



Australian Government
Australian Digital Health Agency

8 November 2019

Our ref: FOI-1811002

Julie via right-to-know website
foi+request-4942-e008b563@righttoknow.org.au

Dear Julie

I refer to your email of 6 November 2019 seeking internal review of my decision on 16 September 2019 to partially release documents to you in response to your Freedom of Information request dated 9 November 2018.

In my decision letter of 16 September 2019, I advised your review rights under the *Freedom of Information Act 1982* (the FOI Act). Your rights under the FOI Act are to seek:

- internal review within 30 days of my decision letter under section 54 of the FOI Act; and
- review by the Office of the Australian Information Commissioner (OAIC) within 60 days of my decision letter under section 54L of the FOI Act.

On 2 October 2019 you emailed indicating that my decision of 16 September 2019 was an access refusal decision. In my response of 15 October 2019, I advised that the OAIC had provided an extension of time for processing of your FOI request dated 9 November 2018 until 17 September 2019 and accordingly, my decision was made in time.

In my letter of 15 October 2019, details of your review rights of my decision as advised on 16 September 2019 were re-stated. The right to seek internal review commenced on 16 September 2019 and not 15 October 2019. Accordingly, your request made on 6 November 2019 for internal review of my decision of 16 September 2019 is not within the 30-day timeframe. However, I would be pleased to address the concerns you raise in your email.

As previously advised you have a right to seek review by the OAIC within 60 days of my decision dated 16 September 2019.

In your emails of 2 October 2019 and 6 November 2019 you state that the figures for the number of people who opted-out of creation of a My Health Record by 31 January 2019 have been redacted from the documents released to you on 16 September 2019. This is incorrect.

As noted in my decision letter of 16 September 2019, the reporting by the Australian Digital Health Agency (the Agency) to the 24 October 2018 Senate Estimates hearing on the number of individuals who had elected to opt out from having a My Health Record created referred to in FOI Application Number 1810003 is not contained in the briefs partially released to you.

In Brief 2 – Opt out numbers, the table indicated as relating to opt out rates over the weeks 16-22 July through to 10-16 September 2018 contains no content. No details have been redacted from the table. Where the Agency has redacted content from the briefs partially released to you, this is blacked out.

If you have any questions or wish to discuss this matter with us, please contact the Agency's FOI unit:

Email: FOI@digitalhealth.gov.au

Phone: (02) 6223 0780

Yours sincerely

A handwritten signature in blue ink, appearing to read 'B. McMahon'.

Bettina McMahon
Chief Operating Officer
Australian Digital Health Agency