

From: Julie <foi+request-4803-7dcd2b85@righttoknow.org.au>
Sent: Wednesday, 3 October 2018 3:08 PM
To: INFORMATION.LAW
Subject: Re: FOI 24465 - Request to revise scope of the request [DLM=For-Official-Use-Only]

Dear INFORMATION.LAW,

So the search process is now completed, and you have a rough schedule of sorts. Does highlight that the search step does not take excessive time, and is of limited duration.

Without requiring a detailed schedule to be created, I would refer you back to the FOI scope as made, which stated:

If that exceeds more than 50 documents, please exclude any document which also mentions or refers to anything not about RACER, and if that still exceeds 50 documents, can you please compile a list of said documents (with page count for each document) and I will tell you which ones I want from the list (up to a total of 50).

It is likely many of the emails referred to mention RaCER coincidentally but are actually discussing something else, and therefore falls out of scope.

The scope is particularly targeted towards documents (in whatever format) that explain the purposes and functions of RaCER and it's capabilities, rather than just general references or coincidental inclusion.

As a new system there would have been a brief to the Minister and one to the Secretary of the Department too, about RaCER and what it hoped to achieve.

The context within which RaCER was mentioned in all these documents identified would be quickly evident from a five second skim of the document involved.

As I placed a hard limit of no more than 50 documents on my FOI request, I recommend that those documents the search has returned be whittled down in accordance with the following priority:

- * Documents that are not emails, but that are Briefs or Minutes, which only discuss RaCER (and no other topic);
- * Other documents that are not emails, which only discuss RaCER (and no other topic);
- * Emails that only include attachments, where at least one attachment only discusses RaCER (all other parts of the email and attachments can be excluded from consideration as irrelevant)

If there are still less than 50 documents after that, any email without attachments which only discusses RaCER may also be included, up to the cap of 50 documents.

Duplicates of documents or attachments can be excluded, so to any draft documents or preliminary working papers.

I hope this clarifies the refined scope.

Yours sincerely,

Julie

-----Original Message-----

Good afternoon Julie,

FOI 24465 - Request to revise the scope of your request

We have received advice from the relevant business area that there are in excess of 100 documents potentially within scope of your request, with most of those documents relating to emails across the SES. As such, we would like to know if you would be willing to revise the scope of your request to the key documents which have been identified as:

- the RaCER business requirements;
- occasional 'newsletters' to business (three to date); and
- meeting minutes and papers, which include the above (14 meetings to date).

The business area wanted to note that there may be a misconception that RaCER is a "new claims performance management system"; with advice being that it is rather a "performance reporting system". As such RaCER provides data for performance management rather than take on the role itself.

We would be grateful if you could advise whether you agree to the revised scope.

Kind Regards,

Information Law Team
Department of Veterans' Affairs
E: [email address] | W: www.dva.gov.au

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foi+request-4803-7dcd2b85@righttoknow.org.au

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If you find this service useful as an FOI officer, please ask your web manager to link to us from your organisation's FOI page.

From: Julie <foi+request-4803-7dcd2b85@righttoknow.org.au>
Sent: Wednesday, 3 October 2018 3:11 PM
To: INFORMATION.LAW
Subject: Re: FOI 24465 - Request to revise scope of the request [DLM=For-Official-Use-Only]

Dear INFORMATION.LAW,

You may also find it beneficial to contact whoever was in the DVA project team that implemented RaCER to have them highlight the most relevant documents as to RaCER's purpose, scope and functions.

Yours sincerely,

Julie

-----Original Message-----

Good afternoon Julie,

FOI 24465 - Request to revise the scope of your request

We have received advice from the relevant business area that there are in excess of 100 documents potentially within scope of your request, with most of those documents relating to emails across the SES. As such, we would like to know if you would be willing to revise the scope of your request to the key documents which have been identified as:

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Kind Regards,

Information Law Team
Department of Veterans' Affairs
E: [email address] | W: www.dva.gov.au

Please use this email address for all replies to this request:
foi+request-4803-7dcd2b85@righttoknow.org.au

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<https://www.righttoknow.org.au/help/officers>

If you find this service useful as an FOI officer, please ask your web manager to link to us from your organisation's FOI page.

From: s 47E(c) & (d) Maarten
Sent: Friday, 5 October 2018 9:32 AM
To: Newman, Maralyn
Cc: s 47E(c) & (d) David; s 47E(c) & (d) Peter; INFORMATION.LAW; Binu s 47E(c) & (d)
 (binu.s 47E(c) & (d)@humanservices.gov.au); Habib s 47E(c) & (d)
 (Habib.s 47E(c) & (d)@humanservices.gov.au)
Subject: Fol request 24465 Julie (Right to Know) [DLM=For-Official-Use-Only]
Attachments: Fol.zip

Hi Maralyn

Welcome back; I trust your break was relaxing.

Attached is a zip file of RaCER project documentation to meet this Fol request. As mentioned in my previous email, there may be more documentation in your area which is relevant to this request.

I have reviewed the documents and only redacted sample reports in the 02 R&C Enterprise Reporting Business Requirements 4.5a as they contained confidential client information. I have also amended the front page notification of confidential material to indicate that this has been removed.

Can you arrange for your area to review documentation for sensitivity which I may not have identified and add any relevant documents from your area.

I have cc'ed this to my colleagues in DHS as while documents belong to DVA, many PMB documents were generated by DHS (mainly agenda, status reports and minutes).

The applicant has asked for up to 50 files, there are 84 in the attached zip file. Should the number exceed 50 she has asked for a list. Once you have added any relevant documentation from your area, a list may be sent to information law to pass to the applicant.

I have completed the form below with DDSS effort.

I consider that our part in this exercise is now complete.

Regards

Maarten s 47E(c) & (d)
 Business Analyst - RaCER
 Departmental Management Information System (DMIS) Development and Support Section
 Data, Informatics and Research Branch
 External Stakeholder and Government Relations Division
 Email: maarten.s 47E(c) & (d)@dva.gov.au
 Tel: s 47E(c) & (d) (do not use as I am "hot desking" or working from home)
 Mob: s 47E(c) & (d) (preferred)

In the office on Tuesday and Thursday

FOI applicant and details of the FOI request	
Applicant name:	Julie
UIN:	N/A
Julie has sought access to:	

s 22

From: INFORMATION.LAW
Sent: Monday, 8 October 2018 9:42 AM
To: Newman, Maralyn
Cc: s 47E(c) & (d) Maarten
Subject: ***Follow up*** FOI request 24465 Julie (Right to Know) [DLM=For-Official-Use-Only]

Importance: High

Good morning Maralyn,

Further to Maarten's email below, I just wanted to highlight that we are required to issue a decision on this request this week. As such, as a first point, we would be grateful if you could provide us with a list of the 84 documents today so that we can send that to the applicant to allow a revision to the scope of the request. Please let me know if there is any difficulty in meeting that timeframe.

Happy to discuss. Thank you for your help, we appreciate it.

Kind Regards,

Leia s 47E(c) & (d)
Assistant Director
Information Law | Legal Services & Assurance
Department of Veterans' Affairs
T: s 47E(c) & (d) | E: informationlaw@dva.gov.au | W: www.dva.gov.au



From: s 47E(c) & (d) Maarten
Sent: Friday, 5 October 2018 9:32 AM
To: Newman, Maralyn <Maralyn.Newman@dva.gov.au>
Cc: s 47E(c) & (d) David <David.s 47E(c) & (d)@dva.gov.au>; s 47E(c) & (d) Peter <Peter.s 47E(c) & (d)@dva.gov.au>; INFORMATION.LAW <INFORMATION.LAW@dva.gov.au>; Binu s 47E(c) & (d) (binu.s 47E(c) & (d)@humanservices.gov.au) <binu.s 47E(c) & (d)@humanservices.gov.au>; Habib s 47E(c) & (d) (Habib.s 47E(c) & (d)@humanservices.gov.au) <Habib.s 47E(c) & (d)@humanservices.gov.au>
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Happy to discuss. Thank you for your help, we appreciate it.

Kind Regards,

Leia s 47E(c) & (d)
 Assistant Director
 Information Law | Legal Services & Assurance
 Department of Veterans' Affairs
T: s 47E(c) & (d) | **E:** informationlaw@dva.gov.au | **W:** www.dva.gov.au



From: s 47E(c) & (d) Maarten
Sent: Friday, 5 October 2018 9:32 AM
To: Newman, Maralyn <Maralyn.Newman@dva.gov.au>
Cc: s 47E(c) & (d) David <David.s 47E(c) & (d)@dva.gov.au>; s 47E(c) & (d) Peter <Peter.s 47E(c) & (d)@dva.gov.au>; INFORMATION.LAW <INFORMATION.LAW@dva.gov.au>; Binu s 47E(c) & (d) (binu.s 47E(c) & (d)@humanservices.gov.au) <binu.s 47E(c) & (d)@humanservices.gov.au>; Habib s 47E(c) & (d) (Habib.s 47E(c) & (d)@humanservices.gov.au) <Habib.s 47E(c) & (d)@humanservices.gov.au>
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From: s 47E(c) & (d) Sue on behalf of CLIENTS.BENEFITS.DIV.COORD
Sent: Monday, 8 October 2018 3:58 PM
To: INFORMATION.LAW
Cc: Newman, Maralyn; s 47E(c) & (d) Maarten
Subject: FW: Fol request 24465 Julie (Right to Know) [DLM=For-Official-Use-Only]
Attachments: Fol.zip

Hi Leia

Attached is the file with documents for inclusion in the FOI request response.

