



28 August 2019

Our reference: LEX 46184

Mr Justin Warren
Right to Know

Only by email: foi+request-5539-7fd02ee4@righttoknow.org.au

Dear Mr Warren

Decision on your Freedom of Information request

I refer to your request, dated 29 July 2019 and received by the Department of Human Services (**department**) on the same day, for access under the *Freedom of Information Act 1982 (FOI Act)* to the following:

I request a copy of all documents that make up the Privacy Impact Assessment produced for the Department of Human Services New Compliance Data Sources Matching of Centrelink and Medicare Data program, as required by the Australian Government Agencies Privacy Code: <https://www.oaic.gov.au/privacy/privacy-for-government-agencies/australian-government-agencies-privacy-code/>
<https://www.oaic.gov.au/privacy/privacy-registers/privacy-codes-register/australian-government-agencies-privacy-code/>

I request only final versions of documents, including any attachments, appendices, etc.

I request that the documents be provided in electronic form, such as PDF.

I request that any charges associated with this request be waived in the public interest.

Summary of decision

I have decided to refuse your request for access under section 24A of the FOI Act, 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 **Attachment A** for the reasons behind my decision.

You can ask for a review of our decision

If you disagree with any part of the decision you can ask for a review. There are two ways you can do this. You can ask for an internal review from within the department, or an external review by the Office of 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.

Program protocol published

If you have not done so already, you may wish to refer to the department's Program Protocol titled, 'Department of Human Services New Compliance Data Sources Matching of Centrelink and Medicare Data' dated July 2019.

The July 2019 Program Protocol is available online (<https://www.humanservices.gov.au/sites/default/files/2019-matching-of-centrelink-and-medicare-data-protocol.pdf>)

Yours sincerely

Kaitlin
Authorised FOI Decision Maker
Freedom of Information Team
Employment Law and Freedom of Information Branch | Legal Services Division
Department of Human Services



Attachment A

REASONS FOR DECISION

What you requested

On 29 July 2019, you requested the following documents:

I request a copy of all documents that make up the Privacy Impact Assessment produced for the Department of Human Services New Compliance Data Sources Matching of Centrelink and Medicare Data program, as required by the Australian Government Agencies Privacy Code: <https://www.oaic.gov.au/privacy/privacy-for-government-agencies/australian-government-agencies-privacy-code/>
<https://www.oaic.gov.au/privacy/privacy-registers/privacy-codes-register/australian-government-agencies-privacy-code/>

I request only final versions of documents, including any attachments, appendices, etc.

I request that the documents be provided in electronic form, such as PDF.

I request that any charges associated with this request be waived in the public interest.

What I took into account

In reaching my decision I took into account:

- your request dated 29 July 2019;
- consultations with departmental officers about:
 - the documents you have requested; and
 - the department's operating environment and functions;
- guidelines issued by the Australian Information Commissioner under section 93A of the FOI Act (**Guidelines**); and
- the FOI Act.

Reasons for my decision

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

Section 24A of the FOI Act

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 Programme Advice and Privacy Branch conducted searches of the records they keep in relation to Privacy Impact Assessments (**PIAs**) conducted by the department. The branch did not identify any documents matching the description in your request. I undertook further consultations with the branch and was informed that, to date, a PIA has not been completed in relation to the New Compliance Data Sources Matching of Centrelink and Medicare Data program (the **New Data Sources Program**).

The Freedom of Information Team also consulted with the Taskforce Integrity and Fraud Investigations Branch regarding your request, on the basis that the New Data Sources Program relates to their functions. The branch confirmed that, to date, a PIA has not been completed, noting that the New Data Sources Program has not commenced.

On the basis of these searches, I am satisfied that in accordance with section 24A of the FOI Act, all reasonable steps have been taken to find the requested documents and the documents do not exist.

As noted above, the department has published a Program Protocol titled, 'Department of Human Services New Compliance Data Sources Matching of Centrelink and Medicare Data' dated July 2019. This document may be a useful resource for you.



Attachment B

INFORMATION ON RIGHTS OF REVIEW***FREEDOM OF INFORMATION ACT 1982*****Asking for a full explanation of a freedom of information (FOI) 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 FOI 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 sections 54 and 54L of the FOI Act, you can apply for a review of an FOI decision by:

1. an Internal Review Officer in the Department of Human Services (**department**); and/or
2. the Australian Information Commissioner.

Note 1: There are no fees for these reviews.

Applying for an internal review by an Internal Review Officer

If you apply for internal review, a different decision maker to the departmental delegate who made the original decision will carry out the review. The Internal Review Officer will consider all aspects of the original decision and decide whether it should change. An application for internal review must be:

- made in writing
- made within 30 days of receiving this letter
- sent to the address at the top of the first page of this letter.

Note 2: You do not need to fill in a form. However, it is a good idea to set out any relevant submissions you would like the Internal Review Officer to further consider, and your reasons for disagreeing with the decision.

Applying for external review by the Australian Information Commissioner

If you do not agree with the original decision or the internal review decision, you can ask the Australian Information Commissioner to review the decision.

If you do not receive a decision from an Internal Review Officer in the department within 30 days of applying, you can ask the Australian Information Commissioner for a review of the original FOI 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 3: 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.