



3 February 2020

Our reference: LEX 50114

Ms Julie Middleton

Only by email: foi+request-6027-9a5764df@righttoknow.org.au

Dear Ms Middleton

Decision on your Freedom of Information Request

I refer to your request, dated 19 December 2019 and received by Services Australia on the same date, for access under the *Freedom of Information Act 1982* (the **FOI Act**) to the following documents:

I am seeking copies of the following:

- 1) a document that states the name of Centrelink's data-matching program and explains the connecting relationship with other government Departments programs;
- 2) a User Guides (or similar instruction manual) that explains how to prevent errors from occurring;
- 3) all audit reports that have identified errors relating to the data-matching programs;
- 4) any documents that explain how to correct errors - when identified by a client. Electronic Accounts Payable files for the past payments would have the same data as shown on a client's bank statement; i.e. the actual payment. Depending on how many programs are adversely impacted, manually checking those Accounts Payable records may be the only option'.

My decision

Services Australia holds eight documents (totalling 143 pages) that relate to your request.

I have decided to grant you **full access** to the eight documents (documents 1-8).

I have also decided to **refuse access** to the following part of your request, on the basis that all reasonable steps have been taken to locate those documents and I am satisfied they do not exist:

- '3) all audit reports that have identified errors relating to the data-matching programs'.

Please see the schedule at **Attachment A** to this letter for a detailed list of the documents and the reasons for my decision, including the relevant sections of the FOI Act.

How we will send your documents to you

The documents are attached.

Processing charge

On 22 January 2020, Services Australia notified you of a preliminary processing charge of \$25.50. This charge was based on an assessment estimate calculated in accordance with Regulation 9 of the *Freedom of Information (Charges) Regulations 2019 (Charges Regulations)*.

On 22 January 2020, Services Australia was notified you paid the charge in full. In accordance with Regulation 10 of the Charges Regulations, I have considered the actual time taken to process your request.

I have decided the preliminary charge of \$25.50 is a fair and accurate reflection of the time taken to process your request. On this basis, I have decided not to adjust the preliminary assessment, and have fixed the charge under Regulation 10.

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 Services Australia, 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@servicesaustralia.gov.au.

Yours sincerely

Bell

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



SCHEDULE OF DOCUMENTS FOR RELEASE

MIDDLETON, Julie (Right to Know) - LEX 50114

Doc No.	Pages	Date	Description	Decision	Exemption	Comments
1.	1-19	Aug 2016	Non-employment Income Data Matching (NEIDM) - Program Protocol	Release in full	N/A	N/A
2.	20-29	Jul 2017	Data-matching between Department of Human Services and the Department of Education and Training - Family Day Care (FDC) - Program Protocol	Release in full	N/A	N/A
3.	30-42	Jul 2017	Data-matching between Australian Taxation Office and Department of Human Services - Trust Beneficiary - Program Protocol	Release in full	N/A	N/A
4.	43-56	Jul 2017	Data-matching between Australian Taxation Office and Department of Human Services Annual Investment Income Report (AIIR) 1 Program Protocol	Release in full	N/A	N/A

Doc No.	Pages	Date	Description	Decision	Exemption	Comments
5.	57-77	May 2017	Pay-As-You-Go (PAYG) Data-Matching - Program Protocol	Release in full	N/A	N/A
6.	78-85	Current version valid from 25.01.19	Operational Blueprint 110-13060070 Referral for Anomalies and Mismatches for Compliance Interventions	Release in full	N/A	Information in the document relating to PAYG mismatches (pages 81-82) contains outdated references and does not represent current process.
7.	86-137	Current version valid from 22.11.19	Operational Blueprint 110-13090010 Customer support for EIC online compliance interventions	Release in full	N/A	Out of scope material redacted under s 22 of the FOI Act.
8.	138-143	Current version valid from 21.08.19	Operational Blueprint 110-18092008 Identify anomaly or mismatch for the check and update past income (CUPI) service	Release in full	N/A	N/A



REASONS FOR DECISION

What you requested

I am seeking copies of the following:

- 1) a document that states the name of Centrelink's data-matching program and explains the connecting relationship with other government Departments programs;
- 2) a User Guides (or similar instruction manual) that explains how to prevent errors from occurring;
- 3) all audit reports that have identified errors relating to the data-matching programs;
- 4) any documents that explain how to correct errors - when identified by a client. Electronic Accounts Payable files for the past payments would have the same data as shown on a client's bank statement; i.e. the actual payment. Depending on how many programs are adversely impacted, manually checking those Accounts Payable records may be the only option'.

On 20 December 2019, you provided written confirmation of your agreement to a 15 day extension of time for Services Australia to process your request. As such, the timeframe for a decision on your request was extended to 3 February 2020.

What I took into account

In reaching my decision I took into account:

- your original request dated 19 December 2019;
- other correspondence with you;
- the documents that fall within the scope of your request;
- consultations with Services Australia officers about:
 - the nature of the documents;
 - Services Australia's operating environment and functions;
- guidelines issued by the Australian Information Commissioner under section 93A of the FOI Act (the **Guidelines**); and
- the FOI Act.