Regards

Sue

Sue s 47E(c) & (d)
Assistant Director Division Coordination Unit
Clients' Benefits Division
Department of Veterans' Affairs (DVA)
T. s 47E(c) & (d) (Ext: s 47E(c) & (d))

From: s 47E(c) & (d) Owen
Sent: Monday, 8 October 2018 9:12 AM
To: CLIENTS.BENEFITS.DIV.COORD <CLIENTS.BENEFITS.DIV.COORD@dva.gov.au>
Subject: FW: Fol request 24465 Julie (Right to Know) [DLM=For-Official-Use-Only]

Good morning

It appears this request originally came via Div Coord.

Maarten and I have completed the table below and the attached documents should be included in the response to this FOI request.

Thanks

Owen s 47E(c) & (d)
Director/Business Manager – Division Coordination Unit
Clients' Benefits Division
Department of Veterans' Affairs (DVA)
T. s 47E(c) & (d) (Extension: s 47E(c) & (d))
E. [owen.s 47E\(c\) & \(d\)@dva.gov.au](mailto:owen.s 47E(c) & (d)@dva.gov.au)

From: Newman, Maralyn
Sent: Friday, 5 October 2018 11:21 AM
To: s 47E(c) & (d) Owen <Owen.s 47E(c) & (d)@dva.gov.au>
Subject: FW: Fol request 24465 Julie (Right to Know) [DLM=For-Official-Use-Only]

Hi Owen

Please note Maarten's email below, can you review they documentation and progress please

Regards
Maralyn



Maralyn Newman
Assistant Secretary
Business Improvement and Support
Department of Veterans' Affairs
t s 47E(c) & (d) ext s 47E(c) & (d)
e maralyn.newman

@dva.gov.au

To support those who serve or have served in the defence of our nation and commemorate their service and sacrifice.



From: s 47E(c) & (d) Maarten
Sent: Friday, 5 October 2018 9:32 AM
To: Newman, Maralyn <Maralyn.Newman@dva.gov.au>
Cc: s 47E(c) & (d) David <David.s 47E(c) & (d)@dva.gov.au>; s 47E(c) & (d) Peter <Peter.s 47E(c) & (d)@dva.gov.au>; INFORMATION.LAW <INFORMATION.LAW@dva.gov.au>; Binu s 47E(c) & (d) (binu.s 47E(c) & (d)@humanservices.gov.au) <binu.s 47E(c) & (d)@humanservices.gov.au>; Habib s 47E(c) & (d) (Habib.s 47E(c) & (d)@humanservices.gov.au) <Habib.s 47E(c) & (d)@humanservices.gov.au>
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I have completed the form below with DDSS effort.

I consider that our part in this exercise is now complete.

Regards

Maarten s 47E(c) & (d)
Business Analyst - RaCER
Departmental Management Information System (DMIS) Development and Support Section

Data, Informatics and Research Branch
 External Stakeholder and Government Relations Division
 Email: maarten.s 47E(c) & (d)@dva.gov.au
 Tel: s 47E(c) & (d) do not use as I am "hot desking" or working from home)
 Mob: s 47E(c) & (d) (preferred)

In the office on Tuesday and Thursday

FOI applicant and details of the FOI request	
Applicant name:	Julie
UIN:	N/A
<p>Julie has sought access to:</p> <p><i>"...It occurred to me that understanding a bit more about RACER, DVA's new claims performance management system would assist me to better understand DVA's new veteran centric policies, especially given it is a system introduced as part of those 'reform' policies.</i></p> <p><i>I therefore seek under FOI any document sent or received by any DVA SES level officer (just to reduce the scope, as otherwise it might unreasonably catch too many documents about inane and irrelevant things), whether by email or other method of passing, about RACER, from today back until 12 September 2017.</i></p> <p><i>If that exceeds more than 50 documents, please exclude any document which also mentions or refers to anything not about RACER, and if that still exceeds 50 documents, can you please compile a list of said documents (with page count for each document) and I will tell you which ones I want from the list (up to a total of 50)..."</i></p>	
Action/information required	Details/response
<p>Time spent on this request</p> <p>DVA is required to report annually on the time spent by all DVA staff responding to FOI matters. To assist capturing this information please advise how much time was spent by staff to respond to this search request.</p>	<p>Contractor 5.5 hours at ~\$150 per hour DVA staff 1 hour</p>
<p>Searches undertaken</p> <p>Please indicate which systems were searched to identify relevant documents and the results of those searches.</p> <p>*Systems include Y-drive, outlook, TRIM, PDMS, VIEW, hard copies and any other systems your line area has access.</p>	<p>HPE Content Manager Emails Folder contents (Y drive)</p>
<p>Documents identified</p> <p>Please advise total number of documents identified that fall within scope of the request detailed above.</p> <p>Where documents total more than 10, please use the attached table to insert details of those documents. If this applies, in the column to the right, please indicate the source of the documents only (e.g. TRIM file 123ABC etc).</p> <p>*Please remember to attach all relevant documents when responding to this request.</p>	<p>See attached zip file – 83 files included.</p>

Sensitivities or concerns about releasing the documents

Please advise Information Law of any concerns you have about releasing the document(s) under the FOI Act. Where concerns are raised, we would appreciate some context to support your concerns.

Line areas are the subject matter experts in their respective areas. The Information Law team may need to rely on line areas to assist forming justifications to refuse access to documents. This may include seeking more information about the context in which documents were received, created or provided to other individuals or organisations. Based on the information you provide, the Information Law team will be better placed to determine whether justifications exist under the FOI Act to refuse access to the document(s).

If you have any concerns please call or email the Information Law team to discuss the request and/or documents further.

Sample reports containing confidential client information were removed from 02 R&C Enterprise Reporting Business Requirements 4.5a.

One project document that contained full names of staff members directly involved in claims processing has also been removed.

From: Julie <foi+request-4803-7dcd2b85@righttoknow.org.au>
Sent: Wednesday, 10 October 2018 5:56 PM
To: INFORMATION.LAW
Subject: Re: FOI 24465 - Request to revise scope of the request [DLM=For-Official-Use-Only]

Dear INFORMATION.LAW,

Have you secretly applied for a s 15AB extension here too? If so, please stop being unethical, and provide me with a copy, so that I can exercise my right to be heard before any decision is made.

Yours sincerely,

Julie

-----Original Message-----

Good afternoon Julie,

FOI 24465 - Request to revise the scope of your request

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Kind Regards,

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Department of Veterans' Affairs
E: [email address] | W: www.dva.gov.au

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s 22

11 Oct 2018 1. File note Leia s 47E(c) & (d)

Sent email to CBD requesting further info re sensitivities in release. Advised again urgency as decision is due.

11 Oct 2018 1. File note Leia s 47E(c) & (d)

Advice from Nick re applicant's emails. NFA. If there is an issue of procedural fairness it would be an issue for the decision-maker (OAIC).

10 Oct 2018 1. File note Leia s 47E(c) & (d)

Email from applicant. Advised George & Nick.

10 Oct 2018 1. File note Leia s 47E(c) & (d)

Sent CBD info to Monika for advice.

10 Oct 2018 1. File note Leia s 47E(c) & (d)

Email from CBD with info.

10 Oct 2018 1.2 File note/email Leia s 47E(c) & (d)

Email chain with CBD re searches & docs. Not comfortable releasing. Speak with Monika.

8 Oct 2018 1.2 File note/email Leia s 47E(c) & (d)

Follow up email re searches. Advised George and Nick.

3 Oct 2018 1. File note Amy s 47E(c) & (d)
Email reply from applicant. Advised George & Nick.

3 Oct 2018 1. File note Leia s 47E(c) & (d)
Email reply to Julie as advised by Nick.

2 Oct 2018 1.2 File note/email Leia s 47E(c) & (d)

Email from applicant. Advised George & Nick.

2 Oct 2018 1. File note Leia s 47E(c) & (d)

Sought advice from Nick re how he wants to respond to the various emails from Julie re EOTs

2 Oct 2018 1.2 File Leia s 47E(c) & (d)
note/email

Noticed no docs yet. Followed up again. Advised George.

27 Sep 2018 1.2 File Amy s 47E(c) & (d)
note/email

Sent 15AA request to applicant. Did not agree. See email.

25 Sep 2018 1. File note Leia s 47E(c) & (d)

Advised to handover Julie's matters to George.

Said would follow up searches as not yet received from BA.

