



24 January 2020

Our File Reference: REQ-0004056

Mr Justin Warren
foi+request-5948-284c4e6d@righttoknow.org.au

Dear Mr Warren

Your Freedom of Information Request No: REQ-0004056
Notice of Decision

On 25 November 2019 you made a request to the Australian Digital Health Agency (Agency) for access to documents by informal administrative release, and otherwise under the *Freedom of Information Act 1982* (FOI Act).

Your request sought access to:

'a copy of the finalised documents that make up the "benefits realisation plan" as referred to in paragraph 4.17 of the ANAO's report into the Implementation of the My Health Record System:
<https://aus01.safelinks.protection.outlook.com/?url=https%3A%2F%2Fwww.anao.gov.au%2Fwork%2Fperformance-audit%2Fimplementation-the-my-health-record-system&data=02%7C01%7CsupportMHR%40digitalhealth.gov.au%7Cdd977db2ab644d04f45808d7721d7557%7C49c6971ed0164e1ab04195533ede53a1%7C0%7C0%7C637103343149999580&sdata=6fg9aOYZzu4i2UFYcTaW%2BF9vW4YfOeMZ7bR96YTvNUg%3D&reserved=0>

On 9 December 2019 the Agency acknowledged your request and confirmed it would proceed under FOI.

On 17 December 2019 the Agency advised you that a document required consultation with the Department of Prime Minister and Cabinet (DPMC) and requested your agreement to an extension of time under section 15AA of the FOI Act to process your request from 27 December 2019 to 24 January 2020.

On 17 December 2019 you agreed to an extension of time to process your request to 24 January 2020. The Agency appreciates your agreement to this extension of time.

FOI decision maker

I, Kathryn Dolan, am an officer authorised under section 23(1) of the FOI Act to make decisions in relation to FOI requests and this letter sets out my decision on your request.

Documents identified

The Agency reviewed the list of documents provided to the Australian National Audit Office (ANAO) during the performance audit on the *Implementation of the My Health Record System* to identify and locate documents related to benefits realisation, as referred to in paragraph 4.17 of the ANAO's audit report. I identified one (1) document as falling within the scope of your request: *A My Health Record for Every Australian Business Case Attachment – 6.7 – Benefits Realisation Plan*.

DECISION AND REASONS FOR DECISION

I have decided that the document is exempt from release in full under section 34(1)(a) of the FOI Act (Exemptions – Cabinet documents) and to refuse access to the document.

Material taken into account

I have taken the following material into account in making my decision:

- the terms of your request
- the content of the document identified as falling within the scope of your request
- advice from other Agency officers with responsibility for matters relating to these documents
- relevant provisions of the FOI Act (specifically section 34)
- the guidelines published by the Office of the Australian Information Commissioner (OAIC) under section 93A of the FOI Act (OAIC Guidelines)
- the views of the Department of Prime Minister and Cabinet (DPMC) who were consulted.

Section 34 - Cabinet documents

Under section 34(1)(a) of the FOI Act, a document is exempt from release if:

- (i) it has been submitted to the Cabinet for its consideration; and
- (ii) it was brought into existence for the dominant purpose of submission for consideration by the Cabinet.

The document formed part of a Cabinet submission relating to the My Health Record and was brought into existence for that purpose. The OAIC Guidelines note that DPMC has requested to be consulted where an FOI request relates to any Cabinet documents (refer Part 5 – Exemptions at 5.57). The Agency consulted the DPMC who suggested the document be exempt in full under section 34(1)(a) of the FOI Act.

Accordingly, I am satisfied that the document is exempt from release under section 34(1)(a) of the FOI Act.

CHARGES

No charges have been imposed for the processing of this request.

REVIEW RIGHTS

If you are dissatisfied with my decision, you may apply for internal review or Information Commissioner review of the decision. We encourage you to seek internal review as a first step as it may provide a more rapid resolution of your concerns.

Internal review

Under section 54 of the FOI Act, you may apply in writing to the Agency for an internal review of my decision. The internal review application must be made within 30 days of the date of this letter, and be lodged in one of the following ways:

Email: foi@digitalhealth.gov.au

Post: Freedom of Information
Australian Digital Health Agency
Scarborough House
Level 7, 1 Atlantic Street
WODEN ACT 2606

Where possible please attach reasons why you believe review of the decision is necessary. The internal review will be carried out by another officer within 30 days.

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: foidr@oaic.gov.au

Post: Director, FOI Dispute Resolution
GPO Box 5218
SYDNEY NSW 2001

More information about Information Commissioner review is available on the OAIC website at:
<https://www.oaic.gov.au/freedom-of-information/reviews-and-complaints/information-commissioner-review/>.

Contact officer

If you would like to ask any questions, please contact the FOI team on (02) 6223 0780 or by email at: foi@digitalhealth.gov.au.

Yours sincerely

A handwritten signature in black ink, consisting of a large, loopy oval shape followed by a horizontal line that ends in an arrowhead.

Kathryn Dolan

Authorised Decision-Maker