



2 December 2022

Our reference: LEX 70429

Mr Jon Lawrence (Right to Know)

Only by email: [foi+request-9519-1878a5d3@righttoknow.org.au](mailto:foi+request-9519-1878a5d3@righttoknow.org.au)

Dear Mr Lawrence

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

I refer to your request to Services Australia (the Agency) dated 2 November 2022 for access under the *Freedom of Information Act 1982* (the FOI Act) to the following documents:

I request access to any documents relating to the decision not to support any third party authentication applications and/or hardware devices (such as Yubikeys) for the recent upgrade of the MyGov website.

#### **My decision**

I have decided to refuse your request for access under section 24A of the FOI Act on the basis that all reasonable steps have been taken to locate the documents you have requested and I am satisfied they do not exist. Please see **Attachment A** for the reasons for my decision.

#### **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 Agency, or an external review by the Office of the Australian Information Commissioner. See **Attachment B** for more information about how to request a review.

#### **Further assistance**

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

Yours sincerely

Leanne  
Authorised FOI Decision Maker  
Freedom of Information Team  
Information Access Branch | Legal Services Division  
Services Australia



**Attachment A**

## **REASONS FOR DECISION**

### **What you requested**

I request access to any documents relating to the decision not to support any third party authentication applications and/or hardware devices (such as Yubikeys) for the recent upgrade of the MyGov website.

### **What I took into account**

In reaching my decision I took into account:

- your request dated 2 November 2022
- searches conducted by Agency staff
- 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.

#### Documents do not exist

Section 24A of the FOI Act permits an Agency to refuse a request for access to documents if all reasonable steps have been taken to find the document, and the Agency is satisfied that the document cannot be found, or does not exist.

The myGov Integrated Services Branch (the Branch) conducted searches of the Agency's electronic and paper files for the documents requested. This Branch did not identify any documents relating to the decision not to support any third party authentication applications and/or hardware devices for the recent upgrade of the MyGov website. The Branch advised there was no change to the use of the myGov Code Generator application as part of the transition from legacy myGov to enhanced myGov in September 2022.

On the basis of the searches conducted, and the information received from the Branch, I am satisfied in accordance with section 24A of the FOI Act, all reasonable steps have been taken to find the documents and the documents do not exist.



**Attachment B**

## **INFORMATION ON RIGHTS OF REVIEW**

### ***FREEDOM OF INFORMATION ACT 1982***

#### **Asking for a full explanation of a freedom of information (FOI) 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 a FOI 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 (the Agency), and/or
2. the Australian Information Commissioner.

#### **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
- sent to the address at the top of the first page of this letter.

**Note:** 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:** 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 Agency's decision on your FOI request
- Include your contact details
- 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.