



Australian Government
Department of Veterans' Affairs

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DVA Redaction Guidelines

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Introduction

The Redaction Guidelines (guidelines) are designed to assist in responding to a request for information by providing guidance about how the information should be reviewed ahead of public release, and determining if certain information should be ‘redacted’ or in other words, removed.

The guidelines provide practical information for DVA staff involved in the release of information, whilst ensuring adherence to legislative obligations which includes the requirement to protect the privacy of others.

Purpose

The guidelines are a resource designed to support DVA staff who, as part of their duties, are responsible for releasing information to external parties. The guidelines provide the practical application of the policy and rules for redacting information being released.

The guidelines are supported by content on the [Department of Veterans’ Affairs \(DVA / the Department\) website](#)¹ for veterans, their families and others. They provide clarity on the broader context for releasing information held by the Department. They also explain why certain information may be exempt from release or why some information may need to be redacted before release.

The Department has prioritised the administrative release of information as a mechanism for veterans and families to access information held by the Department. However the guidelines are equally applicable to all responses to requests for information irrespective of the channel through which they have been requested. For example, the guidelines would also be applicable to information being considered for release when requested under the [Freedom of Information Act 1982 \(Cth\)](#) (FOI Act).

The guidelines do not operate so as to override the legislation, particularly the:

- [Freedom of Information Act 1982 \(Cth\)](#)² (FOI Act)
- [Privacy Act 1988 \(Cth\)](#)³ (Privacy Act)
- [Office of Australian Information Commissioner FOI Guidelines](#)⁴ (OAIC FOI Guidelines)
- [Australian Privacy Principles Guidelines](#)⁵ (APP Guidelines) and
- [DVA Privacy Policy](#)⁶

¹ <https://www.dva.gov.au/about/accessing-information>

² <https://www.legislation.gov.au/Series/C2004A02562>

³ <https://www.legislation.gov.au/Details/C2014C00076>

⁴ <https://www.oaic.gov.au/freedom-of-information/foi-guidelines>

⁵ <https://www.oaic.gov.au/privacy/australian-privacy-principles>

⁶ <https://www.dva.gov.au/dva-privacy-policy>

but rather should be read together so as to understand how information release can be actioned according to law.

Who are the guidelines for?

The guidelines are for use by all DVA staff.

The guidelines are designed to support staff in promoting open and transparent access to personal and non-personal information through a 'business as usual' approach or in other words, administrative release of information.

The guidelines seek to assist staff understand the underlying basis of administrative release, make informed decisions about the types of documents most suitable for administrative release and when and where to escalate a request.

Background

The guidelines have been developed in response to Recommendation 9: Improve administrative release of information and Recommendation 10: Co-design information to increase awareness of redactions for access requests made by the Royal Commission into Defence and Veteran Suicide in their Interim Report⁷ released in August 2022. The Royal Commission recommended that:

“The Australian Government should engage with serving and ex-serving Australian Defence Force (ADF) members and their families to complete by March 2023 co-design information to raise the awareness of redaction and how it might apply to information provided to applicants seeking information from the Department of Defence or the Department of Veterans’ Affairs under all information access request mechanisms.”

The guidelines were drafted after consultation across DVA, with the Department of Defence (Defence) and with consideration of the outcomes of a series of co-design workshops held with representatives of the serving and ex serving communities, advocates and family members.

Redacting

Redacting refers to the process of obscuring information so that the sensitive or protected information cannot be read or identified. The Department ensures that reasonable steps are taken to protect personal information (including sensitive information) from unintended access, misuse, interference, loss, modification or disclosure. Before releasing any information, the information will be reviewed for any sensitivities and some information may need to be redacted for legislative reasons.

⁷ <https://defenceveteransuicide.royalcommission.gov.au/publications/interim-report>

When to consider redacting information

Redactions are required to protect information in line with the legislative obligations, advice and guidance provided for under the:

1. *FOI Act 1985*
2. OAIC FOI Guidelines
3. *Privacy Act 1988*
4. APP Guidelines
5. Redaction Guidelines
6. Administrative Access Guidelines
7. Legislative secrecy and confidentiality provisions of enactments that prohibits disclosure
8. Contractual or other legal obligations.

It is important to understand the sensitive nature of information held and released by the Department. When reviewing information in documents being considered for release (irrespective of the channel through which the information has been requested) reasonable steps should always be taken to protect personal information (including sensitive information) from unintended access, misuse, interference, loss, modification or disclosure.

Applicants seeking copies of their own personal information that does not contain the personal information of third parties may not require redactions. Examples include, but are not limited to:

- determination letters addressed to the applicant
- medical reports about the applicant, held by the Department
- providing a printed list of conditions for which the Department has accepted liability
- counselling session notes, and
- letters addressed to the applicant from the Department.

Where information contained within documents being released contains third party personal information, consideration must be applied for redacting sensitive information in accordance with the Privacy Act and APP 12 Guidelines, unless consent is obtained from the third parties to release the information.

In instances where departmental records contain information for which the applicant and the other parties were present, careful consideration must be given to whether consent should be acquired or redactions applied as the information, whilst containing the applicant's personal information also contains potentially sensitive information for other parties. Such records may include:

- case notes from face to face meetings involving multiple parties
- recordings with multiple parties in attendance
- couples counselling session notes, and
- notes from medical sessions with a healthcare practitioner.

Exempt Documents – FOI

Under Part IV of the FOI Act, some types of information may be considered exempt from release.

The OAIC Guidelines provide detailed information about each of the exemption provisions under the FOI Act, discussed below. The OAIC Guidelines should be considered in administrative release cases noting that the same degree of sensitivity is applicable in relation to all methods of information release. For further assistance in applying exemption to the release of information, please contact DVA's Information Access Unit (IAU) at Information.Access@dva.gov.au

The following information outlines the type of documents which can be considered exempt for release under specific sections of the legislation that is, Part IV of the FOI Act; and provides the reference to the relevant section of the Act.

Absolute Exemptions

Exempt documents (Division 2 of Part IV of the FOI Act) are:

- documents affecting national security, defence or international relations (s 33)
- Cabinet documents (s 34)
- documents affecting enforcement of law and protection of public safety (s 37)
- documents to which secrecy provisions of enactments apply (s 38)
- documents subject to legal professional privilege (s 42)
- documents containing material obtained in confidence (s 45)
- Parliamentary Budget Office documents (s 45A)

-
- documents disclosure of which would be contempt of Parliament or in contempt of court (s 46)
 - documents disclosing trade secrets or commercially valuable information (s 47)
 - electoral rolls and related documents (s 47A)

The exemptions in Division 2 of Part IV are not subject to an overriding public interest test. If a document meets the criteria to establish a particular exemption, it is exempt. There is no additional obligation to weigh competing public interests to determine if the document or information should be released. In no circumstances should documents falling within these absolute exemptions be released under the Administrative Release process.

Conditional Exemptions

By contrast, an agency or minister cannot refuse access to a document that is conditionally exempt under Division 3, Part IV without first applying a ‘public interest test’ (s 11A(5)) described below.

Documents which are conditionally exempt under Division 3 relate to the following categories:

- Commonwealth-State relations (s 47B)
- deliberative processes (s 47C)
- financial or property interests of the Commonwealth (s 47D)
- certain operations of agencies (s 47E)
- personal privacy (s 47F)
- business (other than documents to which s 47 applies) (s 47G)
- research (s 47H)
- the economy (s 47J)

Where a document is assessed as ‘conditionally exempt’, the Department must give access to the document unless in the circumstances, access would, on balance, be contrary to the public interest (s 11A(5)).

Paragraph 6.5 of the OAIC FOI Guidelines provide that the ‘public interest test’ is:

- something that is of serious concern or benefit to the public, not merely of individual interest
- not something of interest to the public, but in the interest of the public

-
- not a static concept, where it lies in a particular matter will often depend on a balancing of interests
 - necessarily broad and non-specific, and
 - related to matters of common concern or relevance to all members of the public, or a substantial section of the public.

The public interest test is weighted in favour of giving access to documents so that the public interest in disclosure remains at the forefront of decision making. The statement of reasons for the decision must include the public interest factors taken into account (s 26(1)(aa)).

Redaction of personal information

What is personal information?

When considering the release of information that is not directly about the person making the application, certain information may need to be redacted if it is classified as ‘personal information’. The Privacy Act defines personal information as information or an opinion about an identified individual, or an individual who is reasonably identifiable. This can include:

- a person’s name, address
- medical records
- account details
- photos
- videos/recordings, and
- information about what an individual likes, their opinions and where they work.

An important subset of personal information is sensitive information. This includes information or opinion about:

- an individual’s racial or ethnic origin
- political opinions
- religious or philosophical beliefs
- sexual orientation
- criminal record

- health information; and
- aspects of genetic and biometric information.

In general, the Privacy Act affords a higher level of privacy protection to sensitive information than to other personal information.

Information constituting personal information under the Privacy Act will depend on whether an individual can be identified or is reasonably identifiable. Information in isolation may not be personal information when considered on its own, however when combined with other information that enables an individual to be reasonably identifiable it may become personal information. If it is unclear whether an individual is reasonably identifiable you should err on the side of caution and treat the information as personal information or consult with a manager.

Disclosure of public servants' names and contact details

Due to the potential to expose officers to workplace health and safety risks the Department encourages the redaction of the surnames and contact details of all non SES staff. The inclusion of a first name and position number (where relevant) is generally sufficient information to release. For SES staff full names are to be released but contact details redacted. If an applicant insists on more, advice should be sought through IAU and administrative release may not be the most appropriate avenue for consideration of release.

Redacting electronic documents

Departmental records are predominantly stored in electronic format in accordance with the Department's records management policy. Adobe Acrobat Professional (Adobe Pro) is used to apply any redactions to these records prior to release.

Before applying any redactions, a copy of the original document should be saved with an appropriate naming convention referencing the original. The copied version will be used to apply redactions enabling the original to be maintained as a departmental record.

Redactions using Microsoft Office

Word processing software such as Microsoft Word is not considered appropriate software as documents need to be released in PDF format to prevent post release changes.

Notation of reasons for redaction

When information is redacted from documents, the following should be included in the decision letter:

-
- a) reasons why the information was redacted
 - b) the legislation or guideline which requires the redactions
 - c) an explanation of how/why the disclosure of information would, or could reasonably be expected to, cause damage or have an adverse effect
 - d) a link for the applicant to submit questions, request a reconsideration or make a complaint.

Classification markings

Classification markings on a document (such as Secret or Confidential) are not in themselves conclusive of confidential communication. An agency still needs to produce evidence supporting the claim, for example, that information was communicated in confidence by a foreign entity. The decision maker must make an independent assessment of that claim in light of the available evidence. Similarly, even where a foreign government or agency has identified a document as secret or confidential, the decision maker is still required to make an independent assessment that the information was communicated in confidence.

General considerations

Carefully consider redactions

Where redactions are applied appropriately and within the correct context the information being redacted is often quite straight forward and should only be redacted in accordance with the appropriate sections of the relevant Acts. Over enthusiastic redactions applied to administrative releases can lead to the same information being requested under FOI and, importantly create unnecessary distress and delays for applicants.

Avoid duplications

The Privacy Act entitles individuals to access their personal information held by the Department, however where information is held in duplicate forms, it is not required to provide the same information multiple times over. Doing so can inadvertently create an excessively large document with reiterations of the duplicate redactions. This can give the impression that large amounts of information is being withheld than is actually the case.

For DVA, where information has previously been provided to the applicant or they are able to obtain the information themselves that is, through MyService, the applicant should be advised of this.

Providing a supported release of information

Good client service requires accurate and timely advice and guidance to applicants, using a trauma informed approach, when considering and handling information access requests. This includes the application and explanation of redactions. Clear and concise communication supports veterans, veteran's families and nominated representatives with understanding how the Department is supporting their application to information.

The Department has embedded a trauma informed approach in the way it releases information. The duty of care to applicants and staff is an important consideration when processing requests for information and the final release of departmental records to an applicant. Consideration should be given to when, how and to whom any information is released. Prior to release, all records need to be reviewed by DVA staff to identify any potential risks or sensitivities contained within the records. Sensitivities may include a negative outcome of a claim application, or a medical report that could exacerbate a condition being treated or cause emotional distress to the recipient. Where determined that a degree of risk is present, in consultation with the applicant to obtain their consent if possible, records can be released to a health care provider to support the applicant in review and understanding of the information contained. Examples of this may include, but are not limited to:

- complex specialist medical reports obtained by the department to support claims determinations
- medical reports that have diagnosed a medical condition not yet known to the applicant
- reports of family domestic violence, including assaults both physical and sexual involving minors
- clinical session notes containing highly sensitive content that may have an effect on the applicant, noting also that the applicant may be an authorised recipient (third party) to the information
- history of support required with the release of departmental records.

