



18 October 2018

Trent Yarwood  
Senior Health Policy Advisor  
Future Wise  
By email: trent@futurewise.org.au

*Freedom of Information Act 1982*

**Internal Review**  
Application number 1807015

Dear Dr Yarwood

I refer to your request for an internal review of your application for access under the *Freedom of Information Act 1982* (FOI Act) to:

*A copy of the Australian Digital Health Agency's internal policy on how to manage requests for access to My Health Record data received from an enforcement body under s70 of the My Health Records Act 2012. I seek access to the version of the policy that was in force on 25 July 2018.*

**FOI decision maker**

I am the authorised officer pursuant to section 23 of the FOI Act to make a decision on your FOI request.

**Original decision**

The original decision on your application was a deemed refusal as we did not respond within the statutory period and there was no agreed extension of processing time. I apologise this has occurred and for any unnecessary inconvenience this may have caused.

**Request for an internal review**

Noting the above, on 26 September 2018 you requested an internal review of the deemed decision.

**Documents identified**

I am satisfied that a diligent search has been made for documents within the scope of your application.

I have identified two documents that come within the scope of your application.

**Decision**

I have decided to partially release the two documents identified in the accompanying Schedule in accordance with section 22 of the FOI Act. Information outside the scope of your application has been redacted.

**Material taken into account**

In making my decision, I had regard to:

- a) The terms of your application
- b) Relevant provisions of the FOI Act
- c) The content of the identified documents
- d) The guidelines published by the Office of the Australian Information Commissioner under section 93A of the FOI Act (the Guidelines).

**Reasons for the decision**

In determining whether to release the documents, I considered the Guidelines together with a range of factors that favour access as set out in section 11B(3) [public interest exemptions – factors favouring access] of the FOI Act. I had regard as to whether giving access to the applicant at this time would, on balance, be contrary to the public interest. Specifically, I considered if disclosure would:

- a) Promote the objects of the FOI Act
- b) Inform debate on a matter of public importance; or
- c) Promote effective oversight of public expenditure.

I found that these two documents do contain some information relevant to the scope of your application. However, the documents also contain some irrelevant information. It is for this reason that I find that the public interest is best served by partial disclosure of the documents.

**Your review rights**

If you are dissatisfied with my decision, you may apply for an Information Commissioner review of this decision.

*Information Commissioner review*

Under section 54L of the FOI Act, you may apply to the Australian Information Commissioner to review my decision. An application for review by the Information Commissioner must be made in writing within 60 days of the date of this letter, and be lodged in one of the following ways:

Online: <https://forms.business.gov.au/aba/oaic/foi-review-/>  
Email: [enquiries@oaic.gov.au](mailto:enquiries@oaic.gov.au)  
Post: GPO Box 2999, Canberra ACT 2601  
In person: Level 3, 175 Pitt Street, Sydney NSW 2000

More information about a review by the Information Commissioner is available at [www.oaic.gov.au/freedom-of-information/foi-reviews](http://www.oaic.gov.au/freedom-of-information/foi-reviews).

**Further information**

The two documents matching the scope of your request contain a dissemination limiting marker. As the documents are now approved for public release under the FOI Act, that marker has been struck through.

If you have any questions, please contact the FOI Team by email [foi@digitalhealth.gov.au](mailto:foi@digitalhealth.gov.au) or by phone on 02 6151 8653.

Yours sincerely



Bettina McMahon  
Chief Operating Officer  
Australian Digital Health Agency  
Encl: *Schedule of documents*



Australian Government

Australian Digital Health Agency

*Freedom of Information Act 1982*

**Schedule of documents**  
**Application number 1807015**

Document reference	Document date	Number of pages	Description	Disclosure decision	Grounds for exemptions
A	14/06/2018	3	ADHA Board Meeting 14 June 2018. Agenda item 8 — Releasing My Health Records data for regulatory purposes	Partial	Section 22 Irrelevant material
B	14/06/2018	1	ADHA Board Meeting 14 June 2018. Agenda item 8 — Minutes	Partial	Section 22 Irrelevant material

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