Follow up email to CBD re search request - was due 24/9

Response was that they are gathering the report requested to review. The staff member who is working on this was away.

12 Sep 2018 8. Amy s 47E(c) & (d)
Acknowledgment
Letter

12 Sep 2018 1. File note Amy s 47E(c) & (d)

Search request to CBD - due 24/9/18 including additional info from email from app

11 Sep 2018 5. Clock start Amy s 47E(c) & (d) 30
Clock started

From: [REDACTED] Linda on behalf of INFORMATION.ACCESS
Sent: Tuesday, 11 September 2018 2:12 PM
To: INFORMATION.LAW
Cc: INFORMATION.ACCESS
Subject: FW: Freedom of Information request - Liability Acceptances and Refusals for June 2018 [TO BE CLASSIFIED] [DLM=For-Official-Use-Only]

Good afternoon.

Please see to the following.

Regards.

Linda [REDACTED]
Assistant Information Access Officer
National Information Access Processing Team (NIAPT) Department of Veterans' Affairs Tel [REDACTED] Fax: (02) 9213 7400

-----Original Message-----

From: Julie [mailto:foi+request-4797-34a0582d@righttoknow.org.au]
Sent: Tuesday, 11 September 2018 12:30 PM
To: FOI <FOI@dva.gov.au>
Subject: Freedom of Information request - Liability Acceptances and Refusals for June 2018 [TO BE CLASSIFIED]

Dear Department of Veterans' Affairs,

I understand from a recent ANAO report that DVA compiles monthly statistics about its Rehabilitation & Compensation (R&C) functions via its Rehabilitation and Compensation Integrated Support Hub (ISH) system and associated spreadsheets.

I understand liability decisions are stored electronically now, with no paper files existing (other than as short term working documents, and that the exercise of delegations are digital only) on ISH and HP Content Manager, which ANAO stated was DVA's primary records management systems.

So under FOI I seek copy of the summary statistic report for the month of June 2018 that details the number of liability claims accepted and rejected in that month, for VEA, DRCA and MRCA liability claims.

If such a document cannot be located, I seek under s 17 of the FOI Act for such a compilation to be compiled from DVA's primary electronic records management systems ISH and HP Content Manager (which I believe DVA refers to as TRIM).

I searched the DVA website but I could not find any such published statistics, nor has DVA contributed any datasets to data.gov.au (unlike other Commonwealth agencies), so it appears FOI is the only option here.

Yours faithfully,

Julie

Please use this email address for all replies to this request:
foi+request-4797-34a0582d@righttoknow.org.au

Is foi@dva.gov.au the wrong address for Freedom of Information requests to Department of Veterans Affairs? If so, please contact us using this form:
https://www.righttoknow.org.au/change_request/new?body=dva

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Sent: Tuesday, 11 September 2018 2:13 PM
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Subject: FW: Freedom of Information request - Liability Acceptances and Refusals for June 2018 [TO BE CLASSIFIED] [DLM=For-Official-Use-Only]

Good afternoon.

Please see to the following.

Regards.

Linda s 47E(c) & (d)
Assistant Information Access Officer
National Information Access Processing Team (NIAPT) Department of Veterans' Affairs Tel: s 47E(c) & (d) Fax: (02) 9213 7400

-----Original Message-----

From: Julie [mailto:foi+request-4797-34a0582d@righttoknow.org.au]
Sent: Tuesday, 11 September 2018 12:41 PM
To: FOI <FOI@dva.gov.au>
Subject: Re: Freedom of Information request - Liability Acceptances and Refusals for June 2018 [TO BE CLASSIFIED]

Dear Department of Veterans' Affairs,

I understand DVA has is currently implementing a new reporting system called RACER, which was supposed to be operational by now, so the document sought (or its compilation) may also be available through that electronic information system as well.

Yours faithfully,

Julie

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From: INFORMATION.LAW
Sent: Wednesday, 12 September 2018 10:45 AM
To: 'foi+request-4797-34a0582d@righttoknow.org.au'
Cc: INFORMATION.LAW
Subject: Acknowledgement of FOI Request – FOI 24432 [DLM=For-Official-Use-Only]

Dear Julie,

Acknowledgement of FOI Request – FOI 24432

I refer to your request to access information held by our Department under the *Freedom of Information Act 1982* (FOI Act). The Department received your request on 11 September 2018. In accordance with section 15(5)(b) of the FOI Act, the Department has 30 days to process your request. As such, a decision on your request is due by 11 October 2018.

If you have any questions about your FOI matter, please contact us using the following details:

Post: Legal Services & Assurance, Department of Veterans' Affairs
GPO Box 9998, Canberra ACT 2601
Facsimile: (02) 6289 6337
Email: information.access@dva.gov.au

In all communications please quote reference **FOI 24432**.

Kind Regards,

Information Law Team
Legal Services & Assurance Branch
Department of Veterans' Affairs
GPO Box 9998 Canberra ACT 2601
E: informationlaw@dva.gov.au



-----Original Message-----

From: Julie [<mailto:foi+request-4797-34a0582d@righttoknow.org.au>]
Sent: Tuesday, 11 September 2018 12:30 PM
To: FOI <FOI@dva.gov.au>
Subject: Freedom of Information request - Liability Acceptances and Refusals for June 2018 [TO BE CLASSIFIED]

Dear Department of Veterans' Affairs,

I understand from a recent ANAO report that DVA compiles monthly statistics about its Rehabilitation & Compensation (R&C) functions via its Rehabilitation and Compensation Integrated Support Hub (ISH) system and associated spreadsheets.

I understand liability decisions are stored electronically now, with no paper files existing (other than as short term working documents, and that the exercise of delegations are digital only) on ISH and HP Content Manager, which ANAO stated was DVA's primary records management systems.

So under FOI I seek copy of the summary statistic report for the month of June 2018 that details the number of liability claims accepted and rejected in that month, for VEA, DRCA and MRCA liability claims.

If such a document cannot be located, I seek under s 17 of the FOI Act for such a compilation to be compiled from DVA's primary electronic records management systems ISH and HP Content Manager (which I believe DVA refers to as TRIM).

I searched the DVA website but I could not find any such published statistics, nor has DVA contributed any datasets to data.gov.au (unlike other Commonwealth agencies), so it appears FOI is the only option here.

Yours faithfully,

Julie

Please use this email address for all replies to this request:
foi+request-4797-34a0582d@righttoknow.org.au

Is foi@dva.gov.au the wrong address for Freedom of Information requests to Department of Veterans' Affairs? If so, please contact us using this form:
https://www.righttoknow.org.au/change_request/new?body=dva

This request has been made by an individual using Right to Know. This message and any reply that you make will be published on the internet. More information on how Right to Know works can be found at:
<https://www.righttoknow.org.au/help/officers>

If you find this service useful as an FOI officer, please ask your web manager to link to us from your organisation's FOI page.

FOI request details – Schedule of documents

Schedule of documents where line area identifies more than 10 documents as falling within the scope of the request – line area conducting searches to complete

FOI reference number: FOI XXXXX

Document reference #	Date of document	Document description e.g. Policy & Admin file, Email from DVA to DHS, etc.	Number of Pages
1			
2			
3			
4			
5			
6			
7			
8			
9			
10			
11			
12			
13			
14			
15			

From: INFORMATION.LAW
Sent: Thursday, 27 September 2018 4:58 PM
To: 'foi+request-4797-34a0582d@righttoknow.org.au'
Cc: INFORMATION.LAW
Subject: FOI 24432 Request for Extension of time under s15AA of the Freedom of Information Act 1982 (FOI Act) [DLM=For-Official-Use-Only]

Dear Julie,

Request for Extension of time under s15AA of the *Freedom of Information Act 1982* (FOI Act)

FOI 24432

A decision is due on your request by 11 October 2018.

Unfortunately, the Department will be unable to finalise your request by this date due to a large competing case load. While it is our goal to process your request as soon as practicable, we would be grateful if you would agree to a 30 day extension of time to process your request under section 15AA of the FOI Act. If you are agreeable to the extension, the revised due date for the decision will be 10 November 2018.

Please advise whether you agree to the extension of time by 5 October 2018.

If you agree to an extension, we will advise the Office of the Australian Information Commissioner (OAIC) of the extension. As part of this, the Department will provide your name and email address in case the OAIC needs to contact you in about your FOI request.

If you have any questions about your FOI matter, please contact us using the following details:

Post: Legal Services & Assurance, Department of Veterans' Affairs
GPO Box 9998, Canberra ACT 2601
Facsimile: (02) 6289 6337
Email: information.access@dva.gov.au

Kind regards,

Information Law Team

Information Law | Legal Services & Assurance Branch
Department of Veterans' Affairs
Gnabra House – 21 Genge Street Canberra City ACT 2601 | GPO Box 9998 Canberra ACT 2601
E: informationlaw@dva.gov.au



From: Julie <foi+request-4797-34a0582d@righttoknow.org.au>
Sent: Thursday, 27 September 2018 8:15 PM
To: INFORMATION.LAW
Subject: Re: FOI 24432 Request for Extension of time under s15AA of the Freedom of Information Act 1982 (FOI Act) [DLM=For-Official-Use-Only]

Follow Up Flag: Follow up
Flag Status: Completed

Dear INFORMATION.LAW,

I don't have enough information from what you have provided to assess whether an extension would be reasonable, or even whether the time frame sought is reasonable.