Where consent to receive the information via a third party is not given, and there are concerns for the health and/or safety of the recipient or a third party, refusal to release the information can be given after consulting with the IAU or a supervisor.

Where to seek assistance

For clarification or assistance with information access requests and redactions the IAU can assist. They can be contacted via email: Information.Access@dva.gov.au

In the course of their duties, staff may find some of the information being reviewed for release to be distressing. It is OK to acknowledge this. Help is available from your manager and through the Employee Assistance Program (EAP): **1300 360 364** from anywhere in Australia.

In releasing information which may be sensitive for the applicant, records can be released to a health care provider to support the applicant in review and understand the information. This release should be done in consultation with the applicant to obtain their consent if possible. (Refer to 'Providing a supported release of information' in the relevant section above).

Related information

1. [Information Release Policy](#)
2. [Administrative Release Guidelines](#)
3. [Freedom of Information Act 1982 \(Cth\)](#)
4. [Privacy Act 1988 \(Cth\)](#)
5. [Archives Act 1983 \(Cth\)](#)
6. [Evidence Act 1995 \(Cth\)](#)
7. [OAIC's FOI Guidelines](#)

Glossary

Administrative access – a method of accessing information or documents held by the Department, outside of the FOI Act or other legislative means

Agency - a Commonwealth Minister, certain Australian Government agencies and the Norfolk Island administration as set out in s 6(1) of the Privacy Act.

Applicant – an individual, business or organisation who makes a request for access to information or documents held by the Department

Australian Privacy Principles – 13 principles within the Privacy Act which govern standards, rights and obligations around:

- the collection, use and disclosure of personal information
- an organisation or agency's governance and accountability
- integrity and correction of personal information
- the rights of individuals to access their personal information

Cth - means Commonwealth

Department – The Department of Veterans' Affairs

Document – same meaning as under section 4 of the [Freedom of Information Act 1982 \(Cth\)](#)

Freedom of Information (FOI) – *Freedom of Information Act 1982 (Cth)*

Information – the content of documents

Information Access Unit – a central resource in the Department through which applicants can seek information held by the Department

Personal information – same meaning as in the [Privacy Act 1988 \(Cth\)](#). It can include an individual's name, address, telephone number, date of birth, medical records, bank account details, taxation information and their signature

Redaction – information omitted, obscured or excised in whole or in part under the FOI Act or these Redaction Guidelines

Sensitive information - Information or an opinion about an individual's racial or ethnic origin, political opinions, religious or philosophical beliefs, sexual orientation, criminal record, health information and some aspects of genetic and biometric information, as set out in s 6(1) of the Privacy Act.

Third party – a person or entity other than the applicant for the information or the respondent agency or organisation that the applicant seeks information from.

Withhold – documents will not be provided to the applicant.

Keywords

Access to information; administrative access; Australian Privacy Principles; APP; disclosure log; FOI; freedom of information; OAIC; Office of the Australian Information Commissioner; information; personal information; privacy; release of information; right to information; third party.

Further information

For further advice or assistance, please contact the Department's Information Access Unit at Information.Access@gva.gov.au.

The owner of the Administrative Release Guidelines is the First Assistant Secretary, Client Engagement and Support Services, also responsible for the Department's Information Access Unit.

Attachment A: Most common examples of redactions applied to documents under the FOI Act

Below are the most frequently used redactions the department applies when releasing documents under the FOI Act. These are only examples, as the decision to apply a redaction falls to the Information Access Officer who is processing the FOI request. Each piece of information needs to be evaluated on its merit and a decision be made if the below should be applied.

| Exemptions | Material we may apply them to |
|--|--|
| Section 42 – Legal Professional Privilege | Documents which contain advice from a solicitor or lawyer to their client or was created for the purpose of requesting advice. |
| Section 47 - Documents disclosing trade secrets or commercially valuable information | Material which may, if released provide a competitive edge in a tender application process. |
| Section 47E – Certain operations of agencies | Staff surnames (Non-SES), telephone numbers, email addresses, physical addresses |
| Section 47F - Personal privacy | Staff surnames (Non-SES), telephone numbers, email addresses, physical addresses & signatures |
| Section 47G - Business (other than documents to which s 47 applies) | Contemporary invoice values issued to the department |

Attachment B: Request scenarios: Retain, redact or withhold

When a request is lodged for information or records under administrative access, what information is retained, redacted or withheld will depend on the type of information and the identity of the applicant. The following tables provide guidance for the various scenarios.

Request for personal information contained within a file or document

Applicant - the DVA client or on behalf of the DVA client by an authorised recipient of information

| | Current Partner | Former Partner | Child / Dependant | Parent | Next of Kin |
|----------------------|-----------------|----------------|-------------------|--------|-------------|
| Name | Retain | Redact | Retain | Retain | Retain |
| Address | Retain | Redact | Retain | Retain | Retain |
| E-mail | Retain | Redact | Retain | Retain | Retain |
| Home Phone | Retain | Redact | Retain | Retain | Retain |
| Mobile Phone | Retain | Redact | Retain | Retain | Retain |
| Date of Birth | Retain | Redact | Retain | Retain | Retain |
| Signature | Retain | Redact | Retain | Retain | Retain |

Please be mindful of domestic and family violence concerns which may impact what information can be safely released despite the above guide.

| | Acting in an official capacity, including witness statements ^a | Other persons mentioned in documents – provided / acknowledged / seen by applicant | Other persons mentioned in documents – not provided / acknowledged / seen by applicant |
|----------------|---|--|--|
| Name | Retain | Redact | Redact |
| Address | Retain | Redact | Redact |
| E-mail | Retain | Redact | Redact |

^a Witness statements – the text/content of the witness statement is to be retained once the necessary redactions have been made

| | | | |
|---------------|--------|--------|--------|
| Home Phone | Redact | Redact | Redact |
| Mobile Phone | Redact | Redact | Redact |
| Date of Birth | Redact | Redact | Redact |
| Signature | Retain | Redact | Redact |
| ID Number | Redact | Redact | Redact |

Examples of information that may lead to the identification of a witness after their other personal info has been removed

| | |
|--|--------|
| I am the neighbour of... | Redact |
| I sit across the workstation from... | Redact |
| I was in the vehicle with... | Redact |
| I was on course with.... | Redact |
| I was at the bar, at the time with.... | Redact |

Request is for a DVA client's records – DVA client is deceased

Applicant – Current partner at time of death

| | Deceased Member | Current Partner | Former Partner | Applicant's Child / Dependant | Child / Dependant (Not applicant's child/dependant) | Parent | Next of Kin (if not applicant) |
|---------------|-----------------|-----------------|----------------|-------------------------------|---|--------|--------------------------------|
| Name | Retain | Retain | Redact | Retain | Redact | Redact | Redact |
| Address | Retain | Retain | Redact | Retain | Redact | Redact | Redact |
| E-mail | Retain | Retain | Redact | Retain | Redact | Redact | Redact |
| Home Phone | Retain | Retain | Redact | Retain | Redact | Redact | Redact |
| Mobile Phone | Retain | Retain | Redact | Retain | Redact | Redact | Redact |
| Date of Birth | Retain | Retain | Redact | Retain | Redact | Redact | Redact |

Signature Retain Retain Redact Retain Redact Redact Redact

Please be mindful of domestic and family violence concerns which may impact what information can be safely released despite the above guide.

| | Acting in an official capacity, including witness statements ⁹ | Other persons mentioned in documents – provided / acknowledged / seen by applicant | Other persons mentioned in documents – not provided / acknowledged / seen by applicant |
|---------------|---|--|--|
| Name | Retain | Redact | Redact |
| Address | Retain | Redact | Redact |
| E-mail | Retain | Redact | Redact |
| Home Phone | Retain | Redact | Redact |
| Mobile Phone | Redact | Redact | Redact |
| Date of Birth | Redact | Redact | Redact |
| Signature | Retain | Redact | Redact |
| ID Number | Redact | Redact | Redact |

Examples of information that may lead to the identification of a witness after their other personal info has been removed

| | |
|--|--------|
| I am the neighbour of... | Redact |
| I sit across the workstation from... | Redact |
| I was in the vehicle with... | Redact |
| I was on course with.... | Redact |
| I was at the bar, at the time with.... | Redact |

⁹ Witness statements – the text/content of the witness statement is to be retained once the necessary redactions have been made

Request is for a DVA client's records – DVA client is deceased

Applicant – Child/Dependant

| | Deceased Member | Current Partner | Former Partner | Applicant | Child / Dependant (Not the applicant) | Parent | Next of Kin (if not applicant) |
|----------------------|-----------------|-----------------|----------------|-----------|---------------------------------------|--------|--------------------------------|
| Name | Retain | Redact | Redact | Retain | Redact | Redact | Redact |
| Address | Retain | Redact | Redact | Retain | Redact | Redact | Redact |
| E-mail | Retain | Redact | Redact | Retain | Redact | Redact | Redact |
| Home Phone | Retain | Redact | Redact | Retain | Redact | Redact | Redact |
| Mobile Phone | Retain | Redact | Redact | Retain | Redact | Redact | Redact |
| Date of Birth | Retain | Redact | Redact | Retain | Redact | Redact | Redact |
| Signature | Retain | Redact | Redact | Retain | Redact | Redact | Redact |

| | Acting in an official capacity, including witness statements ¹⁰ | Other persons mentioned in documents – provided / acknowledged / seen by applicant | Other persons mentioned in documents – not provided / acknowledged / seen by applicant |
|----------------------|--|--|--|
| Name | Retain | Redact | Redact |
| Address | Retain | Redact | Redact |
| E-mail | Retain | Redact | Redact |
| Home Phone | Retain | Redact | Redact |
| Mobile Phone | Redact | Redact | Redact |
| Date of Birth | Redact | Redact | Redact |
| Signature | Retain | Redact | Redact |
| ID Number | Redact | Redact | Redact |

¹⁰ Witness statements – the text/content of the witness statement is to be retained once the necessary redactions have been made

Examples of information that may lead to the identification of a witness after their other personal info has been removed

| | |
|--|--------|
| I am the neighbour of... | Redact |
| I sit across the workstation from... | Redact |
| I was in the vehicle with... | Redact |
| I was on course with.... | Redact |
| I was at the bar, at the time with.... | Redact |

Request is for a DVA client's records – DVA client is deceased

Applicant: DVA client's Parent

| | Deceased Member | Partner | Child / Dependant | Applicant | Parent (Not the applicant) | Next of Kin (if not applicant) |
|---------------|-----------------|---------|-------------------|-----------|----------------------------|--------------------------------|
| Name | Retain | Redact | Redact | Retain | Redact | Redact |
| Address | Retain | Redact | Redact | Retain | Redact | Redact |
| E-mail | Retain | Redact | Redact | Retain | Redact | Redact |
| Home Phone | Retain | Redact | Redact | Retain | Redact | Redact |
| Mobile Phone | Retain | Redact | Redact | Retain | Redact | Redact |
| Date of Birth | Retain | Redact | Redact | Retain | Redact | Redact |
| Signature | Retain | Redact | Redact | Retain | Redact | Redact |

Please be mindful of domestic and family violence concerns which may impact what information can be safely released despite the above guide.

| | Acting in an official capacity, including witness statements ¹¹ | Other persons mentioned in documents – provided / acknowledged / seen by applicant | Other persons mentioned in documents – not provided / acknowledged / seen by applicant |
|------|--|--|--|
| Name | Retain | Redact | Redact |

¹¹ Witness statements – the text/content of the witness statement is to be retained once the necessary redactions have been made

| | | | |
|---------------|--------|--------|--------|
| Address | Retain | Redact | Redact |
| E-mail | Retain | Redact | Redact |
| Home Phone | Redact | Redact | Redact |
| Mobile Phone | Redact | Redact | Redact |
| Date of Birth | Redact | Redact | Redact |
| Signature | Retain | Redact | Redact |
| ID Number | Redact | Redact | Redact |

Examples of information that may lead to the identification of a witness after their other personal info has been removed

| | |
|--|--------|
| I am the neighbour of... | Redact |
| I sit across the workstation from... | Redact |
| I was in the vehicle with... | Redact |
| I was on course with.... | Redact |
| I was at the bar, at the time with.... | Redact |

Request is for a DVA client's records – DVA client is deceased

Applicant: DVA client's listed next of kin

| | Deceased Member | Partner (current & former) | Child / Dependant | Parent | Applicant / Next of Kin | Next of Kin (if not applicant) |
|---------------|-----------------|----------------------------|-------------------|--------|-------------------------|--------------------------------|
| Name | Retain | Redact | Redact | Redact | Retain | Redact |
| Address | Retain | Redact | Redact | Redact | Retain | Redact |
| E-mail | Retain | Redact | Redact | Redact | Retain | Redact |
| Home Phone | Retain | Redact | Redact | Redact | Retain | Redact |
| Mobile Phone | Retain | Redact | Redact | Redact | Retain | Redact |
| Date of Birth | Retain | Redact | Redact | Redact | Retain | Redact |
| Signature | Retain | Redact | Redact | Redact | Retain | Redact |