Reasons for my decisions

Section 22 of the FOI Act – Access to edited copies with exempt or irrelevant matter deleted

Section 22 of the FOI Act states:

- (1) This section applies if:
 - (a) an agency or Minister decides:
 - i. to refuse to give access to an exempt document; or
 - ii. that to give access to a document would disclose information that would reasonably be regarded as irrelevant to the request for access; and
 - (b) it is possible for the agency or Minister to prepare a copy (an **edited copy**) of the document, modified by deletions, ensuring that:
 - i. access to the edited copy would be required to be given under section 11A (access to documents on request); and
 - ii. the edited copy would not disclose any information that would reasonably be regarded as irrelevant to the request; and
 - (c) it is reasonably practicable for the agency or Minister to prepare the edited copy, having regard to:
 - i. the nature and extent of the modification; and
 - ii. the resources available to modify the document; and
 - (d) it is not apparent (from the request or from consultation with the applicant) that the applicant would decline access to the edited copy.

Access to edited copy

- (2) The agency or Minister must:
 - (a) prepare the edited copy as mentioned in paragraph (1)(b); and
 - (b) give the applicant access to the edited copy.

Application of section 22 to your request

Parts 2 and 4 of your request sought access to the following documents:

- '2) a User Guides (or similar instruction manual) that explains how to prevent errors from occurring';
- '4) any documents the explain how to correct errors - when identified by a client...'.

Document 9 is an Operational Blueprint file which contains information on how Services Australia officers should manually process compliance interventions. Part of document 9 relates to Services Australia's procedures where a possible anomaly or mismatch has been identified, and therefore is relevant to the parts of your request referenced above. This part of the document has been released to you.

However, other parts of the document contain material that does not relate to the process of preventing or correcting errors. For example, this includes, but is not limited to, material regarding Services Australia's manual processing procedures in circumstances:

- where a customer is unable to confirm their identity online;
- where a customer has requested an extension of time; and
- where a customer advises Services Australia that they do not have access to payslips or bank accounts.

Accordingly, I have redacted the parts of document 9 that do not relate to the anomaly or mismatch process on the basis that they do not explain how to 'prevent' or 'correct' errors. I am satisfied that this material is irrelevant, and therefore out of scope.

In accordance with section 22 of the FOI Act, I have prepared an edited copy of the documents, such that they can be released to you with irrelevant (i.e. out of scope) material removed.

Section 24A of the FOI Act – Documents cannot be found, or do not exist

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.

Part of your request is for:

- '3) all audit reports that have identified errors relating to the data-matching programs'.

The Customer Compliance Division (**Division**) conducted searches of Services Australia's electronic records and databases. The Division is responsible for the delivery of Services Australia's compliance programme. The Division informed me that no internal audits reviewing Services Australia's data matching activities have been conducted, and as such, there are no documents within scope.

On the basis of these searches, I am satisfied that in accordance with section 24A of the FOI Act:

1. all reasonable steps have been taken to find the documents; and
2. the documents do not exist.

Additional Information

Although Services Australia does not have a specific document to provide you in relation to this part of your request, Services Australia has identified several additional documents from publicly available sources which you may find to be of assistance. Specifically, these documents contain third party assessments in relation to Services Australia's compliance activities, the outcomes of which have been published online. This includes:

- The Senate Community Affairs References Committee 'Design, scope, cost-benefit analysis, contracts awarded and implementation associated with the Better Management of the Social Welfare System initiative' (21 June 2017), available online at:
https://www.aph.gov.au/Parliamentary_Business/Committees/Senate/Community_Affairs/SocialWelfareSystem/Report;
- Commonwealth Ombudsman 'Centrelink's automated debt raising and recovery system' (April 2017), available online at:
https://www.ombudsman.gov.au/_data/assets/pdf_file/0022/43528/Report-Centrelinks-automated-debt-raising-and-recovery-system-April-2017.pdf;
- Office of the Australian Information Commissioner 'Handling of personal information — Department of Human Services NEIDM data matching program' (30 September 2019), available online at:
<https://www.oaic.gov.au/privacy/privacy-assessments/handling-of-personal-information-department-of-human-services-neidm-data-matching-program/>; and
- Office of the Australian Information Commissioner, 'Handling of personal information — Department of Human Services PAYG data matching program' (30 September 2019), available online at:
<https://www.oaic.gov.au/privacy/privacy-assessments/handling-of-personal-information-department-of-human-services-payg-data-matching-program/>.



INFORMATION ON RIGHTS OF REVIEW

FREEDOM OF INFORMATION ACT 1982

Asking for a full explanation of a Freedom of Information 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 Freedom of Information 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 Services Australia; 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 Services Australia 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 Services Australia 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 Services Australia decision on your FOI request
- Include your contact details
- Set out your reasons for objecting to Services Australia'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 Services Australia 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 Services Australia 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.