



22 May 2017

Our reference: LEX 29063

Mr Bill Tarte

By email: foi+request-3364-32ff9d6e@righttoknow.org.au

Dear Mr Tarte

Decision on your Freedom of Information request

I refer to your revised request dated 2 May 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:

'...in relation to Earned Income Matching (EIM):

1. the final data matching protocol for EIM;
2. the latest document that identifies the group(s) responsible for managing this project, maintaining the software that runs it, and ongoing development of that software;
3. the latest version of the data schema for relating together the datasets; and
4. the latest document that lists the software used to run this project.'

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 which relates to part 1 of your request.

I have decided to grant you full access to that document. Please refer to **Attachment A** for further details.

I have decided to refuse, under section 24A of the FOI Act, parts 2, 3 and 4 of your request on the basis that all reasonable steps have been taken to locate the documents you have requested and I am satisfied that they do not exist.

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.

Release of document

The document is attached.

You can ask for a review of our decision

If you disagree with any part of my decision you can ask for a review. 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. You do not have to pay for reviews of decisions. See **Attachment B** for more information about how to arrange a review.

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



ATTACHMENT A

LIST OF DOCUMENTS FOR RELEASE
BILL TARTE - LEX 29063

Doc No.	Pages	Date	Description	Comments
1.	1-20	May 2004	Pay-As-You-Go Data Matching Program Protocol	



REASONS FOR DECISION

What you requested

On 10 April 2017, you requested the following:

- '1. the final data matching protocol for EIM;
2. the latest document that identifies the group(s) responsible for managing this project, maintaining the software that runs it, and ongoing development of that software; and,
3. the latest version of the source code for the software that performs the data matching;
4. the latest version of the data schema for relating together the datasets;
5. the latest document that lists the software used to run this project.'

On 28 April 2017, the department wrote to you to advise that a 'practical refusal reason' existed due to the wide range of documents in scope of your request, and to provide you the opportunity to revise the scope of your request.

On 29 April 2017 you advised the department that you would revise your request as follows:

- '1. the final data matching protocol for EIM;
2. the latest document that identifies the group(s) responsible for managing this project, maintaining the software that runs it, and ongoing development of that software;
4. the latest version of the data schema for relating together the datasets; and
5. the latest document that lists the software used to run this project.'

On 2 May 2017, the department wrote to you to advise that if you revised your request to exclude point 3 (source code documents), the amount of work involved would be reduced significantly enough to enable the department to process your request. You responded on the same day with the following revised request:

'...in relation to Earned Income Matching (EIM):

1. the final data matching protocol for EIM;
2. the latest document that identifies the group(s) responsible for managing this project, maintaining the software that runs it, and ongoing development of that software;
3. the latest version of the data schema for relating together the datasets; and
4. the latest document that lists the software used to run this project.'

What I took into account

In reaching my decision I took into account:

- your original request dated 17 February 2017;
- correspondence between you and the department on 28 April 2017, 29 April 2017 and 2 May 2017;
- other discussions and correspondence with you;
- the documents that fall within the scope of your request;
- consultations with departmental officers about:
 - the nature of the documents; and
 - the department's operating environment and functions;
- guidelines issued by the Australian Information Commissioner under section 93A of the FOI Act; and
- the FOI Act.

Reasons for my decisions

I am authorised to make decisions under section 23(1) of the FOI Act.

Part 1 of your request

The department's Compliance Risk Branch conducted searches of the department's electronic records including archived electronic records, emails and shared computer drives, in relation to this request. This line area advised that the relevant protocol for Employment Income Matching has been in place since 2004 as the process for data matching has not changed. The latest settled program protocol is the Pay-As-You-Go Data Matching Program Protocol (May 2004) which is released to you under this decision.

Parts 2, 3 and 4 of your request

Section 24A of the FOI Act provides that:

(1) An agency or Minister may refuse a request for access to a document if:

- (a) all reasonable steps have been taken to find the document; and
- (b) the agency or Minister is satisfied that the document:
 - (i) is in the agency's or Minister's possession but cannot be found; or
 - (ii) does not exist.

The Compliance Risk Branch also conducted searches of the department's records regarding parts 2, 3 and 4 of your request. In relation to parts 2 and 4 of your request, the line area did not identify any documents matching the description in your request for the latest document

that identifies the group(s) responsible for managing the EIM project, maintaining the software that runs it, and ongoing development of that software. I was also advised that there is no specific software utilised to run the project and that a combination of off-the-shelf products were used to develop, deliver, monitor and report on the project throughout its lifecycle. In relation to part 3 of your request, the latest version of the data schema for relating together the datasets cannot be located or does not exist as it was not included in the Program Protocol when the document was settled in 2004.

On the basis of these searches, I am satisfied that in accordance with section 24A of the FOI Act:

1. all reasonable steps have been taken to find the documents; and
2. the documents cannot be located, as they do not exist.

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:

1. the Australian Information Commissioner.

Note 1: 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

Note 2: 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 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.