You have basically just inferred you haven't done any work to date on this FOI, but now realising the due date is coming up, want to treat the FOI as if it was made next week, instead of nearly a month ago.

Whether this is actually true or not, I have no information to determine either way.

I do note that the Information Commissioner has previously determined that if an agency's mismanagement or failure to adequately resource its FOI functions had caused a delay, the FOI applicant should not be penalised for it (because it's not their fault).

While I would consider agreeing to a reasonable extension, I have no information before me from DVA to assess what is reasonable in the circumstances (which may be 30 days or something lesser or not at all).

I am also concerned that despite citing a higher FOI workload, it seems that many people are being told they will have ongoing delays to their FOI by DVA at the moment, so it is unclear what DVA is actually working on right now that is causing these delays (especially if everyone is getting these delay notices).

So, as I do not want to treat you unfairly by just making a decision on very limited information from you, can you please advise the following before Oct 3:

- * What work to date has already taken place on this FOI?
- * What timetable of steps can DVA outline for this FOI if the extension is granted (maybe I can save you some time by letting you know what's not necessary)?
- * Will DVA agree not to make any charges notices or not to refuse to release anything, if the extension is agreed (there is not much point giving extra time if you have no intent to provide access)?
- * Can you provide some transparency about this higher workload? Is it due to more FOIs, or higher priority FOIs, or staff absences or some other factor (and was there a reason DVA did not foresee it)?

I look forward to your response, which will hopefully provide the missing detail necessary to make an informed and fair decision on your application.

Yours sincerely,

Julie

-----Original Message-----

Dear Julie,

Request for Extension of time under s15AA of the Freedom of Information Act 1982 (FOI Act)

FOI 24432

A decision is due on your request by 11 October 2018.

Unfortunately, the Department will be unable to finalise your request by this date due to a large competing case load. While it is our goal to process your request as soon as practicable, we would be grateful if you would agree to a 30 day extension of time to process your request under section 15AA of the FOI Act. If you are agreeable to the extension, the revised due date for the decision will be 10 November 2018.

Please advise whether you agree to the extension of time by 5 October 2018.

If you agree to an extension, we will advise the Office of the Australian Information Commissioner (OAIC) of the extension. As part of this, the Department will provide your name and email address in case the OAIC needs to contact you in about your FOI request.

If you have any questions about your FOI matter, please contact us using the following details:

Post: Legal Services & Assurance, Department of Veterans' Affairs

GPO Box 9998, Canberra ACT 2601

Facsimile: (02) 6289 6337

Email: [1][email address]

Kind regards,

Information Law Team

Information Law | Legal Services & Assurance Branch

Department of Veterans' Affairs

Gnabra House – 21 Genge Street Canberra City ACT 2601 | GPO Box 9998 Canberra ACT 2601

E: [2][email address]

[3]cid:image001.png@01D0027A.1DAB84F0

Please use this email address for all replies to this request:
foi+request-4797-34a0582d@righttoknow.org.au

This request has been made by an individual using Right to Know. This message and any reply that you make will be published on the internet. More information on how Right to Know works can be found at:
<https://www.righttoknow.org.au/help/officers>

If you find this service useful as an FOI officer, please ask your web manager to link to us from your organisation's FOI page.

From: Julie <foi+request-4797-34a0582d@righttoknow.org.au>
Sent: Tuesday, 2 October 2018 11:19 PM
To: INFORMATION.LAW
Subject: Re: FOI 24432 Request for Extension of time under s15AA of the Freedom of Information Act 1982 (FOI Act) [DLM=For-Official-Use-Only]

Dear INFORMATION.LAW,

I am disappointed that my request for any information, beyond just that you are busy and put a low priority on this FOI, to support your extension request has not been provided.

I can only assume, that in DVA failing to substantiate any reasonable grounds, there are no reasonable grounds for extension.

If a response is not given by COB tomorrow, especially as to whether DVA intends to refuse or levy charges if extension is granted, then I can only go on the information before me - which is a generic and unsubstantiated claim that, basically, is the same as 'the dog ate your homework'.

I had anticipated a professional response from DVA, but it appears there is none forthcoming.

Yours sincerely,

Julie

-----Original Message-----

Dear Julie,

Request for Extension of time under s15AA of the Freedom of Information Act 1982 (FOI Act)

FOI 24432

A decision is due on your request by 11 October 2018.

Unfortunately, the Department will be unable to finalise your request by this date due to a large competing case load. While it is our goal to process your request as soon as practicable, we would be grateful if you would agree to a 30 day extension of time to process your request under section 15AA of the FOI Act. If you are agreeable to the extension, the revised due date for the decision will be 10 November 2018.

Please advise whether you agree to the extension of time by 5 October 2018.

If you agree to an extension, we will advise the Office of the Australian Information Commissioner (OAIC) of the extension. As part of this, the Department will provide your name and email address in case the OAIC needs to contact you in about your FOI request.

If you have any questions about your FOI matter, please contact us using the following details:

Post: Legal Services & Assurance, Department of Veterans' Affairs

GPO Box 9998, Canberra ACT 2601

Facsimile: (02) 6289 6337

Email: [1][email address]

Kind regards,

Information Law Team

Information Law | Legal Services & Assurance Branch

Department of Veterans' Affairs

Gnabra House – 21 Genge Street Canberra City ACT 2601 | GPO Box 9998 Canberra ACT 2601

E: [2][email address]

[3]cid:image001.png@01D0027A.1DAB84F0

Please use this email address for all replies to this request:
foi+request-4797-34a0582d@righttoknow.org.au

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<https://www.righttoknow.org.au/help/officers>

If you find this service useful as an FOI officer, please ask your web manager to link to us from your organisation's FOI page.

From: Julie <foi+request-4797-34a0582d@righttoknow.org.au>
Sent: Wednesday, 3 October 2018 12:36 PM
To: INFORMATION.LAW
Subject: Re: FOI 24432 Request for Extension of time under s15AA of the Freedom of Information Act 1982 (FOI Act) [DLM=For-Official-Use-Only]

Dear INFORMATION.LAW,

So, to summarise your response:

^ Despite, according to Prime Minister and Cabinet guidelines someone else posted here on Right to Know, agencies commit no more than 2 calendar days to the conducting searches phases (and then only up to a maximum of one hour of staff time), the DVA has only just started this step and has yet to complete it (I note the DVA did not state when it first conducted these searches, nor state when they would be completed, despite the DVA being aware there is a hard limit on the time the DVA will conduct such searches);

^ Despite that the DVA has not completed any steps, even though the 30 day s 15(5)(b) deadline has almost expired, the DVA has not and will not commit nor consider what time it will commit to completing all the FOI steps by (which is concerning given the DVA has hard limits as to how much time it will spend on any FOI step, and should be planning and managing FOIs, not asserting that they are treated as hoc by the DVA's specialised FOI staff);

^ The DVA may cause further delay by issuing a very late practical refusal, or very late charges notice, or very late intent to refuse access decision, all which will extend this FOI by months (possibly years if it goes to IC Review).

It is concerning that, having failed to substantiate any reasonable grounds for the initial failure to handle this FOI in accordance with the statutory obligations, that the DVA has just sat on the FOI for the vast majority of the s 15(5)(b) statutory period, to create delay. That is inconsistent with the aims and objects of the Freedom of Information Act.

It is also concerning that the 30 day extension sought, was not based on any reasonable need assessment, but rather to just claim the maximum extension possible (again inconsistent with the aims and objects of the Act).

You have not provided me with any substantive evidence that would justify that they delays caused were due to factors outside your control, to support extension. There is a worrying lack of transparency here, especially when the DVA has sought extensions to all my FOIs, regardless of simplicity or narrowness of scope.

I do note however that there remains another 7 business days before the s 15(5)(b) statutory deadline expires and that according to the Prime Minister and Cabinet guidance, this is ample time to complete a number of steps (including assessment).

If the DVA can update me on the progress it has made by COB Tuesday 9 October 2018, and if there has been substantive progress made, I will consider an extension at that time.

It is still something of a concern however, that the DVA is processing FOIs in an ad hoc haphazard way (which is the most generous and positive interpretation you can put on it), instead of planning and managing them professionally and competently in line with the aims, objects and purposes of the FOI Act and the various directives and guidelines that apply.

Yours sincerely,

Julie

-----Original Message-----

Good morning Julie,

Thank you for your replies.

