



5 March 2020

Our reference: LEX 51104

Ms Julie Middleton
Right to Know

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

Dear Ms Middleton

Freedom of Information Request – Internal Review Decision

I refer to your correspondence, dated 4 February 2020, and received by Services Australia (formerly known as Department of Human Services) on the same date. You have sought an internal review of the decision of Services Australia dated 3 February 2020 (LEX 50114).

Services Australia received your original request on 19 December 2019, for access under the *Freedom of Information Act 1982 (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

I am authorised to make decisions under section 23(1) of the FOI Act, including internal review decisions under section 54C of the FOI Act. My decision is set out below.

Consistent with the requirements of section 54C(2) of the FOI Act, I have made a fresh decision in relation to LEX 50114.

The department holds eight documents (totalling 143 pages) that relate to your request.

I have decided to affirm the original decision and provide full access to eight documents, with some of the content being removed as it is considered outside the scope of your request. This material has been removed under section 22.

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 the documents and I am satisfied that they do not exist:

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

You can ask for a review of our decision

If you disagree with any part of the decision you can ask for a review. You can ask for 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 arrange a review.

Further assistance

If you have any questions please email FOI.LEGAL.TEAM@servicesaustralia.gov.au.

Yours sincerely

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



SCHEDULE OF DOCUMENTS
MIDDLETON, Julie (Right to Know) - LEX 51104

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

Background

Services Australia received your original request on 19 December 2019, for access under the *Freedom of Information Act 1982 (FOI Act)* to the following documents:

I am seeking copies of the following:

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- 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'.

What I took into account

In reaching my decision I took into account:

- your original request dated 19 December 2019, and your request for internal review dated 4 February 2020;
- the documents that fall within the scope of your request;
- consultations with officers within Services Australia about:
 - the nature of the documents;
 - the 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 decisions

I am authorised under subsection 23(1) of the FOI Act to make internal review decisions under section 54C of the FOI Act. My decision is set out below.

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 that explain how to correct errors - when identified by a client...'

Document 7 is an Operational Blueprint file which contains information on how Services Australia officers should manually process compliance interventions. Part of document 7 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.

As provided in the original decision, 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.

Your request for internal review has sought access to pages 87-90 and 95-137. Those pages relate to the material I have described to you above.

I have reviewed the document, and confirmed with the relevant business area that the redacted parts of the document fall outside the scope of your original request.

I confirm that the redacted parts of document 7 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.

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'.

I have consulted the Customer Compliance Division (**Division**), the business area responsible for compliance and business integrity systems. The Division conducted searches of Services Australia's electronic records and databases for the purposes of the original decision. The Division has reviewed their response and confirmed that no 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

If you have not done so already, I recommend that you review the publicly available documents identified by the original decision maker. These documents contain external

analysis that has been undertaken in relation to Services Australia's compliance activities. These documents have been published online and are available here:

- 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/>.



Attachment B

INFORMATION ON RIGHTS OF REVIEW

FREEDOM OF INFORMATION ACT 1982

Application for review of decision

The *Freedom of Information Act 1982* (FOI Act) gives you the right to apply for a review of this decision. Under sections 54 and 54L of the FOI Act, you can apply for a review of this decision by the Information Commissioner.

Information Commissioner review

You must apply in writing within 60 days of the receipt of the decision letter and you can lodge your application in one of the following ways:

Online: www.oaic.gov.au Post: GPO Box 5218, Sydney NSW 2001 Email: enquiries@oaic.gov.au
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An application form is available on the website at www.oaic.gov.au. Your application should include a copy of the notice of the decision that you are objecting to (if one was provided), and your contact details. You should also set out why you are objecting to the decision.

Complaints to the Commonwealth Ombudsman

You may complain to the 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 Ombudsman may be made in person, by telephone or in writing. The 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.