Please be mindful of domestic and family violence concerns which may impact what information can be safely released despite the above guide.

| | Acting in an official capacity, including witness statements ¹² | Other persons mentioned in documents – provided / acknowledged / seen by applicant | Other persons mentioned in documents – not provided / acknowledged / seen by applicant |
|---------------|--|--|--|
| Name | Retain | Redact | Redact |
| Address | Retain | Redact | Redact |
| E-mail | Retain | Redact | Redact |
| Home Phone | Redact | Redact | Redact |
| Mobile Phone | Redact | Redact | Redact |
| Date of Birth | Redact | Redact | Redact |
| Signature | Retain | Redact | Redact |
| ID Number | Redact | Redact | Redact |

¹² Witness statements – the text/content of the witness statement is to be retained once the necessary redactions have been made

Examples of information that may lead to the identification of a witness after their other personal info has been removed

| | |
|--|--------|
| I am the neighbour of... | Redact |
| I sit across the workstation from... | Redact |
| I was in the vehicle with... | Redact |
| I was on course with.... | Redact |
| I was at the bar, at the time with.... | Redact |

Request is from a deceased DVA client's child/dependant

Applicant: Dependant requesting own documents (partner/child) within DVA client's records

| | Deceased Member | Former Partner (not parent of the child) | Applicant | Parent (of Ex-member) | Next of Kin |
|---------------|-----------------|--|-----------|-----------------------|-------------|
| Name | Withhold | Withhold | Retain | Withhold | Withhold |
| Address | Withhold | Withhold | Retain | Withhold | Withhold |
| E-mail | Withhold | Withhold | Retain | Withhold | Withhold |
| Home Phone | Withhold | Withhold | Retain | Withhold | Withhold |
| Mobile Phone | Withhold | Withhold | Retain | Withhold | Withhold |
| Date of Birth | Withhold | Withhold | Retain | Withhold | Withhold |
| Signature | Withhold | Withhold | Retain | Withhold | Withhold |

| | Acting in an official capacity, including witness statements ¹³ | Other persons mentioned in documents – provided / acknowledged / seen by applicant | Other persons mentioned in documents – not provided / acknowledged / seen by applicant |
|---------|--|--|--|
| Name | Withhold | Withhold | Withhold |
| Address | Withhold | Withhold | Withhold |

¹³ Witness statements – the text/content of the witness statement is to be retained once the necessary redactions have been made

| | | | |
|----------------------|-----------------|-----------------|-----------------|
| E-mail | Withhold | Withhold | Withhold |
| Work Phone | Withhold | Withhold | Withhold |
| Mobile Phone | Withhold | Withhold | Withhold |
| Date of Birth | Withhold | Withhold | Withhold |
| Signature | Withhold | Withhold | Withhold |
| ID Number | Withhold | Withhold | Withhold |

Examples of information that may lead to the identification of a witness after their other personal info has been removed

| | |
|---|-----------------|
| I am the neighbour of... | Withhold |
| I sit across the workstation from... | Withhold |
| I was in the vehicle with... | Withhold |
| I was on course with.... | Withhold |
| I was at the bar, at the time with.... | Withhold |



Australian Government
Department of Veterans' Affairs

transforming
DVA

DVA Administrative Release Guidelines

February 2023

Administrative Release Guidelines

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Administrative Release Guidelines

Introduction

There are a number of avenues by which the Department of Veterans' Affairs (DVA / the Department) may release information. Administrative release is DVA's preferred and first-avenue of consideration, enabling the release of the requested information, in the most straightforward way.

The Administrative Release Guidelines (the guidelines) are part of the Department's suite of documents on information release which sit under the [Information Release Policy](#)¹ (the policy). The guidelines align with the principles in the Department's policy, and those promoted by the Office of the Australian Information Commissioner (OAIC), as well as the recommendations made by the Royal Commission into Defence and Veteran Suicide (RCDVS).

The guidelines seek to explain what administrative access is, and how it may be used as a pathway for staff to release information, and for veterans, families and others to understand how they may access information that the Department holds, without going down the more formal pathways.

Who are the guidelines for?

The guidelines are for use by all DVA staff. Whilst the Information Access Unit (IAU) manages more complex information access requests, many staff are engaged in the administrative release of information the Department holds.

The guidelines are designed to support staff in promoting open and transparent access to personal and non-personal information through a 'business as usual' approach or in other words, administrative release of information.

The guidelines seek to assist staff understand the underlying basis of administrative release, make informed decisions about the types of documents most suitable for administrative release and when and where to escalate a request.

¹ <https://www.dva.gov.au/about/accessing-information/what-can-i-access/corporate-information-access/information-access-guidelines-policies>

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The guidelines are supported by content on the [DVA website](#)² for veterans, families and representatives which provides clarity for applicants around the best and most expeditious way for them to access the information they require, before making a request.

How should this document be used?

The guidelines are part of the suite of documents which provide guidance for staff about releasing information the Department holds. The guidelines should be read in conjunction with the:

- Information Release Policy
- Redaction Guidelines

The policy and guidelines do not operate so as to override the legislation, particularly the:

- [Freedom of Information Act 1982 \(Cth\)](#)³ (FOI Act)
- [Privacy Act 1988 \(Cth\)](#)⁴ (Privacy Act)
- [Office of Australian Information Commissioner FOI Guidelines](#)⁵ (OAIC FOI Guidelines)
- [Australian Privacy Principles Guidelines](#)⁶ (APP Guidelines) and
- [DVA Privacy Policy](#)⁷

but rather should be read together so as to understand how information release can be actioned according to law.

Although, primarily intended for staff, the document will also be published on the Department's website for external audiences.

Background

The guidelines have been developed in response to Recommendation 9: Improve administrative release of information made by the [Royal Commission into Defence and Veteran Suicide in their Interim Report](#)⁸ released in August 2022. The Royal Commission also recommended that:

² <https://www.dva.gov.au/about/accessing-information>

³ <https://www.legislation.gov.au/Series/C2004A02562>

⁴ <https://www.legislation.gov.au/Details/C2014C00076>

⁵ <https://www.oaic.gov.au/freedom-of-information/foi-guidelines>

⁶ <https://www.oaic.gov.au/privacy/australian-privacy-principles>

⁷ <https://www.dva.gov.au/dva-privacy-policy>

⁸ <https://defenceveteransuicide.royalcommission.gov.au/publications/interim-report>

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“the Australian Government immediately prioritise the use of administrative release and proactively work with applicants to facilitate access via this process”.

The FOI Act gives individuals, businesses and organisations the right to request access to documents held by the Department, unless a document is exempt in whole or in part under the FOI Act. This can be a laborious process and there may be easier and more suitable ways of applicants getting the information they require, primarily through a request under Administrative Release.

Individuals also have the right to request access to their personal information under Australian Privacy Principle (APP) 12 and the Privacy Act. The [APP Guidelines](#)⁹ are issued by the Australian Information Commissioner under s 28(1) of the Privacy Act. APPs are legally binding principles which are the cornerstone of the privacy protection framework in the Privacy Act and set out standards, rights and obligations in relation to handling, holding, accessing and correcting personal information. Providing individuals access to information under administrative access arrangements is guided by the APPs outlined under the OAIC and Schedule 1 of the Privacy Act. A request made under (APP) 12 of the Privacy Act, allows a person to request their own personal information subject to similar exceptions to those detailed under these guidelines. Where possible the Department will use administrative access to satisfy these requests.

Within the DVA specifically, access to information held by the Military Rehabilitation and Compensation Commission (MRCC) that relates to a current claim may also be made under:

- section 59 of the [Safety, Rehabilitation and Compensation \(Defence-related Claims\) Act 1988](#) (Cth)¹⁰ (DRCA) or
- section 331 of the [Military Rehabilitation and Compensation Act 2004](#) (Cth)¹¹ (MRCA).

In addition to the above options, the OAIC FOI guidelines issued under section 93A of the FOI Act make it clear that it is open to agencies to consider administrative access as an option to release information outside of the FOI Act, the Privacy Act or other legislative avenues.

⁹ <https://www.oaic.gov.au/privacy/australian-privacy-principles>

¹⁰ <https://www.legislation.gov.au/Details/C2022C00230>

¹¹ <https://www.legislation.gov.au/Details/C2022C00225>

About administrative release

What is administrative release?

The Department is required to collect and store information in accordance with the [Archives Act 1983¹²](#) (Archives Act), the Privacy Act and other legislation that applies to it. Any time the Department provides this information to a person or agency outside the Department, the information must be disclosed on a lawful basis.

Administrative release is the release of information held by the Department in response to a specific request for access to information without going through the formalities under the FOI Act or other legislative means. The information released administratively may be provided in a variety of ways including a conversation, a response to an email, or through publication of information on the Department's website.

Under administrative release, the Department may release both personal information and non-personal information. Generally, the following information can be released under administrative access:

Personal information

- Personal information and records which an applicant is requesting information about themselves, for example:
 - medical or service records
 - payments history
 - applications or claims made by the applicant and the Department's assessment of those applications or claims
 - records of contact with an applicant
 - documents provided to or supplied by the applicant
- own personnel records of current or former employees of the Department
- documents and information available through self-service in MyService to registered users.

Non-personal information

- information which is published on the Department's website
- information which is published on the Department's website and which an applicant would like to access in a different format

¹² <https://www.legislation.gov.au/Details/C2016C00772>

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- aggregate statistics or data relating to the Department's key functions and activities, excluding data containing personal information and sensitive unit level data about individuals (noting consideration of commercial risk)
- non-personal information that isn't made public such as policy or procedure documents.

It is the responsibility of the business area that is considering information release to establish internal procedures to support both staff and the applicant in accessing information via administrative access. These procedures must adhere to Department's Information Release Policy, Administrative Release Guidelines and Redaction Guidelines and the legislation upon which they are based.

Advantages of administrative release

There are several advantages of providing information through administrative release:

- applicants requesting information via administrative access **do not need to lodge a formal written request**, which is necessary under the FOI Act and other legislation
- administrative release requests **can be answered in different ways**, and may be as simple as a discussion with the applicant, and an oral explanation of a decision
- the **simpler process** may appeal more to applicants and be more consistent with a trauma informed approach
- a **statement of reasons outlining applicable legislative provisions is not required** and this reduces the processing time for the Department
- administrative release is a **less complex, more efficient and potentially faster option** of releasing information held by the Department.

Limitations of administrative release

There are some limitations to accessing information administratively.

- It includes the **absence of review rights** for the applicant seeking information under administrative release. Due to this, if seeking agreement from an applicant to process a request through administrative release rather than FOI, the client must be adequately informed of the implications of agreeing to seek information through administrative release.
- Documents can be released to an applicant in full when they contain information that is appropriate for release under administrative access. However, administrative release **does not always provide access to information without restrictions**. For example, information may be redacted because it is subject to legal or commercial in-confidence.

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- The Department is required to consider applicable legislation and the [APP Guidelines](#)¹³ when considering the administrative release of information. The Department may be legally obliged to refuse to produce some information or to redact some information sought under administrative access in a similar manner to that when applying under the FOI Act or other legislation. [DVA's Redaction Guidelines](#)¹⁴ should also be consulted to consider situations in which information may be redacted, and hence not provided to the applicant.
- Where a request is initially submitted under the FOI Act and is deemed by the IAU to be more suited to an administrative release, the Department must first contact the applicant and seek their consent to change the request to an administrative release, and confirm withdrawal of the FOI application by the applicant.
- The administrative release mechanism is not a means whereby an applicant can obtain information where they have been declared a [vexatious applicant](#)¹⁵. In those cases, access is provided in accordance with the declaration.
- For clients subject to an approved Managed Access Plan (the plan), access to the other administrative release process will be in accordance with the plan, noting that being under a Managed Access Plan does not automatically preclude the veteran accessing administrative release.

What is the difference between FOI requests and administrative release?

In order to promote administrative release as our preferred and first-avenue of consideration, it is important that staff understand the difference between FOI and administrative release. By doing so, they will be able to assist veterans and families access information in the easiest and most straightforward way according to the type of their request.

| FOI request | Administrative release |
|--|--|
| A request for access to documents made under the FOI Act must meet certain requirements (for example, it must be in writing). | An agency may establish processes for the management of requests for information and documents. This may , for example, include requesting the applicant to complete a request form or entering information in an online portal. |

¹³ <https://www.oaic.gov.au/privacy/australian-privacy-principles>

¹⁴ <https://www.dva.gov.au/about/accessing-information/what-can-i-access/corporate-information-access/information-access-guidelines-policies>

¹⁵ <https://www.oaic.gov.au/freedom-of-information/foi-guidelines/part-12-vexatious-applicant-declarations>

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FOI request

Administrative release

A request must meet statutory timeframes including that it be acknowledged within 14 days and a decision made in 30 days or a longer period if particular circumstances apply, e.g. third party consultation.

