



21 January 2022

Ms Verity Pane  
Via Right to Know [foi+request-8224-db7f8cb6@righttoknow.org.au](mailto:foi+request-8224-db7f8cb6@righttoknow.org.au)

Dear Ms Pane,

**Your Freedom of Information Request No: REQ-0014392**

**Notice of Decision**

The purpose of this letter is to give you a decision about access to documents that you requested under the *Freedom of Information Act 1982* (FOI Act).

**Summary**

I, Kerri Burden, am an officer authorised under section 23(1) of the FOI Act to make decisions in relation to FOI requests.

You requested access to documents relating to My Health Record on 23 December 2021. Specifically, you sought access to:

*“documents held by the Agency outlining why it did not respond to the Office of the Australian Information Commissioner’s (OAIC) investigation findings and any other past adverse findings made by the Australian Information Commissioner about the Agency’s conduct and practices.”*

We received your request on 23 December 2021 and the 30-day statutory period for processing your request commenced from the day after that date.

**DOCUMENTS IDENTIFIED**

There are no documents that fall within the scope of your application.

**DECISION**

The Agency is actioning all recommendations from the Office of the Australian Information Commissioner (OAIC) investigation into this matter. We will provide advice to the OAIC notifying them of these actions.

There have not been any past adverse findings made by the Australian Information Commissioner about the Agency’s conduct and practices around Freedom of Information requests.

## Material taken into account

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

- the FOI Act
- the guidelines issued by the Australian Information Commissioner under section 93A of the FOI Act

## Your 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 Australian Digital Health Agency for an internal review of my decision. The internal review application must be made within 30 days of the date of this letter.

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: [enquiries@oaic.gov.au](mailto:enquiries@oaic.gov.au)  
post: GPO Box 2999, Canberra ACT 2601  
in person: Level 3, 175 Pitt Street, Sydney NSW

More information about Information Commissioner review is available on the Office of the Australian Information Commissioner website. Go to [www.oaic.gov.au/freedom-of-information/foi-reviews](http://www.oaic.gov.au/freedom-of-information/foi-reviews).

## Questions about this decision

If you wish to discuss this decision, please contact the FOI Team by email [foi@digitalhealth.gov.au](mailto:foi@digitalhealth.gov.au) or by phone on 02 6151 8653.

Yours sincerely,



Kerri Burden

Authorised Decision Maker