



7 June 2021

Our reference: LEX 62246

James Polley

Only by email: [foi+request-7276-42e8baff@righttoknow.org.au](mailto:foi+request-7276-42e8baff@righttoknow.org.au)

Dear Mr Polley

### **Decision on your Freedom of Information Request**

I refer to your request to Services Australia (the agency) dated 6 May 2021, seeking access under the *Freedom of Information Act 1982* (the FOI Act) to the following document:

Quarantine of Centrelink debts 107-20061706

#### **My decision**

The agency holds 1 document relevant to your request. I have decided to **refuse access** to the document.

I have decided the document is conditionally exempt under the FOI Act on the basis the disclosure of the document would, or could reasonably be expected to have, a substantial adverse effect on the proper and efficient conduct of the operations of the agency and release is contrary to the public interest (section 47E(d) of the FOI Act).

Please see the schedule at [Attachment A](#) to this letter for a list of the document and the reasons for my decision, including the relevant sections of the FOI Act.

#### **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 a review of the decision. See [Attachment B](#) for more information about how to request a review.

#### **Further assistance**

If you have any FOI questions please email [FOI.LEGAL.TEAM@servicesaustralia.gov.au](mailto:FOI.LEGAL.TEAM@servicesaustralia.gov.au).

Yours sincerely

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

**SCHEDULE OF DOCUMENT**  
**POLLEY, James - LEX 62246**

| Doc No. | Pages | Date                               | Description                                      | Decision         | Exemption | Comments   |
|---------|-------|------------------------------------|--|------------------|-----------|--|
| 1.      | 1-6   | Version published<br>14 April 2021 | Quarantine of Centrelink debts –<br>107-20061706 | Refuse (in full) | s 47E(d)  | Information that would have a substantial adverse effect on the proper and efficient conduct of the operations of the agency deleted under section 47E(d). |

# REASONS FOR DECISION

## What you requested

On 6 May 2021, you requested:

Quarantine of Centrelink debts 107-20061706

## What I took into account

In reaching my decision I took into account:

- your request dated 6 May 2021
- the document falling within the scope of your request
- whether the release of material is in the public interest
- consultations with agency officers about:
  - the nature of the document,
  - the agency'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

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

I have decided the document is conditionally exempt under the FOI Act. My findings of fact and reasons for deciding the exemption applies to the document are discussed below.

### Section 47E(d) of the FOI Act – operations of the agency

I have applied the conditional exemption in section 47E(d) of the FOI Act to the document.

Section 47E(d) of the FOI Act provides:

A document is conditionally exempt if its disclosure under this Act would, or could reasonably be expected to have a substantial adverse effect on the proper and efficient conduct of the operations of an agency.

### ***Proper and efficient conduct of the operations of an agency***

In *Re James and Australian National University* (1984) 6 ALD 687 (Re James) the phrase 'conduct of operations' was interpreted to extend 'to the way in which an agency discharges or performs any of its functions.'

I am satisfied the information contained within the document is relevant to the delivery of the agency's compliance programmes, and therefore is relevant to the conduct of the agency's operations.

***Could reasonably be expected to have a substantial adverse effect***

Paragraph 5.20 of the Guidelines provides:

The term 'substantial adverse effect' broadly means 'an adverse effect which is sufficiently serious or significant to cause concern to a properly concerned reasonable person'. The word 'substantial', taken in the context of substantial loss or damage, has been interpreted as 'loss or damage that is, in the circumstances, real or of substance and not insubstantial or nominal'.

In *Re James* it was held the term "substantial adverse effect" meant the effect had to be "serious" or "significant".

Further, paragraph 6.101 of the Guidelines provides:

... There must be more than merely an assumption or allegation that damage may occur if the document were to be released.

The agency's computer systems are critical to the proper and efficient delivery of its functions, and are potentially subject to unauthorised access. Unauthorised access would have a substantial adverse effect on the agency's operations by compromising computer system availability and integrity, as well as the confidentiality of customers' information.

The document provides detailed information about the mechanics of quarantining a debt in the Centrelink computer systems. This includes detailed information about the relevant screens where information needs to be inputted, as well as how the inputted information flows through the computer system.

Providing access to the document will provide detailed information to malicious actors about the design of the agency's computer systems. The disclosure of the document to the world at large under the FOI process could reasonably be expected to increase the risk of unauthorised access to the agency's computer systems.

For the reasons detailed above, I am satisfied the document is conditionally exempt under section 47E(d) of the FOI Act.

*Public interest considerations*

Section 11A(5) of the FOI Act provides:

The agency or Minister must give the person access to the document if it is conditionally exempt at a particular time unless (in the circumstances) access to the document at that time would, on balance, be contrary to the public interest.

When weighing up the public interest for and against disclosure under section 11A(5) of the FOI Act, I have taken into account relevant factors in favour of disclosure. In particular, I have considered the extent to which disclosure would promote the objects of the FOI Act.

I have also considered the relevant factors indicating access would be contrary to the public interest. In particular, I have considered:

- in circumstances where customer information is not able to be protected from unauthorised access, the extent to which disclosure could reasonably be expected to prejudice the future supply of similar customer information to the agency
- the extent to which disclosure could reasonably be expected to prejudice the security, availability and integrity of the agency's computer systems, which in turn prejudices the agency's ability to properly and efficiently deliver services to the public, and
- the extent to which disclosure could reasonably be expected to prejudice the agency's ability to meet its obligations under the *Privacy Act 1988* (in particular, the obligations in relation to Australian Privacy Principle 11).

On balance, I find the public interest in disclosing the document is outweighed by the public interest against disclosure of the document. This is because I consider there is a persuasive public interest in ensuring the security of the agency's computer systems, and the customer information held within them.

I have not taken into account any of the irrelevant factors set out in section 11B(4) of the FOI Act in making this decision.

#### *Conclusion*

In summary, I am satisfied the document is conditionally exempt under section 47E(d) of the FOI Act. Furthermore, I have decided on balance it would be contrary to the public interest to release this information.

## **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 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 agency, 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 agency 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, or
- 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 agency 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](http://www.oaic.gov.au)

Post: Australian Information Commissioner  
GPO Box 5218  
SYDNEY NSW 2001

Email: [enquiries@oaic.gov.au](mailto: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](http://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, and
- set out your reasons for objecting to the agency'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](http://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](http://www.ombudsman.gov.au)

The Commonwealth Ombudsman generally prefers applicants to seek review before complaining about a decision.