A request for access to documents under the FOI Act is to existing documents. The Department is not required under the FOI Act to create a new document to satisfy a request.

The Department must provide a statement of reasons explaining a decision to refuse an FOI request and the agency's findings on any material questions of fact. It would also be appropriate for a schedule of exempt documents to be provided to the applicant.

If the request is for the individual's own personal information, the Department is required to be mindful of the requirements of APP 12 which sets out minimum access requirements that must be met when receiving a request from an individual for access to their personal information (for example, the time period for responding to an access request, how access is to be given and that a written notice, including the reasons for the refusal, must be given to the individual if access is refused.)

The Information Commissioner recommends that requests for information and documents that are handled under administrative arrangements be processed within 30 days. If this cannot be done, and the request could alternately be made as an FOI request, the applicant should be advised of this option. However, it is open to the applicant and the Department to agree to a longer period to provide administrative access to documents as long as the applicant is made aware of their right to make a request under the FOI Act where relevant timeframes apply.

Under s 15A of the FOI Act, if a request for access to personnel records under an administrative arrangement is not processed within 30 days, the applicant may apply under the FOI Act for access to their personnel records.

Note however, that under the Privacy Act, an agency must respond to a request by an individual for their own personal information within 30 days.

Administrative access requests can be answered in different ways. For example, the Department may offer to provide an oral explanation of a decision or action; create a new document rather than provide a redacted version of existing documents; or assemble data or statistics for the applicant.

The Department is not obliged to provide a statement of reasons for a decision not to release information administratively (unless the information is the applicant's own personal information, in which case the Department is obliged under APP 12 to give a

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| FOI request | Administrative release |
|--|---|
| <p>Applicants have review rights. An applicant may apply for either an internal review or Information Commissioner review of an access refusal decision made under the FOI Act.</p> | <p>written notice of refusal). It is however good administrative practice to do so.</p> <p>There are no merits review pathways for refusals to provide access to information or documents under an administrative access arrangement. Clients can however lodge a complaint under the agency's Feedback process or lodge a complaint with the Office of the Commonwealth Ombudsman about how the request was handled. If the request was for access to your own personal information, a privacy complaint can be made to the Office of the Australian Information Commissioner (OAIC).</p> |
| <p>The Department must publish information released in response to FOI requests in a disclosure log on its website, subject to certain exceptions including but not limited to:</p> <ul style="list-style-type: none">• Personal information about any individual, if it would be unreasonable to publish the information;• Information about the business, commercial, financial or professional affairs of any person, if publication of that information would be 'unreasonable'• Other information of a kind determined by the Information Commissioner if publication of that information would be 'unreasonable'. | <p>The Department is not obliged to publish information they release administratively. However, the Department seeks to proactively publish information of interest through its webpage.</p> |
| <p>The Department cannot place any conditions or restrictions on an applicant's use or further publication of the document (although the applicant does not gain protection from ss 90-92 of the FOI Act, discussed below).</p> | <p>Administrative access releases are not generally subject to different terms than FOI releases. It should however be noted that the Department can make special access arrangements for particular purposes: for example, it is common to impose a temporary embargo on public reporting of government announcements or news releases; and researchers are sometimes given conditional access to confidential or privileged information.</p> |

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Types of information more suited to release under FOI Act

Information of a complex and sensitive nature should be released through an FOI request. The documents listed below are considered more appropriate for release under FOI, and if access is required, the applicant should be guided towards such an application. This in no way guarantees access to the document or information, however it ensures that the Department can apply the required protocols to manage any sensitive material. The following types of information may require significant treatment to manage sensitivity and security issues before being released.

- sensitive personal information that may be harmful to the mental well-being or emotional condition of an individual, such as some psychiatric or clinical reports; It is possible that the information may be released administratively, however steps need to be put in place to ensure the safety and wellbeing of the applicant on receipt of such sensitive information
- personal information of third parties and non-Senior Executive Service staff members
- business, financial or commercial information of third parties
- documents containing material obtained in confidence
- legal advice provided to or within the Department
- documents relating to a current legal investigation or prosecution
- cabinet documents, including drafts
- documents concerning an internal disciplinary or employee grievance matter
- documents that are expressly prohibited from disclosure under legislation, for example, under statutory secrecy provisions
- requests requiring significant resources to process and for which the Department may wish to recover associated costs, for example where more than minor redactions are required, or the request is for a substantial number of documents
- where an applicant has indicated they want the opportunity to apply for an internal or OAIC review of the Department's decision under the FOI Act
- where the release may breach the Privacy Act, for example, a dataset containing personal information that has had identifiers such as names and addresses removed but still has the

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potential to be re-identified in whole or in part. (For advice about de-identification, refer to the OAIC's publication [De-identification and the Privacy Act¹⁶](#))

- where a third party may object to the release of the information, and the request is better handled under the third party consultation procedures in the FOI Act.

Any requests or enquiries about access to the information listed above should be directed to the Information Access Unit for assessment and handling.

Identifying the need for escalation

Situations where you should consider escalating the request to your supervisor or the Information Access Unit include:

- the need for considerable redactions has been identified
- administrative access is not the most suitable pathway
- you are unsure about the release of some information, for example information that is marked "Internal Use Only"
- a decision or document is in draft and there is no evidence in ICT systems that the information has been released previously to the veteran (in which case would be seen as a replacement copy).
- there is concern about the validity of consent to release information to a third party
- documents requested are outside the scope of existing consent; or there are logistical issues in retrieving older documents
- documents cannot readily be put into pdf format which means content could be altered or edits and comments remain embedded
- documents found are not a final version or have not been signed
- if the request for documents is extensive and requires more than half an hour of time to access and release the documents or cannot be completed during the phone or in person interaction with the client.
- it is assessed that content in the documents requested for release may cause harm to the applicant and that a supported release may be required
- the request is frivolous or vexatious

¹⁶ <https://www.oaic.gov.au/privacy/guidance-and-advice/de-identification-and-the-privacy-act>

- the information is part of existing or anticipated legal proceedings between the applicant and the Department.

Recording of administrative access requests

The FOI Act requires that the Department provide information to the OAIC for inclusion in its Annual Report. The IAU captures statistics on the numbers of administrative release requests and FOI requests and reports quarterly to OAIC.

The statistics will not include informal access provided by service delivery areas or access under self-service options.

Timeframes

Under administrative access, there is no legislated time limit to provide access to requested information. However, with the aim of improving the administrative release of information and alignment with the OAIC, the Department should aim to acknowledge the request promptly and resolve it within 30 days particularly if the request is about the applicant's own personal information as that is consistent with APP 12 access requirements for personal information.

Administrative release channels

MyService within DVA

Individuals can obtain certain personal information directly through the My Service portal on the DVA website. This is an example of how DVA releases the information it holds administratively, enabling quick and easy access to registered users. The following information may be accessed when a veteran or their nominated representative is registered with the portal:

- personal details
- service history
- payment destination
- accepted conditions
- card details
- income and Assets
- depending on what has been uploaded, this may include:
 - Details of current income and assets statements, bank accounts, gifts, managed investments, funeral bonds and pre-paid funerals, money loaned, real estate, shares,

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vehicles, boarders and lodgers, bonds & debentures, business, cash held, compensation and damages, employment income, farms, foreign pension, home contents, life Insurance, maintenance paid to a former partner, other financial investments, other payments, other personal assets, purchased income streams, superannuation.

- accommodation (rental) costs
- official correspondence
 - Letters that can be downloaded by clients from MyService, which contain details relating to pensions and benefits provided to them (including a Statement of Income and Assets) for taxation purposes or to provide to State or Territory Government authorities to obtain local concessions.
- representation
 - Contact details for authorised nominated representatives of the client. Personal information for the representative would include name, address, phone number, email address, nature of authorised role

Public release

Using the administrative release mechanism, the Department proactively releases non-personal information on its [website](#)¹⁷ under its Information Publication Scheme, FOI Disclosure Log and in media releases. Examples of information which is publicly available on the Department's website include:

- details of the Department's structure, functions and responsibilities
- operational information
- annual reports
- responses to Parliament
- reviews
- statutory appointments
- consultation arrangements
- routinely requested information, including on the Department's FOI Disclosure Log.

The Department's corporate reports are also available on the [Australian Government Transparency Portal](#)¹⁸.

¹⁷ <https://www.dva.gov.au/about/accessing-information/what-can-i-access/corporate-information-access/what-corporate-information>

¹⁸ <https://www.transparency.gov.au/>

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Applicants should be referred to the publicly available information if such a request is received.

Administrative release by business areas

Subject to legislative and policy provisions described above, business areas, outside of the IAU, may also release personal and non-personal information held by the Department.

DVA has several business areas which enable access to information, depending on the type of information requested. The business area receiving the request from a client may handle it themselves and release the information, refer to another business area if more relevant, or if the matter is not straight forward, refer the request to the IAU to manage.

Due to the diverse nature of service delivery provided by DVA it is important for staff to understand the options available to applicants and to provide support by linking them into the business area best placed to assist with administrative access to personal information. Examples may include:

- a client seeking to obtain a copy of medical reports provided to the department in the determination of a liability claim
- a client seeking copies of their session notes to provide to a new health care provider
- a third party, acting on behalf of a client, with 'express consent' seeking copies of determination letters.

Applicants can make a request in writing or by phone and must clearly identify:

- the information or documents the applicant is seeking
- the applicant's contact details and
- a method by which the Department can reply, for example an email or postal address.

Applicants are able to submit a request to DVA for the administrative release of information by:

- emailing the request to: Information.Access@dva.gov.au
- calling 1800 VETERAN (1800 838 372)
- contacting their DVA delegate for current claims related information
- posting their request to:

Information Access Unit
Department of Veterans' Affairs
GPO Box 9998
Brisbane QLD 4001

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Information Access Unit

Where an applicant is not able to access the information they need on the Department's website, through MyService or engagement with staff in specific business areas, the applicant can submit their request to the Information Access Unit (IAU). This will enable an IAU delegate to work with the applicant to adequately assess the request and more effectively manage the response.

Supporting administrative access to information

Methods of release of information

Requested information can be provided to applicants as electronic records or where specifically requested, released on electronic storage devices such as a Universal Serial Bus (USB) noting this will need to be obtained through devices that permit USB access. Otherwise assistance will be required to unlock the ability to enable data transfer. Whilst less desirable due to the potential for personal information to be included, the increased resources required and reliance on the postal system, paper-based documents can be provided if deemed necessary or the applicant insists.

Information may also be provided through a third party, such as a medical practitioner, or by producing a summary of the information to the individual. Where possible, the Department will try and release the information in the format requested by the applicant. If this is not possible the Department may discuss other options with the applicant. Secure file transfer through the Departmental portal is recommended for highly sensitive personal information unless the applicant agrees otherwise.

Providing a supported release of information

The Department is embedding a trauma informed approach in the way it releases information. The duty of care to applicants and staff is an important consideration when processing administrative access requests and the final release of departmental records to an applicant. Consideration should be given to when, how and to whom any information is released. Prior to release, all records need to be reviewed by departmental staff to identify any potential risks or sensitivities contained within the records. Sensitivities may include a negative outcome of a claim application, or a medical report that could exacerbate a condition being treated or cause emotional distress to the recipient. Where determined that a degree of risk is present, in consultation with the applicant to obtain their consent if possible, records can be released to a health care provider to support the applicant in review and understanding of the information contained. Examples of this may include, but are not limited to:

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- complex specialist medical reports obtained by the department to support claims determinations
- medical reports that have diagnosed a medical condition not yet known to the applicant
- reports of family domestic violence, including assaults both physical and sexual involving minors
- clinical session notes containing highly sensitive content that may have an effect on the applicant, noting also that the applicant may be an authorised recipient (third party) to the information
- history of support required with the release of departmental records.

Where consent to receive the information via a third party is not given, and there are concerns for the health and/or safety of the recipient or a third party, refusal to release the information can be given after consulting with the IAU or a supervisor.

Release of information of deceased persons

A request for access to the personal information of a deceased client can be made under administrative access. A Will, Grant of Probate, Letter of Administration and/or other forms of proof of relationship, including proof of death where required, may be considered as evidence of legal entitlement to obtain release of the personal information of a deceased client. This includes where the applicant's relationship status with the deceased veteran is unclear, for example, in the absence of a recorded authority from the client's next-of-kin.

Additionally, the Department will work with advocates, nominated representatives and executors of wills to confirm existing consents on file to establish what can be released and the most appropriate means of release, being administrative access or FOI. Where the Department is not able to release information, clear guidance as to the reasons will be provided with next steps or alternate options for consideration.