The Department has undertaken steps to process your request, including search requests to identify the documents you have sought access to. The Information Law Section is following up the results of those searches. We are unable to provide you with a timetable as such, but can advise that once the documents are identified and received, this section will need to review the material (and consider if a document can or needs to be created as noted in your request), and then ultimately make a decision on your request. As the documents have not yet been received by this section, we cannot advise at this stage how voluminous it may be. The Department is unable to agree that a charges notice will not be applied nor can we provide an undertaking that full access will be provided in lieu of you agreeing to an extension of time.

Although we have asked for an extension of 30 days, we would welcome any extension you are agreeable with.

Kind Regards,

Information Law Team
Department of Veterans' Affairs
E: [email address] | W: www.dva.gov.au

Please use this email address for all replies to this request:
foi+request-4797-34a0582d@righttoknow.org.au

This request has been made by an individual using Right to Know. This message and any reply that you make will be published on the internet. More information on how Right to Know works can be found at:
<https://www.righttoknow.org.au/help/officers>

If you find this service useful as an FOI officer, please ask your web manager to link to us from your organisation's FOI page.

From: INFORMATION.LAW
Sent: Wednesday, 10 October 2018 10:47 AM
To: CLIENTS.BENEFITS.DIV.COORD
Cc: Newman, Maralyn
Subject: RE: ***Urgent follow up on searches*** Search request for documents related to FOI 24432 (Julie via Right to Know) - Please provide by COB today [DLM=For-Official-Use-Only]

Importance: High

Hi Sue,

Thank you for the below. Before we can decide whether release is possible, we need to view the relevant documents. Can you please email through the documents you have identified as falling with the scope of the request. We note that a decision on this request is due tomorrow, which does not leave us a lot of time to finalise or to ask Monika for her views. I have already sent her an email re FOI 24434 and would like to also send these relevant documents to her today as soon as possible, to give her enough time to consider release etc.

As such, can you please email me the documents so I can assess and then talk with Monika. As with FOI 24434, I am happy to let you know what Monika thinks and also what my view is.

Thank you.

Kind Regards,

Leia (Position Number 62210022)
 Assistant Director
 Information Law Section | Legal Services & General Counsel Branch
 Legal Assurance and Governance Division | Canberra
 email information.law@dva.gov.au | ext **s 47E(c) & (d)** desk S6.11.3

From: **s 47E(c) & (d)** Sue On Behalf Of CLIENTS.BENEFITS.DIV.COORD
Sent: Tuesday, 9 October 2018 5:18 PM
To: INFORMATION.LAW <INFORMATION.LAW@dva.gov.au>
Cc: Newman, Maralyn <Maralyn.Newman@dva.gov.au>
Subject: RE: ***Urgent follow up on searches*** Search request for documents related to FOI 24432 (Julie via Right to Know) - Please provide by COB today [DLM=For-Official-Use-Only]

Hi

As discussed, at this stage we are not comfortable with releasing the requested information without clarification. Reports with this information are compiled for internal reporting and monitoring of claims and has never been released publically before to this level (we release the acceptance rates for the previous financial years for MRCA, DRCA and VEA liability claims in the DVA Annual Report). Again we would like to seek advice/clarification from Legals on whether this information should be released publically and perhaps Monika **s 47E(c) & (d)** who was the liaison between DVA and the ANAO may need to be consulted.

Sue

Sue **s 47E(c) & (d)**
 Assistant Director Division Coordination Unit
 Clients' Benefits Division

From: s 47E(c) & (d) Sue on behalf of CLIENTS.BENEFITS.DIV.COORD
Sent: Wednesday, 10 October 2018 4:45 PM
To: INFORMATION.LAW
Cc: Newman, Maralyn
Subject: FW: ***Urgent follow up on searches*** Search request for documents related to FOI 24432 (Julie via Right to Know) - Please provide by COB today [DLM=For-Official-Use-Only]
Attachments: 2.2a Primary Claims Nat'l Perf Summ - Jun 2018.pdf
Importance: High

Hi Leia

The attached Primary Claims monthly report has some of the requested information for MRCA and DRCA liability claims (pages 2 and 3), but not for VEA liability claims.

We would have to produce a report to cover the acceptance rate under all three Acts.

Sue

Sue s 47E(c) & (d)
Assistant Director Division Coordination Unit
Clients' Benefits Division
Department of Veterans' Affairs (DVA)
T. s 47E(c) & (d) (Ext: s 47E(c) & (d))

From: INFORMATION.LAW
Sent: Wednesday, 10 October 2018 10:47 AM
To: CLIENTS.BENEFITS.DIV.COORD <CLIENTS.BENEFITS.DIV.COORD@dva.gov.au>
Cc: Newman, Maralyn <Maralyn.Newman@dva.gov.au>
Subject: RE: ***Urgent follow up on searches*** Search request for documents related to FOI 24432 (Julie via Right to Know) - Please provide by COB today [DLM=For-Official-Use-Only]
Importance: High

Hi Sue,

Thank you for the below. Before we can decide whether release is possible, we need to view the relevant documents. Can you please email through the documents you have identified as falling with the scope of the request. We note that a decision on this request is due tomorrow, which does not leave us a lot of time to finalise or to ask Monika for her views. I have already sent her an email re FOI 24434 and would like to also send these relevant documents to her today as soon as possible, to give her enough time to consider release etc.

As such, can you please email me the documents so I can assess and then talk with Monika. As with FOI 24434, I am happy to let you know what Monika thinks and also what my view is.

Thank you.

Kind Regards,

Leia (Position Number 62210022)
Assistant Director
Information Law Section | Legal Services & General Counsel Branch

From: INFORMATION.LAW
Sent: Wednesday, 10 October 2018 5:58 PM
To: s 47E(c) & (d) Monika
Subject: ***Assistance as discussed - data and ANAO*** FOI 24432 (Julie via Right to Know)
 [DLM=For-Official-Use-Only]
Attachments: 2.2a Primary Claims Nat'l Perf Summ - Jun 2018.pdf
Importance: High

Hi Monika,

As flagged with you today, this is the other FOI that CBD has said we should get you to comment on as you were the liaison between DVA and the ANAO. The attached documents is a Primary Claims monthly report

I am not sure whether you do need to be consulted, as the ANAO report only mentions that DVA compiles monthly statistics about its R&C functions via its ISH system and associated spreadsheets. The FOI request is for access to information from that system. It isn't a document that was provided to ANAO for the purpose of generating a report etc. It does however look similar to the other documents for the previous FOI I sent through. Perhaps we need to confirm for both requests, whether these documents were ever provided to the ANAO.

Also, as further mentioned, despite this FOI being due tomorrow the business area only provided the documents late this afternoon. I will come chat with you in the morning.

Many thanks at such short notice. Pending our chat tomorrow, I may need to see if we can get an extension from the OAIC for this FOI as well.

Kind Regards,

Leia (Position Number 62210022)
 Assistant Director
 Information Law Section | Legal Services & General Counsel Branch
 Legal Assurance and Governance Division | Canberra
 email information.law@dva.gov.au | ext s 47E(c) & (d) | desk S6.11.3

From: s 47E(c) & (d) Sue On Behalf Of CLIENTS.BENEFITS.DIV.COORD
Sent: Wednesday, 10 October 2018 4:45 PM
To: INFORMATION.LAW <INFORMATION.LAW@dva.gov.au>
Cc: Newman, Maralyn <Maralyn.Newman@dva.gov.au>
Subject: FW: ***Urgent follow up on searches*** Search request for documents related to FOI 24432 (Julie via Right to Know) - Please provide by COB today [DLM=For-Official-Use-Only]
Importance: High

Hi Leia

The attached Primary Claims monthly report has some of the requested information for MRCA and DRCA liability claims (pages 2 and 3), but not for VEA liability claims.

We would have to produce a report to cover the acceptance rate under all three Acts.

Sue

Sue [REDACTED]
Assistant Director Division Coordination Unit
Clients' Benefits Division
Department of Veterans' Affairs (DVA)
T. [REDACTED] (Ext: [REDACTED])

From: INFORMATION.LAW

Sent: Wednesday, 10 October 2018 10:47 AM

To: CLIENTS.BENEFITS.DIV.COORD <CLIENTS.BENEFITS.DIV.COORD@dva.gov.au>

Cc: Newman, Maralyn <Maralyn.Newman@dva.gov.au>

Subject: RE: ***Urgent follow up on searches*** Search request for documents related to FOI 24432 (Julie via Right to Know) - Please provide by COB today [DLM=For-Official-Use-Only]

Importance: High

Hi Sue,

Thank you for the below. Before we can decide whether release is possible, we need to view the relevant documents. Can you please email through the documents you have identified as falling with the scope of the request. We note that a decision on this request is due tomorrow, which does not leave us a lot of time to finalise or to ask Monika for her views. I have already sent her an email re FOI 24434 and would like to also send these relevant documents to her today as soon as possible, to give her enough time to consider release etc.

As such, can you please email me the documents so I can assess and then talk with Monika. As with FOI 24434, I am happy to let you know what Monika thinks and also what my view is.

Thank you.

