



29 February 2024

Our reference: LEX 78126

Jay Doe

Only by email: foi+request-11059-1fxxxxxx@xxxxxxxxxxxxx.xxx.xx

Dear Jay,

Decision on your Freedom of Information request

I refer to your request, received by Services Australia (the Agency) on 30 January 2024, for access under the *Freedom of Information Act 1982* (the FOI Act) to the following documents:

Commencement of Identity 106-07040070
Identity Confirmation 106-09010000
Alternative Identity 106-07040050
Alternative Identity reviews 106-07040060
Identity confirmation and refugees 005-02010000
Coding identity documents 106-09010010

My decision

The Agency holds 6 documents (totalling 59 pages) that relate to your request.

I have decided to grant you **part access** to 6 documents (Documents 1-6), with some of the content removed.

I have decided parts of Documents 1 to 6 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](#) to this letter for a detailed list of the documents and the reasons for my decision, including the relevant sections of the FOI Act.

How we will send the documents to you

The documents are attached to the decision email.

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

Elizabeth
FOI Officer
Freedom of Information Team
FOI and Reviews Branch | Legal Services Division
Services Australia



SCHEDULE OF DOCUMENTS FOR RELEASE
DOE, Jay - LEX 78126

Document Number	Pages	Description	Decision	FOI Act Exemption	Comments
1.	1-12	Alternative Identity 106-07040050	Release in part	s 47E(d)	Information that would have a substantial adverse effect on the proper and efficient conduct of the operations of the Agency removed under s47E(d). Out of scope information removed under s22
2.	13-18	Alternative Identity reviews 106-07040060	Release in part	s 47E(d)	Information that would have a substantial adverse effect on the proper and efficient conduct of the operations of the Agency removed under s47E(d). Out of scope information removed under s22
3.	19-31	Coding identity documents 106-09010010	Release in part	s 47E(d)	Information that would have a substantial adverse effect on the proper and efficient conduct of the operations of the Agency removed under s47E(d). Out of scope information removed under s22

Document Number	Pages	Description	Decision	FOI Act Exemption	Comments
4.	32-40	Commencement of Identity 106-07040070	Release in part	s 47E(d)	Information that would have a substantial adverse effect on the proper and efficient conduct of the operations of the Agency removed under s47E(d). Out of scope information removed under s22
5.	41-55	Identity Confirmation 106-090-010000	Release in part	s 47E(d)	Information that would have a substantial adverse effect on the proper and efficient conduct of the operations of the Agency removed under s47E(d). Out of scope information removed under s22
6.	56-59	Identity confirmation and refugees 005-0201000	Release in part	s 47E(d)	Information that would have a substantial adverse effect on the proper and efficient conduct of the operations of the Agency removed under s47E(d). Out of scope information removed under s22



REASONS FOR DECISION

What you requested

Commencement of Identity 106-07040070
Identity Confirmation 106-09010000
Alternative Identity 106-07040050
Alternative Identity reviews 106-07040060
Identity confirmation and refugees 005-02010000
Coding identity documents 106-09010010

What I took into account

In reaching my decision I took into account:

- your original request received on 30 January 2024
- the documents that fall within the scope of your request
- whether the release of the requested documents 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 documents that you requested are exempt under the FOI Act. My findings of fact and reasons for deciding that the exemption applies to those documents are discussed below.

Operations of the Agency

I have applied the exemption in section 47E(d) of the FOI Act to parts of Documents 1 to 6.

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 requested contain policy, 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.

Documents 1 to 6 contain information about the Agency's Identity Verification process, and the steps the Agency takes to prevent identity fraud. I consider the release of the exempted material, which is not publicly available, has the real potential to enable malicious actors to

circumvent the Agency's established identity processes and manipulate the Agency's processes to their own advantage.

Additionally, 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 architecture, and 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.

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 individuals would use process information to circumvent or manipulate steps in the identification process and commit identity fraud. 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 is 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.

Conclusion

In summary, I am satisfied parts of Documents 1 to 6 are conditionally exempt under section 47E(d) of the FOI Act. Furthermore, I have decided that on balance it would be contrary to the public interest to release this information. As identified in the Schedule, I have redacted the exempt information in the document and released the remaining material in accordance with section 22(1) of the FOI Act.



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.

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

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.