Within the DVA, the IAU is the Department's central coordination point for release of information associated with deceased persons and will work closely with DVA business areas, applying a trauma informed approach in obtaining and facilitating the release of the records being sought in these cases.

Charges

There are no charges for the release of personal information.

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We may charge applicants for access to non-personal information that we hold. We will explain any costs associated with the release of information.

Complaints and review of an administrative access decision

There are no formal review rights under administrative access unlike under the FOI Act and under APP12. However, an applicant who disagrees with our decision about a request made under administrative access, can:

- contact DVA's Information Access Unit for assistance at information.access@dva.gov.au or
- lodge a complaint under [DVA's feedback process](#)¹⁹ or
- lodge a complaint with the [Office of the Commonwealth Ombudsman](#)²⁰ about how the request was handled.

If the request was for access to the applicant's own personal information, a privacy complaint can be made to the [OAIC](#)²¹.

Where to seek assistance

For clarification or assistance with information access requests and redactions the IAU can assist. They can be contacted via email at information.access@dva.gov.au

In the course of their duties, staff may find some of the information being reviewed for release to be distressing. It is OK to acknowledge this. Help is available from your manager and through the Employee Assistance Program (EAP): 1300 360 364 from anywhere in Australia.

When releasing information which may be sensitive for the applicant, records can be released to a health care provider to support the applicant review and understand the information. This release should be done in consultation with the applicant to obtain their consent if possible. (Refer to 'Providing a supported release of information' in the relevant section above).

Related information

1. [Information Release Policy](#)
2. [Redaction Guidelines](#)
3. [Freedom of Information Act 1982 \(Cth\)](#)

¹⁹ <https://www.dva.gov.au/about-us/feedback-and-fraud/complaints-compliments-and-other-feedback>

²⁰ <https://www.ombudsman.gov.au/>

²¹ <https://www.oaic.gov.au/privacy/privacy-complaints>

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4. [Military Rehabilitation and Compensation Act 2004 \(Cth\)](#)
5. [Safety, Rehabilitation and Compensation \(Defence-related Claims\) Act 1988 \(Cth\)](#)
6. [Privacy Act 1988 \(Cth\)](#)
7. [OAIC's FOI Guidelines](#)

Glossary

Administrative access – a method whereby applicants may access information or documents held by the Department, outside of the FOI Act or other legislative means

Administrative release – a method the Department may use to provide information to applicants, without going through the formalities of the FOI Act, Privacy Act or other legislative means

Applicant – an individual, business or organisation who makes a request for access to information or documents held by the Department

[Australian Privacy Principles](#) – 13 principles within the Privacy Act which govern standards, rights and obligations around:

- the collection, use and disclosure of personal information
- an organisation or agency's governance and accountability
- integrity and correction of personal information
- the rights of individuals to access their personal information

Certified copy – a photocopy certified by a solicitor, barrister or justice of the peace to be a true copy of the original.

Document – same meaning as under section 4 of the [Freedom of Information Act 1982 \(Cth\)](#)

Information – the content of documents

Information Access Unit – a central resource in the Department through which applicants can seek information held by the Department; and responsible for managing Freedom of Information requests.

Personal information – same meaning as in the [Privacy Act 1988 \(Cth\)](#). It can include an individual's name, address, telephone number, date of birth, medical records, bank account details, taxation information and their signature.

Keywords

Access to information; administrative access; Australian Privacy Principles; APP; claim; consent; disclosure log; FOI; freedom of information; OAIC; Office of the Australian Information Commissioner; information; personal information; privacy; release of information; right to information; third party.

Administrative Release Guidelines

Further information

For further advice or assistance, please contact:

DVA's Information Access Unit at information.access@dva.gov.au

Further information about administrative access and other options for accessing information held by the Department can be found on the Department's website.

Policy Owner

The owner of the Administrative Release Guidelines is the First Assistant Secretary, Client Engagement and Support Services Division, also responsible for DVA's Information Access Unit.

Review date

These guidelines should be reviewed before February 2024 and not more than 2 years from the date of the guidelines.



Australian Government
Department of Veterans' Affairs

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DVA

DVA Information Release Policy

February 2023

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Introduction

This operational Information Release Policy (the policy) outlines the mechanisms which staff may consider when responding to requests to release information held by the Department of Veterans' Affairs (DVA / the Department) to veterans, their families and others.

The policy seeks to provide context for all staff including those staff in information access roles, and provides transparency for individuals about the different mechanisms that inform decision making and assist veterans, their families and others to access personal and non-personal information in the most efficient and appropriate way, and a pathway for escalation if required.

The policy has been developed to align with DVA's [Service Charter](#)¹, is based on the Office of Australian Information Commissioner (OAIC) privacy principles, and is aligned with and responds to the recommendations from the Interim Report of the Royal Commission into Defence and Veteran Suicide (RCDVS), which are focussed on giving preference to the administrative release of information. As such, the policy outlines how and when administrative release can be considered in comparison to other mechanisms for release.

Further, under DVA's Service Charter, which describes what veterans, families and their representatives can expect from the Department, the Department will:

- provide fair and unbiased assistance and decision making
- operate with courtesy, consideration and respect
- provide a clear explanation of the reasons for the decisions we have made
- respect your privacy, and keep your information confidential, unless disclosure is authorised or required by you or by law
- access and correct records held about you, subject to Commonwealth legislation
- provide information to assist you to nominate someone to act on your behalf
- provide information to support access to an advocate to represent you when liaising with DVA
- provide information about how to lodge a complaint.

¹ <https://www.dva.gov.au/documents-and-publications/dva-service-charter>

Who is this policy for?

This policy is a document for use within DVA by all DVA staff. Whilst the DVA Information Access Unit (IAU) manages more complex information access requests, many other staff are engaged in the release of information the Department holds. Often this process is referred to as 'business as usual'. Information may be released informally, or in other words administratively, in a face-to face or telephone conversation with a client, or in an email or decision letter.

Information can be released administratively in publications such as VetAffairs and in web content. Information the Department holds is also released formally, in response to applications from veterans, families and others and through lawful requests.

This policy describes the principles that underpin the way we release information and the various mechanisms by which the information may be released. All staff should familiarise themselves with the document to ensure they release information in line with this policy.

How should this document be used?

The policy overlays a suite of documents which provide further guidance for DVA staff on the practical implementation of the policy about information release including:

- DVA Administrative Release Guidelines (also available for the public on the DVA website)
- DVA Freedom of Information Guidelines (to be finalised later in 2023)
- DVA Redaction Guidelines.

The Policy and Guidelines do not operate so as to override the legislation, particularly the:

- [Freedom of Information Act 1982 \(Cth\)](#)² (FOI Act)
- [Privacy Act 1988 \(Cth\)](#)³ (Privacy Act)
- [Office of Australian Information Commissioner FOI Guidelines](#)⁴ (OAIC FOI Guidelines)
- [Australian Privacy Principles Guidelines](#)⁵ (APP Guidelines) and
- [DVA Privacy Policy](#)⁶

² <https://www.legislation.gov.au/Series/C2004A02562>

³ <https://www.legislation.gov.au/Details/C2014C00076>

⁴ <https://www.oaic.gov.au/freedom-of-information/foi-guidelines>

⁵ <https://www.oaic.gov.au/privacy/australian-privacy-principles>

⁶ <https://www.dva.gov.au/dva-privacy-policy>

but rather should be read together so as to understand how information release can be actioned according to law.

Although, primarily intended for DVA staff, the document will also be published on the DVA website for external audiences.

Background

The [Royal Commission into Defence and Veteran Suicide released its Interim Report](#)⁷ in August 2022. It recommended that the Australian Government immediately prioritise the use of administrative release and proactively work with applicants to facilitate access via this process.

“During this Royal Commission, we have heard numerous concerns about accessing information held by Defence and DVA by serving and ex-serving members of the ADF and their families. These concerns are not limited to the difficulties encountered by serving or ex-serving members seeking access to their own information. They extend to difficulties encountered by family members of deceased members who are seeking to access information about that member from Defence and/or DVA”.

In response to the recommendations, the Department embarked on a review of its current state and the ways in which veterans, families and others accessed information. The Department looked into the way it released information administratively, how it managed redactions and consent. It also looked at how veterans, families and others were informed about the mechanisms of information access.

Whilst the Freedom of Information pathway was broadly explained, there was little information about how administrative release is undertaken, or what the best option for an applicant is when they seek information. This policy seeks to explain the multiple mechanisms available to staff to release information held by the Department, and, seeks to promote an understanding of the administrative release of information.

This policy reinforces the [Principles on Open Public Sector Information](#)⁸ developed by the Office of the Australian Information Commissioner (OAIC).

⁷ <https://defenceveteransuicide.royalcommission.gov.au/publications/interim-report>

⁸ [Principles on open public sector information - Home \(oaic.gov.au\)](#)

What is information access or release?

Information access refers to the process someone takes when seeking documents held by the Department. The information sought may be personal documents such as medical records, or non-personal records such as annual reports and data.

The Department considers how the information may be released to the person seeking the documents. There are many factors that need to be considered, including consent to release the documents, the type of documents requested, sensitivity of the information and the size and extent of the request.

When considering whether the information contains personal information, the Privacy Act defines 'personal information' as:

"Information or an opinion about an identified individual, or an individual who is reasonably identifiable:

- a. whether the information or opinion is true or not; and*
- b. whether the information or opinion is recorded in a material form or not".*

Examples of 'personal information' include name, address, phone number and gender.

The type of information requested impacts the choice of mechanisms available to release the information. If a person is requesting personal information about themselves, it may be provided easily and quickly through administrative release. If someone is requesting corporate data that has not been released publically, they may need to do so under a more formal mechanism.

Information release principles

Principle 1: Open access to information — a default position

We proactively release non-personal information on our [website](#)⁹ through the Information Publication Scheme, FOI Disclosure Log and media releases.

We will endeavor to be as open as possible when information we hold is requested and to provide the information in a timely manner. There are certain provisions in the FOI Act, the Privacy Act and other legislation that may restrict our ability to provide some information upon request. Where we are unable to

⁹ <https://www.dva.gov.au/about/accessing-information/what-can-i-access/corporate-information-access/what-corporate-information>

provide access to the requested information, an explanation of the decision will be provided and any rights of review will be explained.

Principle 2: Effective information governance

The information that we collect, hold and release is important and we have systems and strategies in place to manage its integrity, security and accessibility.

DVA's information governance arrangements include our:

- Information Governance Framework
- Privacy Policy
- Cybersecurity Policy 2022
- Records Management Policy,

in addition to compliance with the:

- [Privacy Act](#)¹⁰ and the [Australian Privacy Principles](#)¹¹ (APPs)
- [FOI Act](#)¹²
- [Archives Act 1983 \(Cth\)](#)¹³
- [Public Sector Act 1999 \(Cth\)](#)¹⁴ and the Australian Public Service Commission [Code of Conduct](#)¹⁵.

Principle 3: Robust information asset management

We will ensure that personal information is protected and that the release of personal information is authorised by the veteran or their nominated representative, or otherwise authorised or required by law.

This means that we will ask for proof of identity (POI) before we release personal information. We will also ask that consent to release information to others be considered at key life events to reflect the veteran's situation and preferences. This also means that we may remove some information from documents such as names and addresses before releasing them, if there are any legal requirements to do so or sensitivities with the information.

¹⁰ <https://www.legislation.gov.au/Details/C2014C00076>

¹¹ <https://www.oaic.gov.au/privacy/australian-privacy-principles>

¹² <https://www.legislation.gov.au/Series/C2004A02562>

¹³ <https://www.legislation.gov.au/Details/C2016C00772>

¹⁴ <https://www.legislation.gov.au/Details/C2012C00319>

¹⁵ <https://www.apsc.gov.au/working-aps/integrity/integrity-resources/code-of-conduct>

Principle 4: Appropriate charging for access

There are no charges for the release of personal information.

We may charge applicants for access to non-personal information that we hold. We will explain any costs associated with the release of information.

Principle 5: Transparent enquiry and complaints processes

We will publish the mechanisms for review of information access requests and our complaints process on our website.

Principle 6: Single information access point and no wrong door

We will provide a single access point for individuals requesting information, through the Department's Information Access Unit, to make the process easier and transparent.

Principle 7: Encourage requests for information through the Administrative Release pathway

Where information can't be accessed through self-service (such as through MyService), we will first seek to release information through the Administrative Release pathway, particularly when the applicant's own personal information is requested. Providing the information through administrative release may be more accessible, straight forward and timely than providing information through an FOI release.

However, there are times when it is necessary for information to be released only in response to an FOI application due to the complex and sensitive nature of the information. Requests for information under FOI are managed by DVA's IAU.

Principle 8: Engage with a trauma-informed approach

We understand that when an applicant seeks access to information they may be experiencing a traumatic time in their life. Underpinned by the principles of safety, trust, choice, collaboration and empowerment, we will provide support to the applicant through the process of accessing information. This means we are aware of the impacts of trauma, will listen to the applicant and consider their unique experience. We will aim to make the engagement smoother and less stressful.

