you do not contact us during the 14 day consultation period, your matter will be taken as withdrawn by operation of the FOI Act.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](mailto: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.

### **Further assistance**

If you have any questions, please email [freedomofinformation@servicesaustralia.gov.au](mailto: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.

On 8 November 2023, I consulted with you under section 24AB of the FOI Act. You responded to my consultation on 14 November 2023. Your response was:

Dear FREEDOMOFINFORMATION,

It appears that services Australia among DVA are the perpetrators of the Mates privacy breach - <https://www.dva.gov.au/news/latest-stories/statement-department-veterans-affairs-veterans-mates-program-update>

It's not unreasonable to ask the department what other persons you are receiving our data about nor who you are sharing it with.

For clarity I am at this stage only looking for data that is only specific to veterans and not general streams like interest information, company data etc. to be clear it's only schemes and sharing that relates specifically to veterans such as income sharing with DVA, hearing services entitlement checking, sharing DVA holders billing history to SA University and other providers though Proda etc.

I look forward to you working with me for a new scope

Yours sincerely,

Trent Morrison-Francis

As your request currently stands, it requires too much work for the Agency, and I am unable to identify the documents falling within the scope of your request. Consequently, I am unable to process your request.

Further internal consultations have identified that the information you provided in response to my consultation on 14 November 2023, does not change the Agency's original position that we would still be required to review over 900 documents to capture a decade of exchanges.

As advised in our previous consultation letter on 8 November 2023, 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.

Although you provided further information regarding your request, there would still be a significant amount of work required from a large number of areas within the Agency to facilitate this request, as this request could still extend to every exchange which *may* include Veterans' data. 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.

From the information you provided in your response to my consultation on 14 November 2023, I seek clarification on:

- What is meant by income sharing with DVA?
- What hearing services entitlements are you referring to (is this income, allowance, Medicare Benefits Schedule (MBS) item numbers etc)?
- What does a “DVA holders billing history” mean?
- what is meant by “providers through Proda”?

### **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, or
- Excluding particular documents that are not of interest.

If you do not sufficiently revise your request, I intend to refuse your FOI request as a 'practical refusal reason' exists under sections 24AA(1)(b) and 24 of the FOI Act. Under the FOI Act, the practical refusal reason is your request does not satisfy the requirements in section 15(2)(b) of the FOI Act (identification of documents).

### **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.