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Australian Government

Australian Taxation Office

Our Reference: 1-8P6BREJ
Contact officer: Julie Galeotti
Telephone: 132869
Email: foi@ato.gov.au
Issue date: 13 July 2016

Ms Carlotta Devine

Via email to: foi+request-2027-c129a77e@righttoknow.org.au

Dear Ms Devine,

Freedom of information request

I refer to your email of 30 June 2016 requesting documents under the *Freedom of Information Act 1982* (FOI Act).

You have requested:-

1. Any policy documents which govern the general use of third-party data within the ATO.
2. Documents detailing which particular classes of employees have general access to third-party data held by the ATO.
3. Documents which describe how ATO staff, for example, data analysts, would check to ensure their use of third-party data is consistent with any Memoranda of Understanding (or similar agreements) which exist between the ATO and third party data providers.
4. Documentation which confirms all relevant staff with access to third-party data have undertaken suitable training covering the use of third-party data.

I am an officer authorised under section 23(1) of the FOI Act to make decisions in relation to FOI requests.

I am unable to process your request without some clarification of the term "third party data". This term can cover many different categories of material. Third party data can include data owned by a third party and accessed directly by the ATO. It may include data owned by a third party but provided or sent to the ATO. It could include all information supplied to the ATO by third parties. This could include taxpayer information such as tax returns lodged and correspondence with the ATO. It may include formal requests from the ATO to third parties about specific taxpayers. It may include other types of material such as employee information or services provided by external businesses. Documents created by the ATO but containing information about other parties could also be captured by the scope of the request.

A valid request must include sufficient information about a document to enable it to be identified. (As set out in section 15(2)(b) of the FOI Act).

I consider that a practical refusal reason (under s24AA of the FOI Act) applies as I am unable to identify the documents you require.

On this basis, I intend to refuse access to your request. However, before I make a final decision to do this, you have an opportunity to clarify and revise your request. This is called a 'request consultation process' as set out under section 24AB of the FOI Act. You have 14 days to respond to this notice in one of the ways set out below.

You should also consider ways to reduce the scope of the documents requested when clarifying your request. Even with clarification of the term 'third party data', the request appears to be very broad and it is possible that the work involved in processing the request would substantially and unreasonably divert the resources of the ATO from its other operations.

Request consultation process

You now have an opportunity to revise your request to enable it to proceed. You can provide further information about the documents you require.

Before the end of the consultation period, you must do one of the following, in writing:

- withdraw your request
- make a revised request
- tell me that you do not wish to revise your request.

The consultation period runs for 14 days and starts on the day after you receive this notice. During this period, you are welcome to seek assistance from me to revise your request. If you revise your request in a way that adequately addresses the practical refusal grounds outlined above, I will recommence processing it. (Please note that the time taken to consult you regarding the scope of your request is not taken into account for the purposes of the 30 day time limit for processing your request.)

If you do not do one of the three things listed above during the consultation period or you do not consult me during this period, your request will be taken to have been withdrawn.

Contact officer

I am the contact officer if you would like to like to revise your request or have any questions, I can be contacted as follows:

- Phone: 13 28 69 (and ask for Julie Galeotti)
- Email: foi@ato.gov.au

Yours sincerely



Julie Galeotti
Senior FOI Adviser
General Counsel
Australian Taxation Office