Information release mechanisms

The Department is required to collect and store information in accordance with its Information Governance Framework. Any time the Department releases information it holds, to a person or agency outside the Department, it must be released in accordance with relevant legislative and policy requirements. The Department can consider a number of mechanisms to support the release of information, that is, a range of legislation or underpinning authority in which to action a request. The mechanisms extend from informal administrative processes, through to more formal releases using a legislative basis.

Administrative release

Administrative release is an informal mechanism to release personal and non-personal information held by the Department. The information may be provided in response to a request made in a conversation, letter or email, through MyService or through the proactive publication of information. Administrative release of information does not require a formal request made under the FOI Act or other legislative means.

The FOI guidelines issued under section 93A of the FOI Act by the Office of the Australian Information Commissioner (OAIC) make it clear that it is open to agencies to consider administrative access as an option to release information without going through the formalities of the FOI Act, the Privacy Act or other legislative avenues.

This is our preferred and first-avenue of consideration, as it enables the release of information in the most straightforward way.

Release under legislative provisions

- **The Privacy Act and Australian Privacy Principles (APP12)**

A request can be made under APP12 of the Privacy Act, which allows a person to request their own personal information. The APPs are a set of guidelines issued by the Australian Information Commissioner under s 28(1) of the Privacy Act. APPs are legally binding principles which are the cornerstone of the privacy protection framework in the Privacy Act and set out standards, rights and obligations in relation to handling, holding, accessing and correcting personal information.

- **DRCA and MRCA for current claims**

Section 59 [*Safety, Rehabilitation and Compensation \(Defence-related Claims\) Act 1988*](#)¹⁶ (Cth) (DRCA) and section 331 [*Military Rehabilitation and Compensation Act 2004*](#)¹⁷ (Cth) (MRCA) enable individuals who have made claims under these Acts, to access documents held by the Military Rehabilitation and Compensation Commission (MRCC) where the request relates to a current claim. Such a request may also capture policy documents which a MRCC delegate has relied on in making a determination on the claim or other documents of an operational or administrative nature that support the claim process such as factsheets, procedures and guidelines.

Further information about requesting documents relating to a current claim can be found on the [Department's website](#)¹⁸.

- **The FOI Act**

The FOI Act provides a formal mechanism by which both personal and non-personal information held by the Department may be requested. An application can be made for access to documents the Department holds, with certain exceptions, under the FOI Act.

The FOI Act gives the applicant the right to:

- access documents (except exempt documents) held by DVA
- ask for your personal information as held by DVA to be amended if the information is incomplete, out of date, incorrect or misleading; and
- seek a review if you disagree with a decision made by DVA about your FOI request.

Further guidance is available in the [OAIC FOI Guidelines](#)¹⁹.

Further information about requesting documents under the FOI Act can be found on the [Department's website](#)²⁰.

¹⁶ <https://www.legislation.gov.au/Details/C2022C00230>

¹⁷ <https://www.legislation.gov.au/Details/C2022C00225>

¹⁸ <https://www.dva.gov.au/about/accessing-information/how-can-i-get-access>

¹⁹ <https://www.oaic.gov.au/freedom-of-information/foi-guidelines>

²⁰ <https://www.dva.gov.au/about/accessing-information/how-can-i-get-access>

- [Data Availability and Transparency Act 2022 \(DAT Act\)](#)²¹

Commonwealth bodies are authorised to share their public sector data with Accredited Users.

Accredited Users are authorised to collect and use the data, where the requirements of the Act are met. Accredited Users are Commonwealth, state and territory government bodies, and Australian universities who are accredited to obtain and use Australian Government data. Entities must apply to become accredited as a data user.²²

Release through lawful requests

Documents can be requested under the [Evidence Act 1995](#)²³, other legislative provisions or as part of a request issued by a court or legal authority, such as a subpoena, Notice of Non-Party Production, or summons. Further information about court-ordered requests can be found on the [Department's website](#)²⁴.

Information release channels

There are a number of channels through which the Department and related agencies release information including:

MyService

The online portal MyService enables registered users including veterans and/or their nominated representatives to self-serve and access personal documents. This mechanism for release of information is a type of administrative release, allowing registered users to access and download documents quickly, in their own time and without the need to lodge a request.

Public release

The Department proactively releases its corporate information through multiple channels. Information published includes government documents, statistics and information about services.

- [Department's website](#)²⁵ – description of our key services, support for veterans and families
- [Department's corporate information webpages](#)²⁶ include access to:
 - Information Publication Scheme – publication of operational information, responses to Parliament and consultation arrangements

²¹ <https://www.legislation.gov.au/Details/C2022A00011>

²² [Data Availability and Transparency Act 2022 | Office of the National Data Commissioner](#)

²³ <https://www.legislation.gov.au/Details/C2016C00605>

²⁴ <https://www.dva.gov.au/about/accessing-information/how-can-i-get-access>

²⁵ <https://www.dva.gov.au/>

²⁶ <https://www.dva.gov.au/about/accessing-information/what-can-i-access/corporate-information-access/what-corporate-information>

- FOI Disclosure Log – publication of documents that have been provided in response to FOI requests
- Media Centre - Minister's media releases, latest news and background information

DVA delegates

DVA claims delegates may release information under Section 59 of the DRCA and section 331 of the MRCA to individuals who have made claims under these Acts where the request relates to a current claim under these Acts. DVA delegates may be contacted via contact information provided on recent claims correspondence.

Information Access Unit

The Department established the Information Access Unit (IAU) in 2022, a specialised unit to coordinate and manage requests for information made under the FOI Act, and other relevant legislation, subpoenas and court orders and the more complex administrative release requests due to their size or sensitivity.

In line with the Information Release Policy, relevant legislation and principles, staff are encouraged to support applicants to access the information we hold. Whilst staff should refer all FOI applications to the IAU, all staff can facilitate administrative access to information, by understanding and implementing the Administrative Release Guidelines.

The Guidelines provide advice about when to escalate a request for information to the IAU.

The IAU may be contacted by emailing Information.Access@dva.gov.au

Reporting to the Office of Australian Information Commissioner

The FOI Act requires that the Department provides data to OAIC for inclusion in its Annual Report, on the number of requests for information it receives.

The IAU captures statistics on the numbers of administrative release requests and FOI requests and reports them quarterly to OAIC. This includes information about the number of requests and decisions made under FOI, requests to change personal records, charges and the number and outcome of applications for internal review.

National Archives of Australia

Applicants can request historical information, such as war service records, under the *Archives Act 1983* (Cth), by contacting the [National Archives of Australia](#)²⁷ or emailing: ref@naa.gov.au.

Australian Defence Force (ADF) service records

The Department will access and or request copies of service records from the Department of Defence (Defence) in the investigation of certain claims. For example, a copy of a Unit Medical Record (UMR) may be requested to obtain medical reports about an injury sustained during service. Where a client is seeking copies of service records they can request them from Defence at: <https://www.defence.gov.au/adf-members-families/service-records>

Verifying an individual's identity

Before releasing information the Department must be satisfied that the identity of the individuals concerned with an administrative access request are verified. The steps appropriate to verify an individual's identity will depend on the circumstances of the request including whether the individual is already known or readily identifiable, the sensitivity of the personal information being requested, and the possible adverse consequences for the individual of unauthorised disclosure.

Applicants requesting their own personal information will need to provide proof of identity (POI), including requests via telephone. The minimum amount of personal information needed to establish an individual's identity will be sought. For straight forward information requests, three points of identification such as DVA file number, surname and date of birth can be established in conversation with the client, using available POI in the Department's case management systems.

POI is also required where the request is made by another person who is authorised to make a request on an individuals' behalf, such as a legal guardian or authorised agent. Applicants who provide consent from the DVA client in Part C: About the DVA Client of the [D8601 Information Access Application Form](#)²⁸ enable POI to be confirmed more easily. Staff should check VIEW or ADVANCE for existing POI of a nominated representative. If POI of the nominated representative is not validated, the client will need to be contacted for verification.

For more guidance about proof of identity refer to the [National Identify Proofing Guidelines](#)²⁹

²⁷ <https://www.naa.gov.au/node/47>

²⁸ <https://www.dva.gov.au/about-us/dva-forms/information-access-application-form>

²⁹ <https://www.homeaffairs.gov.au/criminal-justice/files/national-identity-proofing-guidelines.PDF>

Consent to release information

The Department may at times require consent to disclose information although there are circumstances where consent is not legally required. For example the department may be compelled through legislation or court processes to produce information. Consent can be provided as 'express consent' either verbally or in writing, or 'implied consent' which may reasonably be inferred in the circumstances from the conduct of the individual. When obtaining consent, the four key elements to consider are:

- the individual is adequately informed before giving consent
- the individual gives consent voluntarily
- the consent is current and specific, and
- the individual has the capacity to understand and communicate their consent.

When an applicant is seeking their own personal information, and their proof of identity has been confirmed, consent is implied through the act of the individual seeking the information.

When a third party seeks administrative access to the personal information of another individual, it is important that consent is in place or obtained. It may be helpful to provide the applicant with the D8601 Information Access Form which includes provision for third parties to obtain written consent from the client referred to in the application.

Where personal information is involved, the Department will consider the application against APP 6, which outlines when the Department may use or disclose personal information, and consult with the individual associated with the application to confirm consent where required.

Redacting

Redacting refers to the process of obscuring information so that the sensitive or protected information cannot be read or identified. The Department ensures that reasonable steps are taken to protect personal information (including sensitive information) from unintended access, misuse, interference, loss, modification or disclosure. Before releasing any information, the information will be reviewed for any sensitivities and some information may need to be redacted for legislative reasons.

The reasonable steps the Department takes to protect personal information includes removing certain types of information such as surnames, phone numbers and email addresses. The Department is legally required to remove signatures and other identifying information for third parties and non SES staff

members. We remove information that protects people's privacy, is commercially sensitive, legally privileged, for security and when legally required.

The Office of the Australian Information Commissioner (OAIC) provides guidance on the considerations for refusing to give access, including APP12 and [exemptions](#)³⁰. The Department's Redaction Guidelines should also be consulted to consider situations in which information may be redacted and hence not provided to the applicant.

It is therefore important to encourage applicants to consider all the information access mechanisms available and when possible, refer them to the Departments' [Accessing Information webpage](#)³¹ before they make any requests.

Refer to the [DVA Redaction Guidelines](#)³² for more information and the [OAIC FOI Guidelines](#)³³

Where to seek assistance

For clarification or assistance with information access requests and redactions the IAU can assist. They can be contacted via email - Information.Access@dva.gov.au.

In the course of your duties, staff may find some of the information being reviewed for release to be distressing. It is OK to acknowledge this. Help is available from your manager and through the Employee Assistance Program (EAP): 1300 360 364 from anywhere in Australia.

When releasing information which may be sensitive for the applicant, records can be released to a health care provider to support the applicant review and understand the information. This release should be done in consultation with the applicant to obtain their consent if possible.

Related information

1. [Archives Act 1983 \(Cth\)](#)
2. [Evidence Act 1995 \(Cth\)](#)
3. [Freedom of Information Act 1982 \(Cth\)](#)
4. [Privacy Act 1988 \(Cth\)](#)

³⁰ <https://www.oaic.gov.au/freedom-of-information/foi-guidelines/part-5-exemptions>

³¹ www.dva.gov.au/accessing-information

³² <https://www.dva.gov.au/about/accessing-information/what-can-i-access/corporate-information-access/information-access-guidelines-policies>

³³ <https://www.oaic.gov.au/freedom-of-information/foi-guidelines>

5. [Military Rehabilitation and Compensation Act 2004 \(Cth\)](#)
6. [Safety, Rehabilitation and Compensation \(Defence-related Claims\) Act 1988 \(Cth\)](#)
7. [OAIC's FOI Guidelines](#)
8. [Productivity Commissioner's Data Availability and Use Inquiry](#)
9. [DVA Privacy Policy](#)
10. [DVA Administrative Release Guidelines](#)
11. [DVA Redaction Guidelines](#)

Policy owner

The owner of this policy is the First Assistant Secretary, Client Engagement and Support Services Division.

Review date

This policy should be reviewed before February 2024 and year not more than 2 years from the date of the policy.



Australian Government
Department of Veterans' Affairs

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DVA

DVA Freedom of Information Guidelines

January 2024

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Introduction

There are a number of ways the Department of Veterans' Affairs ("DVA") may release information. These are set out in the Department's Information Release Policy. Administrative access is DVA's preferred and primary way to release requested information.

The FOI Guidelines are part of the Department's suite of documents on information release which sit under the Information Release Policy (**the policy**).

The release of information under the [Freedom of Information Act 1982 \(Cth\)](#) (FOI Act) is a more formal mechanism of release where the release of information is not appropriate under the Department's administrative access mechanism.