Kind Regards,

Leia (Position Number 62210022)
Assistant Director
Information Law Section | Legal Services & General Counsel Branch
Legal Assurance and Governance Division | Canberra
email information.law@dva.gov.au | ext [REDACTED] desk S6.11.3

From: [REDACTED] Sue On Behalf Of CLIENTS.BENEFITS.DIV.COORD

Sent: Tuesday, 9 October 2018 5:18 PM

To: INFORMATION.LAW <INFORMATION.LAW@dva.gov.au>

Cc: Newman, Maralyn <Maralyn.Newman@dva.gov.au>

Subject: RE: ***Urgent follow up on searches*** Search request for documents related to FOI 24432 (Julie via Right to Know) - Please provide by COB today [DLM=For-Official-Use-Only]

Hi

As discussed, at this stage we are not comfortable with releasing the requested information without clarification. Reports with this information are compiled for internal reporting and monitoring of claims and has never been released publically before to this level (we release the acceptance rates for the previous financial years for MRCA, DRCA and VEA liability claims in the DVA Annual Report). Again we would like to seek advice/clarification from Legals on whether this information should be released publically and perhaps Monika [REDACTED] who was the liaison between DVA and the ANAO may need to be consulted.

Sue
Sue [REDACTED]
Assistant Director Division Coordination Unit
Clients' Benefits Division

From: INFORMATION.LAW

Sent: Monday, 8 October 2018 9:25 AM

To: CLIENTS.BENEFITS.DIV.COORD <CLIENTS.BENEFITS.DIV.COORD@dva.gov.au>

Subject: ***Urgent follow up on searches*** Search request for documents related to FOI 24432 (Julie via Right to Know) - Please provide by COB today [DLM=For-Official-Use-Only]

Importance: High

Good morning Sue,

Just following up on the below FOI search request. Can you please advise when a response and the requested documents will be provided? A decision on this FOI is due this week and we are keen to have the documents as soon as possible please, preferable COB today if we have to use the data to create the document/summary sought.

Happy to discuss.

Kind Regards,

Leia

Assistant Director

Information Law | Legal Services & Assurance | Canberra

ext s 47E(c) & (d) desk S6.11.3

From: INFORMATION.LAW

Sent: Tuesday, 2 October 2018 9:52 AM

To: CLIENTS.BENEFITS.DIV.COORD <CLIENTS.BENEFITS.DIV.COORD@dva.gov.au>

Subject: RE: ***Follow up on searches*** Search request for documents related to FOI 24432 (Julie via Right to Know) - Please provide by 24 Sept 2018 [DLM=For-Official-Use-Only]

Good morning Sue, ,

Just following up on the below response, is the staff member back and do you know when a response regarding searches will be provided?

Thank you.

Kind Regards,

Leia

Assistant Director

Information Law | Legal Services & Assurance | Canberra

ext s 47E(c) & (d) desk S6.11.3

From: INFORMATION.LAW

Sent: Tuesday, 25 September 2018 6:43 PM

To: CLIENTS.BENEFITS.DIV.COORD

Subject: RE: ***Follow up on searches*** Search request for documents related to FOI 24432 (Julie via Right to Know) - Please provide by 24 Sept 2018 [DLM=For-Official-Use-Only]

Hi Sue,

Thank you for letting us know, we appreciate it and will wait for the reply.

Kind Regards,

Leia

Assistant Director

Information Law | Legal Services & Assurance | Canberra

ext [REDACTED] | desk S6.11.3

From: [REDACTED] Sue On Behalf Of CLIENTS.BENEFITS.DIV.COORD

Sent: Tuesday, 25 September 2018 6:08 PM

To: INFORMATION.LAW ; CLIENTS.BENEFITS.DIV.COORD

Subject: RE: ***Follow up on searches*** Search request for documents related to FOI 24432 (Julie via Right to Know) - Please provide by 24 Sept 2018 [DLM=For-Official-Use-Only]

Hi Leia

We are gathering the report requested to review. The staff member who is working on this was away today but I will follow this up tomorrow.

Regards

Sue

Sue [REDACTED]

A/g Director Division Coordination Unit

Clients' Benefits Division

Department of Veterans' Affairs (DVA)

T. [REDACTED] (Ext: [REDACTED])

From: INFORMATION.LAW

Sent: Tuesday, 25 September 2018 12:40 PM

To: CLIENTS.BENEFITS.DIV.COORD <CLIENTS.BENEFITS.DIV.COORD@dva.gov.au>

Subject: ***Follow up on searches*** Search request for documents related to FOI 24432 (Julie via Right to Know) - Please provide by 24 Sept 2018 [DLM=For-Official-Use-Only]

Importance: High

Good afternoon,

Re: Search request for documents related to FOI 24432 (Julie via Right to Know)

I am sending through an email to follow up on the below document search request in relation to FOI request 24432. Grateful if you could advise the status of the searches and when documents will be provided. If this does not sit within your division can you please advise where it should be sent to?

Thank you.

Kind Regards,

Leia

Assistant Director

Information Law | Legal Services & Assurance | Canberra

ext [REDACTED] | desk S6.11.3

From: INFORMATION.LAW

Sent: Wednesday, 12 September 2018 11:11 AM

From: Julie <foi+request-4797-34a0582d@righttoknow.org.au>
Sent: Wednesday, 10 October 2018 6:00 PM
To: INFORMATION.LAW
Subject: Re: FOI 24432 Request for Extension of time under s15AA of the Freedom of Information Act 1982 (FOI Act) [DLM=For-Official-Use-Only]

Categories: Already filed in Ydrive, Leia

Dear INFORMATION.LAW,

I note you have failed to respond as requested, to give sufficient information to determine your s 15AA extension request.

So have you secretly applied to the OAIC for a s 15AB extension here as well? If so, it should be (and should have been) disclosed to me, so I can exercise my right to be heard before any decision is made.

I find the DVA's conduct here, from a governance perspective, to be worrying and indicative of a culture of some concern within DVA.

Yours sincerely,

Julie

-----Original Message-----

Good morning Julie,

Thank you for your replies.

The Department has undertaken steps to process your request, including search requests to identify the documents you have sought access to. The Information Law Section is following up the results of those searches. We are unable to provide you with a timetable as such, but can advise that once the documents are identified and received, this section will need to review the material (and consider if a document can or needs to be created as noted in your request), and then ultimately make a decision on your request. As the documents have not yet been received by this section, we cannot advise at this stage how voluminous it may be. The Department is unable to agree that a charges notice will not be applied nor can we provide an undertaking that full access will be provided in lieu of you agreeing to an extension of time.

Although we have asked for an extension of 30 days, we would welcome any extension you are agreeable with.

Kind Regards,

Information Law Team
Department of Veterans' Affairs
E: [email address] | W: www.dva.gov.au

Please use this email address for all replies to this request:
foi+request-4797-34a0582d@righttoknow.org.au

This request has been made by an individual using Right to Know. This message and any reply that you make will be published on the internet. More information on how Right to Know works can be found at:

<https://www.righttoknow.org.au/help/officers>

If you find this service useful as an FOI officer, please ask your web manager to link to us from your organisation's FOI page.

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From: s 47E(c) & (d) Sue on behalf of CLIENTS.BENEFITS.DIV.COORD
Sent: Friday, 12 October 2018 9:36 AM
To: INFORMATION.LAW
Cc: Newman, Maralyn
Subject: FW: ***Urgent response please*** FOI 24432 (Julie via Right to Know) [DLM=For-Official-Use-Only]
Attachments: FW: DVA RESPONSE: ANAO Report Preparation Paper for Efficiency of Veterans Service Delivery by the Department of Veterans' Affairs [DLM=Sensitive]
Follow Up Flag: Follow up
Flag Status: Flagged

Hi Leia

As discussed yesterday, I needed to confirm the figures in the table below. I have confirmed the information and need to revise one of the figures, as the MRCA figures re the number determined and accepted was based on claims rather than conditions.

ACT	No. of conditions determined	No. Accepted	% Accepted
VEA	1,291	793	61%
MRCA	2,294	1,884	82%
DRCA	435	251	58%

Also I would like to update the following point:

- The performance reports contain very specific information which could be hard to interpret without the required business expertise and as such there is risk that the information could be taken out of context. This could result in incorrect information being promoted throughout the veteran community (ie being posted online) causing confusion and distress amongst the veteran community and embarrassment to the department and Minister.

