



20 April 2017

Our reference: LEX 29024

Ms Sandra Legro

By email: foi+request-3347-bb0e912e@righttoknow.org.au

Dear Ms Legro

Your Freedom of Information request

I refer to your correspondence dated 5 April 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**).

I cannot identify the documents you want and I am asking you to give me specific details about the information you are after. If you decide not to give this information, I will have to refuse your FOI request as a 'practical refusal reason' exists. For a more detailed explanation of what this means see Attachment A.

How to send us a 'revised request'

Before I make a final decision on your request, you can submit a revised request.

Within the next 14 days (consultation period) you must do one of the following, in writing:

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

If you do not contact us during the consultation period, we will assume you do not want to continue with your request. See Attachment A for relevant sections of the FOI Act.

If you decide to make a revised request you should be specific about what documents you actually want. This could help the department find the documents.

We have 30 days to give you a decision about your request, however the time taken to consult with you now is not included in this 30 day time period.

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 and filling out the form. You can contact me:

- in writing to the address at the top of this letter
- via email to FOI.LEGAL.TEAM@humanservices.gov.au

Note: When you contact us please quote the reference number **FOI LEX 29024**.

Your response will be expected by **4 May 2017**. If no response is received, your matter will be taken as withdrawn.

Further assistance

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

Yours sincerely

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

Why are we asking you to revise your request

You requested access under the *Freedom of Information Act 1982* (the FOI Act) to the following documents:

'...information regarding the process and procedure used by Centrelink when determining the immunisation status of a child once they reach the age of 14 years old.

It appears the immunisation records of children once they reach the age of 14 is no longer linked for the purposes of family tax benefits and the supplements payable after reconciliation at the end of a taxation year.

When this record is no longer linked it is necessary to again provide proof to Centrelink of immunisation status.

If this record is proof enough for it to be determined a parent is eligible for full family tax payments for the years the child in question is aged 10 11 12 and 13, and considering there is no further immunisations required after the age of 13 then why is this record not kept within the Centrelink file to determine continued eligibility?

I find it hard to understand why reaching the age of 14 suddenly unlinks these records and creates another barrier to eligibility that is not necessary in determining if a child is fully immunised when for several years records have been held by the same department determining full eligibility.

Is this process undertaken on an automatic computer system?
Have the full implications of adding this layer of red tape been fully assessed?
Why is it necessary for a 14 year old who is not an adult nor reached the age where a payment is claimed individually and not by a parent to create an online file that opens them to "the system" so young?

Is this technique being used to gather details of our youth separately when they are not of an adequate age to sign any legal documents or such?

Why is this necessary at all?'

I am not able to reasonably identify what documents you want because your request does not provide sufficient information to enable the department to identify the specific document that you are seeking. It is unclear whether you are seeking copies of certain operational documents, some of which are publicly available, or if you are interested in documents regarding the privacy rules that Medicare applies to immunisation information of children depending on their age. Further, you have asked a number of questions in your correspondence. The FOI Act does not provide for a right to request that the department answers questions, rather it provides a right to access documents.

Under sections 24AA(1)(b) and 24 of the Freedom of Information Act, I intend to refuse your FOI request as a 'practical refusal reason' exists. Under the Act, the practical refusal reason is that your request does not satisfy the requirements in paragraph 15(2)(b) (identification of documents).

Relevant sections of the *Freedom of Information Act 1982*

Section 24AA(1)(b) of the FOI Act provides that a practical refusal reason exists in relation to a request for a document if the request does not satisfy the requirement in section 15(2)(b) of the FOI Act.

Section 15(2)(b) of the FOI Act provides that a request must provide such information as is reasonably necessary to enable the agency to identify the documents that are being requested.

Section 24AB(7) of the FOI Act provides that the request is taken to have been withdrawn under 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.

Section 24AB(7) (subsection 6) says that the applicant must, before the end of the consultation period, do one of the following, by written notice to the agency or Minister:

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

Further information

There are publicly available web pages which may assist in answering your questions.

You may access the department's publicly available operational information by visiting <http://operational.humanservices.gov.au/public/home.html> and by using the site map or the search function. For a list of current operational guides regarding health-related services provided by the department, including information about the Australian Immunisation Register, please visit <http://operational.humanservices.gov.au/public/Pages/SiteMap/your-health.html>.

You may also contact the Australian Immunisation Register enquiries line on 1800 653 809 from Monday to Friday from 8:00 am to 5:00 pm to discuss your questions and concerns.

To access the department's privacy policy, please visit the following: <https://www.humanservices.gov.au/corporate/publications-and-resources/privacy-policy>.

The right to access documents under the FOI Act does not apply to all documents that are in the possession of agencies that are subject to the FOI Act. The FOI Act does not apply to documents where the document is already publicly available. This is found in section 12(b) of the FOI Act.