Each person has legally enforceable rights under the FOI Act to obtain access to government documents and to apply for the amendment or annotation of records of personal information held by government, in certain circumstances. The FOI Act also requires agencies to publish specified categories of information, and encourages the proactive release of other government information.

Who are the guidelines for?

The DVA Freedom of Information Guidelines (**Guidelines**) are a resource designed to support Departmental staff understand the legislated requirements of releasing information under the FOI Act. It also helps inform decisions about the types of documents that may be released and the timeframes that must be met.

This resource is intended for use by the Information Access Unit (IAU) which is responsible for managing requests for information through administrative access and under the FOI Act.

The Guidelines are supported by content on the [Department's website](#) for veterans, families and representatives. The website also provides information to applicants about the best and most expeditious way for them to access information, before making an application, whether that be under FOI or administrative access. These Guidelines are to support decision-makers and provide general information only which is not legally binding. In the event of any conflict or ambiguity in relation to these Guidelines and the FOI Act itself and/or the FOI Guidelines issued by the Office of the Information Commissioner (OAIC), the Act and OAIC Guidelines prevail.

How should this document be used?

Although primarily intended for staff, the document will also be published on the Department's website for external audiences.

The Guidelines are part of the suite of documents and should be read in conjunction with the:

- DVA Information Release Policy
- DVA Administrative Release Guidelines
- DVA Redaction Guidelines
- DVA Privacy Policy
- *Freedom of Information Act 1982 (Cth) (FOI Act)*
- *Privacy Act 1988 (Cth) (Privacy Act)*
- Office of Australian Information Commissioner FOI Guidelines (OAIC FOI Guidelines)
- Australian Privacy Principles Guidelines (APP Guidelines)

Background

These Guidelines have been developed as part of the response to 'Recommendation 9: Improve administrative release of information' made by the [Royal Commission into Defence and Veteran Suicide in its Interim Report](#) released in August 2022. While developing the DVA Administrative Release Guidelines, it became apparent that a companion document on FOI Guidelines would assist staff to manage formal requests for information effectively and efficiently. These Guidelines also provide guidance on adherence to FOI request processing timeframes in response to recommendations of the OAIC.

About Freedom of Information release

What is Freedom of Information release?

The FOI Act gives individuals, businesses and organisations the right to request access to documents held by the Department, unless a document is exempt in whole or in part under the FOI Act. It also gives the right to seek a review of a decision made by DVA about an FOI request.

FOI release is the formal release of information held by the Department in response to a written request for Department information that is made in accordance with the FOI Act. The information released under FOI, must be provided formally, in a written reply to the original request.

Principles of the FOI Act

The FOI Act is the legislative basis for open government in Australia at the Commonwealth level. In exercising powers under the FOI Act, officers of the Department must consider the objectives set out in section 3 of the Act which include:

1. Giving the Australian community access to information held by government, by requiring agencies to publish that information and by providing for a right of access to documents.
2. Promoting Australia's representative democracy by increasing public participation in government processes, with a view to promoting better-informed decision making.
3. Promoting Australia's representative democracy by increasing scrutiny, discussion, comment and review of government activities.
4. Increasing recognition that information held by government is to be managed for public purposes and is a national resource.
5. Ensuring powers and functions under the FOI Act are to be performed and exercised, as far as possible, to facilitate and promote public access to information, promptly and at the lowest reasonable cost.

Documents released under an FOI request

The Department may release both personal information and non-personal information in response to a request under the FOI Act noting that providing an individual's personal information may also be done through administrative release.

The OAIC FOI Guidelines issued under section 93A of the FOI Act make it clear that it is open to agencies to consider administrative access as an option to release information outside of the FOI Act, the Privacy Act or other legislative avenues.

FOI and Personal information

The FOI Act and the Privacy Act both generally allow individuals to seek access to their personal information and to have that information corrected or annotated.

Personal information has the same definition under the FOI Act and Privacy Act: it means information or an opinion about an identified individual, or an individual who is reasonably identifiable:

- whether the information or opinion is true or not; and

- whether the information or opinion is recorded in a material form or not.

Examples of personal information include:

- medical or service records
- payments history
- applications or claims made by the applicant and the Department's assessment of those applications or claims
- records of contact with an applicant
- documents provided to or supplied by the applicant
- personnel records of current or former employees of the Department

Section 47F of the FOI Act conditionally exempts documents where disclosure would involve the unreasonable disclosure of personal information of any person (including a deceased person). This exemption is intended to protect the personal privacy of individuals.

This exemption does not apply if the personal information is only about the applicant. Where the information is joint personal information, however, the exemption may apply. The OAIC's FOI Guidelines provide more information about joint personal information.

Proof of identity of the individual and/or consent to disclose the information to a third party are generally required for the release of any personal information a third party, including under an FOI request.

Non-personal information

Examples of non-personal information include:

- statistics or data relating to the Department's key functions and activities,
- non-personal information that isn't made public, such as policy or procedure documents.

Limitations of FOI release

- It requires the applicant to make a formal written request.
- It requires the Department to provide a written statement of reasons, outlining applicable legislative provisions for any redactions or exemptions with the release of documents.
- It must be processed within 30 days of receipt, taking into account any statutory extensions of time due to agreement by the applicant or the OAIC, or due to consultations with third parties or the

applicant. The Department may seek an extension to the 30 day processing time due to the complexity of an FOI request.

- It may invoke a charge from the Department for the costs incurred for the release of information, such as the resources involved, and the photocopying required.
- It involves a more complex process of engagement with, and within the Department.

Advantages of FOI release

- Applicants have a formal right of review of the outcome of the released documents.
- Documents requested involving complex confidentiality or personal information of third parties may be considered through a formal consultation process that can consider and weigh all factors including applying public interest factors in favour and against release.
- Clear legislated timeframes for the Department's response to a request helps to manage applicant expectations.

Where a request is initially submitted under the FOI Act and is more suited to an administrative access, the Department will first contact the applicant and seek their consent to change the request to an administrative release, and confirm withdrawal of the FOI application by the applicant. See more on administrative access in the Administrative Release [Guideline](#).

The Department may be legally obliged to refuse access to or redact some information sought under the FOI Act. This can extend to information that involves the personal information of another person or sensitive or confidential information. The Department is required to consider applicable legislation and the APP guidelines when considering the release of information. We may remove certain types of information, such as staff surnames, signatures and other personal information. We remove information that protects individuals' privacy, is commercially sensitive, or for security and other reasons. For more information on redactions see the DVA Redaction [Guidelines](#).

The OAIC and [APP 12](#) provide guidance on the considerations for refusing access. Further information is available under Redactions and Exemptions below.

Self-service

Information already published by the Department

The FOI Act encourages agencies to proactively publish information they hold.

The Department proactively releases non-personal information on its website under its [Information Publication Scheme](#), [FOI disclosure log](#) and media releases. Examples of information which is publicly available on the Department's website include:

- Details of the Department's structure, functions and responsibilities
- Operational information
- Annual reports
- Responses to Parliament
- Reviews
- Statutory appointments
- Consultation arrangements
- Routinely requested information, including on the Department's FOI disclosure log.

The Department's corporate reports are also available on the [Australian Government Transparency Portal](#). Applicants should be referred to the publicly available information if such a request is received.

The FOI Disclosure Log lists documents that have been released under the FOI process (Part 14 of the OAIC's FOI Guidelines) unless they are exempt from disclosure log requirements, including:

- personal information about any person, if it would be 'unreasonable' to publish the information (s 11C(1)(a))
- information about the business, commercial, financial or professional affairs of any person, if publication of that information would be 'unreasonable' (s 11C(1)(b))
- other information of a kind determined by the Information Commissioner if publication of that information would be 'unreasonable' (s 11C(1)(c) and 11C(2))
- any information if it is not reasonably practicable to publish the information because of the extent of modifications that would need to be made to delete information listed in one of the above (s 11C(1)(d)).

MyService

MyService is an avenue provided by the Department to enhance easy access to personal documents for veterans and their nominated representatives. If a veteran is not registered with MyService, they may seek their documents via administrative access directly with the Department, by phone or email.

The personal records may also be accessed under an FOI application or formal application under Australian Privacy Principle (APP) 12. The Department will guide an applicant seeking their own documents towards administrative access before making an FOI application, unless the request is voluminous in nature or requires extensive third party consultations and extensive redactions.

Supporting applicants

How applicants can make an application under the FOI Act:

Applicants are able to submit a request for the release of information under the FOI Act by:

- Completing the [D8601 Information Access Application Form](#) or sending a written request
- Posting their request or the D8601 Information Access Application Form to:
 - Information Access Unit
 - Department of Veterans' Affairs
 - GPO Box 9998
 - Brisbane QLD 4001
- Emailing the request to: Information.Access@dva.gov.au

An FOI request must meet certain criteria under section 15(2) of the FOI Act. The request must:

1. Be in writing.
2. State it is an application for the purposes of the FOI Act
3. Provide enough information as is reasonably necessary to enable a Departmental officer to identify the document/s that the applicant is seeking to access

Additional information on how to request information is contained in the OAIC Guidelines on how to request information.

Section 15 of the FOI Act further provides that 'a person' may request access to a document of an agency or official document of a Minister. However, the meaning of 'person' is very broad and an FOI request may be made by one person on behalf of another person, by an organisation on behalf of a client, or by a person as

the agent or representative of a group of individuals. The term 'person' includes a body politic or body corporate, such as a company.

The Department has an obligation to assist an applicant to make a request so it complies with the technical requirements of the FOI Act. The Information Access Officer must take reasonable steps to assist so the request does meet the above requirements. Early contact with the applicant about a request provides an opportunity to assist the applicant to address any formal requirements that have not been met. It also allows the IAU to ensure they understand the nature of the applicant's request by discussing any necessary revisions or clarifications. Any changes, revisions or clarifications as to the scope of a request, need to be confirmed in writing.

The Department may receive a request that is more closely connected with another agency or Department. Section 16 of the FOI Act provides for the transfer of FOI requests between agencies and Ministers. An agency has a duty to take reasonable steps to assist a person to direct their request to the appropriate agency or Minister, and this enables an agency to discuss with an applicant where a request could be directed (s 15(4)). The Department may partially or wholly transfer a request (s 16(3A)).

The Department may transfer all, or part of a request, to another agency or Minister with the agreement of that agency or Minister if:

- the document is not in the Department's possession but is to their knowledge in the possession of another agency or Minister, or
- the subject matter of the document is more closely connected with the functions of another agency or Minister (ss 16(1) and 16(6)).

However, the transfer must be accepted by the agency in order for the transfer to occur (s 16). An agency may refuse to accept a request where they do not believe the request can be fulfilled or there is insufficient time left to process the request. In this situation, the original agency must continue to process the request.

The Department often receives requests for information which may be more effectively fulfilled by the Department of Defence (Defence). If this occurs, the Department will liaise directly with Defence to request a transfer of the request as early as possible. If accepted, the applicant will be notified of the transfer and Defence will take over the processing of the request.

Formats of release of information

FOI requests require the Department to provide a formal written response to the applicant.

Requested information may be provided to applicants as paper-based documents, electronic records or released on electronic storage devices such as a Universal Serial Bus (USB). Information may also be provided through a third party, such as a medical practitioner, or by producing a summary of the information to the individual. The Department generally releases the information in electronic format. In limited circumstances the Department may discuss other release options with the applicant where applicant is unable to access electronic documents.

Release of information of deceased persons

A request for access to the personal information of a deceased client may be sought under the FOI Act and administrative access. A Will, Grant of Probate, Letter of Administration and/or other forms of proof of relationship will be required to enable release the personal information of a deceased client. This is important as in some cases an applicant's relationship status with the deceased veteran may be unclear, for example, where the Department does not have a recorded authority from the client's next-of-kin.

Additionally, the Department will work with advocates, nominated representatives and executors of wills to confirm existing consents on file to establish what can be released and the most appropriate means of release, being administrative access or FOI. Where the Department is not able to release information, clear guidance as to the reasons will be provided with options for consideration.

The IAU is the Department's central coordination point for releases of information associated with deceased persons and will work closely with DVA business areas, applying a trauma informed approach, to obtain the records being sought and facilitate a formal Departmental release.

Timeframes

Under the FOI Act there are legislated timeframes the Department must meet when a FOI application is received.



30 day clock

Information Access Officers have 14 days to acknowledge a request and 30 days to notify the applicant of the Department's decision. The Department must, as soon as practicable, and no later than 30 days after receiving a request, take all reasonable steps to enable the applicant to be notified of a decision on the request (s 15(5)(b)). Section 15(5)(b) provides that the 30-day processing period commences on the day after the day the agency is taken to have received a request that meets the formal requirements of s 15(2) and s 15(2A).