Sue

Sue s 47E(c) & (d)
 Assistant Director Division Coordination Unit
 Clients' Benefits Division
 Department of Veterans' Affairs (DVA)
 T. s 47E(c) & (d) (Ext: s 47E(c) & (d))

From: s 47E(c) & (d) Sue On Behalf Of CLIENTS.BENEFITS.DIV.COORD
Sent: Thursday, 11 October 2018 4:01 PM
To: INFORMATION.LAW <INFORMATION.LAW@dva.gov.au>
Subject: RE: ***Urgent response please*** FOI 24432 (Julie via Right to Know) [DLM=For-Official-Use-Only]

Hi Leia

While the Primary Claims report has the number of liability conditions accepted for MRCA and DRCA claims, there is no equivalent information on VEA cases. We supplied the Primary Claims report to be provided to the ANAO (refer to attached email)

As such we would have to compile a report with the below information:

ACT	No. of conditions determined	Accepted	% Accepted
VEA	1,291	793	61%
MRCA	976	786	81%
DRCA	435	251	58%

We have concerns about releasing the requested information under the FOI for the following reasons:

- The Portfolio Budget Statement and the Annual Report are our public reporting statement.
- The performance reports contain very specific information which could be hard to interpret without the required business expertise and as such there is risk that the information could be taken out of context. This could result in incorrect information being promoted throughout the veteran community (ie being posted online) causing confusion, distress and embarrassment to the department and Minister.
- While business reports were provided to the ANAO for their field work, there were many hours of consultation involved in explaining and clarifying the reports.
- We are concerned that providing specific business reports and data under the FOI could generate ongoing requests for data and we do not have the time/resources to provide or generate reports and to provide explanations.
- A senior Information Law Officer should be asked to consider the ramifications of releasing the requested information for the above reasons.

Sue

Sue [REDACTED]
Assistant Director Division Coordination Unit
Clients' Benefits Division
Department of Veterans' Affairs (DVA)
T. [REDACTED] (Ext: [REDACTED])

From: INFORMATION.LAW

Sent: Thursday, 11 October 2018 11:46 AM

To: CLIENTS.BENEFITS.DIV.COORD <CLIENTS.BENEFITS.DIV.COORD@dva.gov.au>

Cc: [REDACTED] Monika <Monika.[REDACTED]@dva.gov.au>; [REDACTED] Nick <Nick.[REDACTED]@dva.gov.au>

Subject: ***Urgent response please*** FOI 24432 (Julie via Right to Know) [DLM=For-Official-Use-Only]

Importance: High

Good morning Sue,

I spoke with Monika about this FOI and the attached documents. We are both of the view that Monika did not provide this document to the ANAO. Also, we note that VEA data is included (page 2).

The request does not necessarily seek documents that were provided to the ANAO. It just notes that an ANAO report stated that we compile monthly statistics, and it is those monthly statistics the applicant is seeking (re summary statistic report for the month of June 2018 that details the number of liability claims accepted and rejected in that month, for VEA, DRCA and MRCA liability claims). I note there is a lot of information out of scope which I can redact, such as data for all other months than June 18.

Also, grateful if you could advise **what the sensitivities are** in releasing the attached information (e.g. what harm or risk could result if the information were to be released).

A decision on this FOI is **due today** and we would be grateful for a response as soon as possible.

Please call me if you have any questions.

Kind Regards,

Leia (Position Number 62210022)

Assistant Director

Information Law Section | Legal Services & General Counsel Branch

Legal Assurance and Governance Division | Canberra

email information.law@dva.gov.au | ext s 47E(c) & (d) | desk S6.11.3

From: INFORMATION.LAW

Sent: Wednesday, 10 October 2018 5:58 PM

To: s 47E(c) & (d) Monika <[Monika.s 47E\(c\) & \(d\)@dva.gov.au](mailto:Monika.s 47E(c) & (d)@dva.gov.au)>

Subject: ***Assistance as discussed - data and ANAO*** FOI 24432 (Julie via Right to Know) [DLM=For-Official-Use-Only]

Importance: High

Hi Monika,

As flagged with you today, this is the other FOI that CBD has said we should get you to comment on as you were the liaison between DVA and the ANAO. The attached documents is a Primary Claims monthly report

I am not sure whether you do need to be consulted, as the ANAO report only mentions that DVA compiles monthly statistics about its R&C functions via its ISH system and associated spreadsheets. The FOI request is for access to information from that system. It isn't a document that was provided to ANAO for the purpose of generating a report etc. It does however look similar to the other documents for the previous FOI I sent through. Perhaps we need to confirm for both requests, whether these documents were ever provided to the ANAO.

Also, as further mentioned, despite this FOI being due tomorrow the business area only provided the documents late this afternoon. I will come chat with you in the morning.

Many thanks at such short notice. Pending our chat tomorrow, I may need to see if we can get an extension from the OAIC for this FOI as well.

Kind Regards,

Leia (Position Number 62210022)

Assistant Director

Information Law Section | Legal Services & General Counsel Branch

Legal Assurance and Governance Division | Canberra

email information.law@dva.gov.au | ext s 47E(c) & (d) | desk S6.11.3

From: s 47E(c) & (d) Sue On Behalf Of CLIENTS.BENEFITS.DIV.COORD

Sent: Wednesday, 10 October 2018 4:45 PM

To: INFORMATION.LAW <INFORMATION.LAW@dva.gov.au>

Cc: Newman, Maralyn <Maralyn.Newman@dva.gov.au>

Subject: FW: ***Urgent follow up on searches*** Search request for documents related to FOI 24432 (Julie via Right to Know) - Please provide by COB today [DLM=For-Official-Use-Only]

Importance: High

Hi Leia

The attached Primary Claims monthly report has some of the requested information for MRCA and DRCA liability claims (pages 2 and 3), but not for VEA liability claims.

We would have to produce a report to cover the acceptance rate under all three Acts.

Sue

Sue [REDACTED]
Assistant Director Division Coordination Unit
Clients' Benefits Division
Department of Veterans' Affairs (DVA)
T. [REDACTED] (Ext: [REDACTED])

From: INFORMATION.LAW

Sent: Wednesday, 10 October 2018 10:47 AM

To: CLIENTS.BENEFITS.DIV.COORD <CLIENTS.BENEFITS.DIV.COORD@dva.gov.au>

Cc: Newman, Maralyn <Maralyn.Newman@dva.gov.au>

Subject: RE: ***Urgent follow up on searches*** Search request for documents related to FOI 24432 (Julie via Right to Know) - Please provide by COB today [DLM=For-Official-Use-Only]

Importance: High

Hi Sue,

Thank you for the below. Before we can decide whether release is possible, we need to view the relevant documents. Can you please email through the documents you have identified as falling with the scope of the request. We note that a decision on this request is due tomorrow, which does not leave us a lot of time to finalise or to ask Monika for her views. I have already sent her an email re FOI 24434 and would like to also send these relevant documents to her today as soon as possible, to give her enough time to consider release etc.

As such, can you please email me the documents so I can assess and then talk with Monika. As with FOI 24434, I am happy to let you know what Monika thinks and also what my view is.

Thank you.

Kind Regards,

Leia (Position Number 62210022)

Assistant Director
Information Law Section | Legal Services & General Counsel Branch
Legal Assurance and Governance Division | Canberra
email information.law@dva.gov.au | ext [REDACTED] | desk S6.11.3

From: [REDACTED] Sue On Behalf Of CLIENTS.BENEFITS.DIV.COORD

Sent: Tuesday, 9 October 2018 5:18 PM

To: INFORMATION.LAW <INFORMATION.LAW@dva.gov.au>

Cc: Newman, Maralyn <Maralyn.Newman@dva.gov.au>

Subject: RE: ***Urgent follow up on searches*** Search request for documents related to FOI 24432 (Julie via Right to Know) - Please provide by COB today [DLM=For-Official-Use-Only]

Hi

As discussed, at this stage we are not comfortable with releasing the requested information without clarification. Reports with this information are compiled for internal reporting and monitoring of claims and has never been released publicly before to this level (we release the acceptance rates for the previous financial years for MRCA, DRCA and VEA liability claims in the DVA Annual Report). Again we would like to seek

advice/clarification from Legals on whether this information should be released publicly and perhaps Monika s 47E(c) & (d) who was the liaison between DVA and the ANAO may need to be consulted.

Sue

Sue s 47E(c) & (d)

Assistant Director Division Coordination Unit

Clients' Benefits Division

Department of Veterans' Affairs (DVA)

T. s 47E(c) & (d) (Ext: s 47E(c) & (d))

From: INFORMATION.LAW

Sent: Monday, 8 October 2018 9:25 AM

To: CLIENTS.BENEFITS.DIV.COORD <CLIENTS.BENEFITS.DIV.COORD@dva.gov.au>

Subject: ***Urgent follow up on searches*** Search request for documents related to FOI 24432 (Julie via Right to Know) - Please provide by COB today [DLM=For-Official-Use-Only]

Importance: High

Good morning Sue,

Just following up on the below FOI search request. Can you please advise when a response and the requested documents will be provided? A decision on this FOI is due this week and we are keen to have the documents as soon as possible please, preferable COB today if we have to use the data to create the document/summary sought.

Happy to discuss.

Kind Regards,

Leia

Assistant Director

Information Law | Legal Services & Assurance | Canberra

ext s 47E(c) & (d) | desk S6.11.3

From: INFORMATION.LAW

Sent: Tuesday, 2 October 2018 9:52 AM

To: CLIENTS.BENEFITS.DIV.COORD <CLIENTS.BENEFITS.DIV.COORD@dva.gov.au>

Subject: RE: ***Follow up on searches*** Search request for documents related to FOI 24432 (Julie via Right to Know) - Please provide by 24 Sept 2018 [DLM=For-Official-Use-Only]

Good morning Sue,

Just following up on the below response, is the staff member back and do you know when a response regarding searches will be provided?

