



22 May 2017

Our reference: LEX 28337

Mr Justin Warren

By email: foi+request-3231-c63e03ef@righttoknow.org.au

Dear Mr Warren

Decision on your Freedom of Information request

I refer to your request dated 14 March 2017 and received by the Department of Human Services (the **department**) on the same day for access under the *Freedom of Information Act 1982* (the **FOI Act**) to the following documents:

'I request a copy of the Non Employment Income Data Matching (NEIDM) project's program protocol that is mentioned in the Commonwealth Gazette dated August 2016.'

Deemed refusal

I note that you have not been provided with a notice of a decision within the statutory period for processing your FOI request. This means that the decision on your request is a 'deemed refusal' decision by operation of the FOI Act.

Nevertheless, we have continued to process your request and my decision is set out below.

My decision

The department holds one document (totalling 21 pages) that relates to your request.

I have decided to grant you **full** access to this document.

How we will send the document to you

The document is attached.

Since making your FOI request, information regarding the NEIDM program protocol has come into the public domain, including the Australian Information Commissioner's response to Questions on Notice from the Senate Community Affairs References Committee Inquiry on the design, scope, cost-benefit analysis, contracts awarded and implementation associated with the Better Management of the Social Welfare System initiative, which is available [here](#).

You can ask for a review of our decision

On 17 May 2017, you wrote to us to request an internal review in relation to your request. Under section 54E of the FOI Act, as the decision was a 'deemed refusal', you cannot seek an internal review from within the department. You have the right to seek a review by the Australian Information Commissioner.

On 18 May 2017, the department received notification from the Office of the Australian Information Commissioner that you have applied for a review by the Australian Information Commissioner in relation to your request. Under the FOI Act, the department can continue to process your request notwithstanding that you have also sought a review by the Australian Information Commissioner.

See **Attachment B** for more information about your review rights.

Further assistance

If you have any questions please email FOI.LEGAL.TEAM@humanservices.gov.au.

Yours sincerely

Charlotte
Authorised FOI Decision Maker
Freedom of Information Team
FOI and Litigation Branch | Legal Services Division
Department of Human Services



LIST OF DOCUMENTS FOR RELEASE
JUSTIN WARREN - LEX 28337

Doc No.	Pages	Date	Description	Comments
1.	1-21	August 2016	Non-Employment Income Data Matching (NEIDM) Program Protocol	



ATTACHMENT B

INFORMATION ON RIGHTS OF REVIEW

FREEDOM OF INFORMATION ACT 1982

Asking for a full explanation of a Freedom of Information 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 an Freedom of Information 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 the FOI Act, you can apply for a review of an FOI decision by the Australian Information Commissioner.

Note: There are no fees for these reviews.

Applying for external review by the Australian Information Commissioner

If you do not agree with the department's decision, you can ask the Australian Information Commissioner to review the 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

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 Department of Human Services' decision on your FOI request
- Include your contact details
- Set out your reasons for objecting to the department'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.