The FOI Act allows for the timeframe for processing a request to be extended in certain limited situations, shown below:

Table 1: Extension of Time Provisions

| Reason | Period | Determination | Notification |
|---|-------------------------|--|--|
| Third party consultation: consultation with a state, or a person or business concerning personal or business information (s 15(6)) | 30 days | By default if Department determines ss 26A, 27 or 27A apply | Must inform applicant of extension as soon as practicable (s 15(6)(b)) |
| Consultation with foreign entity regarding 33(a)(iii) or 33(b) exemptions (s 15(7),(8)) | 30 days | By default if Department determines consultation is needed | Must inform applicant of extension as soon as practicable (s 15(8)(b)) |
| By agreement between applicant and agency or Minister (s 15AA) | up to 30 days | Department but only with written agreement of applicant | Must give written notice of the extension to the Information Commissioner as soon as practicable (s 15AA(b)) Note: May be in addition to an extension for third party consultation |
| Complex or voluminous request (s 15AB) | 30 days or other period | Information Commissioner, upon request from Department using the OAIC extension request web form | Commissioner must inform Department and applicant of extension (s 15AB(3)) |

| Reason | Period | Determination | Notification |
|---|-----------------|--|--|
| Following a deemed refusal (s 15AC(4)) | OAIC determined | Information Commissioner, upon request from agency or Minister | Commissioner <u>may</u> require Department to notify applicant or third party as a condition of granting the extension (s 15AC(6)) |

Redactions and exemptions

A decision maker must give the applicant a statement of reasons if they refuse any aspect of the FOI request or defer access to documents (s 26(1)).

The FOI Act provides a range of exemptions for different types of information that would not be suitable for release under the FOI framework. An exempt document is either:

- a document that is exempt from the operation of the FOI Act (see s 5-7 and Schedules 1-2 of the FOI Act).
- a document that would be exempt for the purposes of Part IV of the FOI Act (i.e., it meets the criteria for an exemption provisions under the FOI Act in accordance with s 4(1)).

The exemption provision categories are broadly broken into two types:

- Exemptions – Sections 33 - 47A.
- Conditional Exemptions – Sections 47B - 47J.

Conditional exemptions require the public interest test to be satisfied. This means that access must be given unless in the circumstances giving access would, on balance, be contrary to the public interest (s 11A(5)).

For detailed information on exemptions and how to apply them, Information Access Officers should consider the FOI Act, the OAIC's FOI Guidelines and decisions made by the Information Commissioner ([Australian Information Commissioner \(AICmr\) series](#)).

Refer to the [DVA Redaction Guidelines](#) for more information.

Decisions on FOI requests

In response to a request for access to documents under the FOI Act, a decision maker may:

- determine the request does not meet the formal requirements for making a request in s 15
- refuse access under s 24A on the basis that the document sought does not exist, cannot be found or was not received from a contractor
- allow access to all documents as requested, even if some are exempt (s 3A(2)(a))
- withhold all requested documents as exempt, or withhold some documents and allow access to others
- provide access to the personal information of the applicant through a qualified person under s 47F(5)
- delete exempt or irrelevant material from documents and provide access to edited copies under s 22
- defer access to the requested documents until a later date under s 21
- refuse under s 25 to confirm or deny that a document which would be exempt under s 33, 37(1) or 45A exists
- refuse a request if a practical refusal reason exists under s 24AA, following a request consultation process
- impose a charge for processing a request or for access to a document to which a request relates under s 29
- amend or annotate a record of the applicant's personal information as requested under s 48
- decline to amend or annotate a record of the applicant's personal information as requested under s 48.

A 'deemed access refusal' occurs where the statutory time for making a decision on an FOI request for access to a document has expired and the decision has not been made. Where there has been a deemed decision, the OAIC may make inquiries with the agency or Minister.

Where a substantive decision is made following a deemed refusal, and a notice under s 26 has been given, the OAIC will check whether the applicant is satisfied with the agency or Minister's decision. Applicants who are satisfied with the decision and do not wish to proceed with the Information Commissioners (IC) review must advise the OAIC in writing. Applicants who are not satisfied with the agency or Minister's

decision must explain why they disagree with the decision and the basis on which they wish to proceed with the IC review.

An agency or minister may refuse a request if a 'practical refusal reason' exists (s 24) but only after following the 'request consultation process' set out in s 24AB of the FOI Act.

A practical refusal reason means that:

- a request does not sufficiently identify the requested documents (s 24AA(1)(b)); or
- the work involved in processing the request:
 - in the case of an agency—would substantially and unreasonably divert the resources of the agency from its other operations (s 24AA(1)(a)(i)), or
 - in the case of a Minister—would substantially and unreasonably interfere with the performance of the Minister's functions (s 24AA(1)(a)(ii)).

Charges

Section 29 of the FOI Act provides discretion for the Department to impose a charge for processing a request or providing access to a document.

Requests by applicants for their own personal information or from third parties acting on behalf of another person who is seeking their own personal information are unable to be charged a fee. Similarly, an application for amendment or annotation of a personal record, internal review of an FOI decision and review applications or complaints to the Information Commissioner are to be provided at no cost to the applicant.

FOI requests for non-personal information may attract a fee.

Once searches are completed and all relevant search minutes returned and compiled the Information Access Officer can then charge, if appropriate. Charges should be calculated using the charges calculator template and the charges notice template.

Fees and charges are set by the [Freedom of Information \(Charges\) Regulations 1982](#) (the Regulations), these include¹:

| Action | Charge |
|--|---|
| Search and retrieval: time that the Information Access Officer will spend searching for or retrieving a document | Australian dollar (AUD) \$15.00 per hour |
| Decision making: time spent deciding to grant or refuse a request, including examining documents, consulting with other parties, and making deletions | First five hours: Nil Subsequent hours: AUD \$20 per hour |
| Transcript: preparing a transcript from a sound recording, voice call or other type of document that would require transcription | AUD \$4.40 per page of transcript |
| Photocopy (of the documents provided to the applicant) | AUD \$0.10 per page |
| Inspection: supervision by an agency officer of inspection of documents or hearing or viewing an audio or visual recording at a Department office | AUD \$6.25 per half hour (or part thereof) |
| Delivery: sending or delivering a copy of a document at an applicant's request | Cost of postage or delivery |

Other costs are chargeable at amounts 'not exceeding the actual cost incurred by the Department (see the Charges Regulations for more detailed information). Information Access Officers must stop the clock on the day that a charges notice is issued to an applicant. From the day the notice was given, the applicant has 30 days, or a further period if the agency allows, to do one of the following in writing:

- Advise of their agreement to pay the charge
- Contend the charge has been wrongly assessed, or should be reduced or not imposed, or both
- Withdraw the FOI request (s 29(1)(f) of the FOI Act).

Where a charge has been applied, and an applicant contends the charge has been wrongly assessed, or should be reduced or not imposed, or both, the applicant will be asked to set out their reasons in writing. Upon receipt, the Department will appoint a Senior Officer to review the reasons. The Department will make a decision within 30 days as to whether the charge will be imposed, reduced or waived. The applicant will be provided a written decision, including the factors considered in arriving at it together with information on their rights to seek an internal and/or external review via the Oaic.

¹ As set out in Schedule 1 of the Regulations.

Complaints and review of an FOI decision

A person who is not satisfied with a decision on a request for documents, or for amendment or annotation, may request an internal review by the Department of an 'access refusal' decision (in the case of the FOI applicant: s 54(2)) or an 'access grant' decision (in the case of an affected third party: s 54A(2)) (Part 9 of the OAIC's FOI Guidelines).

Internal Review

The FOI Act gives applicants the right to seek an internal review of a decision refusing to grant, or a decision granting partial access to documents under an FOI request.

The internal review will be conducted by an Information Access Officer who will (generally) hold a more senior position than the original decision-maker. An application for internal review must be in writing and made within 30 days of notification of the original decision. The Department can, at its discretion, extend the period in which internal review can be sought by an applicant.

Where a charge has been applied, applicants may seek an internal review of a decision to impose a charge or the amount of a charge (s 53A(e)).

Information Commissioner Review

An application can also be made to the [Information Commissioner](#) for a review of the following decisions:

- a decision to refuse access to a document
- a decision made by the Department on internal review to refuse access to a document
- a decision to refuse a further period for making an application for internal review of a decision to refuse access to a document.

Applicants have 60 days following the date of a decision to lodge a review with the Information Commissioner. An applicant does not have to seek internal review before seeking review by the Information Commissioner. Applications for a review by the Information Commissioner must be sent to the Office of the Australian Information Commissioner directly by the applicant. Applicants may also make a complaint to the Information Commissioner about the Department's processing of an FOI request, even if

they agree with the decision made. For more information on the procedure, please see the [guidance published by OAIC](#).

Finally, applicants may seek review of an FOI decision by the Administrative Appeals Tribunal (AAT) but they must first seek Information Commissioner Review. Appeals to the AAT must be lodged in writing within 28 days of being notified of the Information Commissioner's review decision.

Recording of FOI requests

Section 93 of the FOI Act requires the Department to provide quarterly and annual statistics to the Information Commissioner to enable the Commissioner to prepare the FOI statistical return under s 30 of the *Australian Information Commissioner Act 2010*.

If no FOI requests have been processed, a 'Nil Return' must be submitted.

The Information Access Unit is responsible for ensuring the Department's compliance with section 93 of the FOI Act. The IAU submits statistics through the FOI Statistical Returns Portal ([Application Logon \(oaic.gov.au\)](#)) by the following (required) deadlines:

- Quarter 1 (1 July to 30 September): **By 21 October**
- Quarter 2 (1 October to 31 December): **By 21 January**
- Quarter 3 (1 January to 31 March): **By 21 April**
- Quarter 4 (1 April to 30 June): **By 21 July**
- Annual Statistics (each year): **By 31 July**

Documents held by the Repatriation Commission or Military Rehabilitation and

Any claims records held by the Commissions may be requested under an FOI application pending proof of identity and consent of the individual referred to in the application. Redactions and exemptions will be applied to the release of information as noted above.

Information Access Unit

- The IAU in the Department is responsible for managing all requests under FOI. Any other business area that receives a request under FOI should refer it directly to the IAU at Information.Access@dva.gov.au.
- The IAU also manages the more complex and formal requests for information under administrative release, subpoenas and court orders.
- Less formal requests for access to information may be managed by other business areas under administrative release.

Related information

1. [Freedom of Information Act 1982 \(Cth\)](#)
2. [Privacy Act 1988 \(Cth\)](#)
3. [DVA Information Release Policy](#)
4. [OAIC's FOI Guidelines](#)
5. [OAIC 'Administrative access' guidance](#)
6. [Open Government Partnership National Action Plan](#)
7. [DVA Privacy Policy](#)
8. [Productivity Commissioner's Data Availability and Use Inquiry](#)
9. [DVA Administrative release Guidelines](#)

Glossary

Administrative access – an informal method whereby applicants request information or documents held by the Department, outside of the FOI Act or other legislative means.

Administrative release – an informal method the Department release information to applicants, outside of the FOI Act or other legislative means.

Applicant – an individual, business or organisation who makes a request for access to information or documents held by the Department.

[Australian Privacy Principles](#) – 13 principles within the Privacy Act which govern standards, rights and obligations around:

- the collection, use and disclosure of personal information

- an organisation or agency's governance and accountability
- integrity and correction of personal information
- the rights of individuals to access their personal information

Certified copy – a photocopy certified by a solicitor, barrister, justice of the peace or other approved person to be a true copy of the original.

Document – same meaning as under section 4 of the [Freedom of Information Act 1982 \(Cth\)](#)

Information – the content of documents.

Information Access Unit (IAU) – a central resource in the Department through which applicants can seek information held by the Department; and responsible for managing Freedom of Information requests.

Information Access Officer (IAO) – an Australian public servant within the Department's Information Access Unit who is delegated to make decisions under the FOI Act.

Personal information – same meaning as in the [Privacy Act 1988 \(Cth\)](#). It can include an individual's name, address, telephone number, date of birth, medical records, bank account details, taxation information and their signature.

Third party – a person or entity other than the applicant or their authorised representative that is the person making the FOI application and falls within s26A, s27 or s27A of the FOI Act.

Keywords

Access to information; administrative access; Australian Privacy Principles; APP; disclosure log; FOI; freedom of information; OAIC; Office of the Australian Information Commissioner; information; personal information; privacy; release of information; right to information; third party.

Further information

For further advice or assistance, please contact the Department's Information Access Unit at Information.Access@dva.gov.au.

Further information about freedom of information and other options for accessing information held by the Department, can be found on the Department's website at: <https://www.dva.gov.au/about-us/overview/reporting/freedom-information/access-information>.

The owner of this FOI Guideline and the Administrative Release and Redaction Guideline is the First Assistant Secretary, Ministerial, International & Stakeholder Branch, responsible for the Departments' Information Access Unit.