Thank you.

Kind Regards,

Leia

Assistant Director

Information Law | Legal Services & Assurance | Canberra

ext s 47E(c) & (d) | desk S6.11.3

From: INFORMATION.LAW

Sent: Tuesday, 25 September 2018 6:43 PM

To: CLIENTS.BENEFITS.DIV.COORD

Subject: RE: ***Follow up on searches*** Search request for documents related to FOI 24432 (Julie via Right to Know) - Please provide by 24 Sept 2018 [DLM=For-Official-Use-Only]

Hi Sue,

Thank you for letting us know, we appreciate it and will wait for the reply.

Kind Regards,

Leia

Assistant Director

Information Law | Legal Services & Assurance | Canberra

ext [REDACTED] desk S6.11.3

From: [REDACTED] Sue On Behalf Of CLIENTS.BENEFITS.DIV.COORD

Sent: Tuesday, 25 September 2018 6:08 PM

To: INFORMATION.LAW ; CLIENTS.BENEFITS.DIV.COORD

Subject: RE: ***Follow up on searches*** Search request for documents related to FOI 24432 (Julie via Right to Know) - Please provide by 24 Sept 2018 [DLM=For-Official-Use-Only]

Hi Leia

We are gathering the report requested to review. The staff member who is working on this was away today but I will follow this up tomorrow.

Regards

Sue

Sue [REDACTED]

A/g Director Division Coordination Unit

Clients' Benefits Division

Department of Veterans' Affairs (DVA)

T [REDACTED] (Ext: [REDACTED])

From: INFORMATION.LAW

Sent: Tuesday, 25 September 2018 12:40 PM

To: CLIENTS.BENEFITS.DIV.COORD <CLIENTS.BENEFITS.DIV.COORD@dva.gov.au>

Subject: ***Follow up on searches*** Search request for documents related to FOI 24432 (Julie via Right to Know) - Please provide by 24 Sept 2018 [DLM=For-Official-Use-Only]

Importance: High

Good afternoon,

Re: Search request for documents related to FOI 24432 (Julie via Right to Know)

I am sending through an email to follow up on the below document search request in relation to FOI request 24432. Grateful if you could advise the status of the searches and when documents will be provided. If this does not sit within your division can you please advise where it should be sent to?

Thank you.

Kind Regards,

Leia
Assistant Director
Information Law | Legal Services & Assurance | Canberra
ext s 47E(c) & (d) desk S6.11.3

From: INFORMATION.LAW
Sent: Wednesday, 12 September 2018 11:11 AM
To: CLIENTS.BENEFITS.DIV.COORD <CLIENTS.BENEFITS.DIV.COORD@dva.gov.au>
Cc: INFORMATION.LAW <INFORMATION.LAW@dva.gov.au>
Subject: RE: Search request for documents related to FOI 24432 (Julie via Right to Know) - Please provide by 24 Sept 2018 (or advise if this should be forwarded to another area to respond) [DLM=For-Official-Use-Only]

Good morning CB,

Please see below which was received from the applicant regarding this FOI request (FOI 24432).

"I understand DVA has is currently implementing a new reporting system called RACER, which was supposed to be operational by now, so the document sought (or its compilation) may also be available through that electronic information system as well."

Thank you

Amy s 47E(c) & (d)
Information Access Assistant
Information Law | Legal Services & Assurance Branch
Department of Veterans' Affairs
Gnabra House – 21 Genge Street Canberra City ACT 2601 | GPO Box 9998 Canberra ACT 2601
E: informationlaw@dva.gov.au

Please note I work part-time: Monday, Wednesday & Thursday.



From: INFORMATION.LAW
Sent: Wednesday, 12 September 2018 10:57 AM
To: CLIENTS.BENEFITS.DIV.COORD <CLIENTS.BENEFITS.DIV.COORD@dva.gov.au>
Cc: INFORMATION.LAW <INFORMATION.LAW@dva.gov.au>
Subject: FW: Search request for documents related to FOI 24432 (Julie via Right to Know) - Please provide by 24 Sept 2018 (or advise if this should be forwarded to another area to respond) [DLM=For-Official-Use-Only]

Good morning,

Re: Search request for documents related to FOI 24432 (Julie via Right to Know)

On 11 September 2018, the Department received a request for documents under the *Freedom of Information Act 1982* (FOI Act) from Julie via Right to Know). A decision on this request is due by the Department no later than COB 11 October 2018. Details of the FOI request are below.

Requested action

As it is the responsibility of line areas to conduct searches for potentially relevant documents, we would be grateful if you could undertake searches for relevant documents and provide them to Information Law at informationlaw@dva.gov.au by **COB 24 Sept 2018**.

Please note that line areas are required to provide relevant documents to Information Law even if the line area is of the view that the documents should not be released. When responding, please advise of any concerns or sensitivities you have about releasing the information in the table below.

If you believe the searches would best sit within a different line area please let us know as soon as possible so this request can be forwarded on for action.

Details of the FOI request & request input by line area

We would appreciate you completing the yellow portions of the below table and return it when responding to this request.

FOI applicant and details of the FOI request	
Applicant name:	Julie
UIN:	n/a
<p>Julie has sought access to:</p> <p>"I understand from a recent ANAO report that DVA compiles monthly statistics about its Rehabilitation & Compensation (R&C) functions via its Rehabilitation and Compensation Integrated Support Hub (ISH) system and associated spreadsheets.</p> <p>I understand liability decisions are stored electronically now, with no paper files existing (other than as short term working documents, and that the exercise of delegations are digital only) on ISH and HP Content Manager, which ANAO stated was DVA's primary records management systems.</p> <p>So under FOI I seek copy of the summary statistic report for the month of June 2018 that details the number of liability claims accepted and rejected in that month, for VEA, DRCA and MRCA liability claims.</p> <p>If such a document cannot be located, I seek under s 17 of the FOI Act for such a compilation to be compiled from DVA's primary electronic records management systems ISH and HP Content Manager (which I believe DVA refers to as TRIM).</p> <p>I searched the DVA website but I could not find any such published statistics, nor has DVA contributed any datasets to data.gov.au (unlike other Commonwealth agencies), so it appears FOI is the only option here."</p>	
Action/information required	Details/response
<p>Time spent on this request</p> <p>DVA is required to report annually on the time spent by all DVA staff responding to FOI matters. To assist capturing this information please advise how much time was spent by staff to respond to this search request.</p>	<p><i>(e.g. APS6 spent 2 hours to search and provide documents to Information Law)</i></p>
<p>Searches undertaken</p> <p>Please indicate which systems were searched to identify relevant documents and the results of those searches.</p>	<p><i>(e.g. Search of TRIM identified relevant documents (details below). Further searches were undertaken in outlook and no documents could be found)</i></p>

<p>*Systems include Y-drive, outlook, TRIM, PDMS, VIEW, hard copies and any other systems your line area has access.</p>	
<p>Documents identified</p> <p>Please advise total number of documents identified that fall within scope of the request detailed above.</p> <p>Where documents total more than 10, please use the attached table to insert details of those documents. If this applies, in the column to the right, please indicate the source of the documents only (e.g. TRIM file 123ABC etc).</p> <p>*Please remember to attach all relevant documents when responding to this request.</p>	<p>(e.g.</p> <ul style="list-style-type: none"> • TRIM file 123ABC – 10 documents – emails • Y-drive – Folder 456DEF – 5 documents – draft and finalised letters)
<p>Sensitivities or concerns about releasing the documents</p> <p>Please advise Information Law of any concerns you have about releasing the document(s) under the FOI Act. Where concerns are raised, we would appreciate some context to support your concerns.</p> <p>Line areas are the subject matter experts in their respective areas. The Information Law team may need to rely on line areas to assist forming justifications to refuse access to documents. This may include seeking more information about the context in which documents were received, created or provided to other individuals or organisations. Based on the information you provide, the Information Law team will be better placed to determine whether justifications exist under the FOI Act to refuse access to the document(s).</p> <p>If you have any concerns please call or email the Information Law team to discuss the request and/or documents further.</p>	<p>(e.g The paper dated 1/1/2020 contains legal advice. It was drafted for the sole purpose of responding to a claim in the AAT) OR (e.g. The information in document X is not usually released to the public because XYZ..... If this information were released it could cause harm because/reveal information that is ...etc)</p>

We appreciate your assistance with this request. If you have any questions please do not hesitate to contact us to discuss.

Kind Regards,

Information Law Team

Amy 

Information Access Assistant

Information Law | Legal Services & Assurance Branch

Department of Veterans' Affairs

Gnabra House – 21 Genge Street Canberra City ACT 2601 | GPO Box 9998 Canberra ACT 2601

E: informationlaw@dva.gov.au

Please note I work part-time: Monday, Wednesday & Thursday.