



February 2023

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#### 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 <u>Information Release Policy</u><sup>1</sup> (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.

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

The guidelines are supported by content on the <u>DVA website</u><sup>2</sup> 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)<sup>3</sup> (FOI Act)
- Privacy Act 1988 (Cth)<sup>4</sup> (Privacy Act)
- Office of Australian Information Commissioner FOI Guidelines<sup>5</sup> (OAIC FOI Guidelines)
- Australian Privacy Principles Guidelines<sup>6</sup> (APP Guidelines) and
- DVA Privacy Policy <sup>7</sup>

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<sup>8</sup> released in August 2022. The Royal Commission also recommended that:

<sup>&</sup>lt;sup>2</sup> https://www.dva.gov.au/about/accessing-information

https://www.legislation.gov.au/Series/C2004A02562

<sup>&</sup>lt;sup>4</sup> https://www.legislation.gov.au/Details/C2014C00076

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

<sup>&</sup>lt;sup>6</sup> https://www.oaic.gov.au/privacy/australian-privacy-principles

<sup>&</sup>lt;sup>7</sup> https://www.dva.gov.au/dva-privacy-policy

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

"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 <u>APP Guidelines</u><sup>9</sup> 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 <u>Safety, Rehabilitation and Compensation (Defence-related Claims) Act 1988</u>
  (Cth)<sup>10</sup> (**DRCA**) or
- section 331 of the *Military Rehabilitation and Compensation Act 2004* (Cth)<sup>11</sup> (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.

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<sup>&</sup>lt;sup>9</sup> https://www.oaic.gov.au/privacy/australian-privacy-principles

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

<sup>&</sup>lt;sup>11</sup> 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 <u>Archives Act 1983<sup>12</sup></u> (**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:
  - o medical or service records
  - payments history
  - applications or claims made by the applicant and the Department's assessment of those applications or claims
  - o records of contact with an applicant
  - o 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

<sup>&</sup>lt;sup>12</sup> https://www.legislation.gov.au/Details/C2016C00772

- 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.

- The Department is required to consider applicable legislation and the <u>APP Guidelines</u><sup>13</sup> 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. <u>DVA's Redaction Guidelines</u><sup>14</sup> 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<sup>15</sup>. 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 <u>must</u> be in writing).

An agency may establish processes for the management of requests for information and documents. This <u>may</u>, for example, include <u>requesting</u> the applicant to complete a request form or entering information in an online portal.

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

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

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

# 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,

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.

**FOI request** 

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.

including the reasons for the refusal, must be given to

the individual if access is refused.)

Administrative release

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.

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.

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 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.

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

FOI request	Administrative release
	written notice of refusal). It is however good administrative practice to do so.
Applicants have <b>review rights</b> . An applicant may apply for either an internal review or Information Commissioner review of an access refusal decision made under the FOI Act.	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).
The Department must <b>publish information</b> released in response to FOI requests in a disclosure log on its website, subject to certain exceptions including but not limited to:	The Department is <b>not obliged to publish information they release administratively.</b> However, the Department seeks to proactively publish information of interest through its webpage.
<ul> <li>Personal information about any individual, it if would be unreasonable to publish the information;</li> </ul>	
<ul> <li>Information about the business, commercial, financial or professional affairs of any person, if publication of that information would be 'unreasonable'</li> </ul>	
Other information of a kind determined by the	

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).

information would be 'unreasonable'.

Information Commissioner if publication of that

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.

#### 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 is 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

potential to be re-identified in whole or in part. (For advice about de-identification, refer to the OAIC's publication <u>De-identification and the Privacy Act<sup>16</sup></u>)

 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

<sup>&</sup>lt;sup>16</sup> 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 guarterly 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,

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 <a href="website">website</a><sup>17</sup> 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 <u>Australian Government Transparency</u> Portal<sup>18</sup>.

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

<sup>18</sup> https://www.transparency.gov.au/

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: <a href="mailto:lnformation.Access@dva.gov.au">lnformation.Access@dva.gov.au</a>
- 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

#### **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:

- 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.

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<sup>19</sup> or
- lodge a complaint with the <u>Office of the Commonwealth Ombudsman</u><sup>20</sup> 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<sup>21</sup>.

#### 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 <a href="mailto:information.access@dva.gov.au">information.access@dva.gov.au</a>

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)

 $<sup>^{19} \ \</sup>underline{\text{https://www.dva.gov.au/about-us/feedback-and-fraud/complaints-compliments-and-other-feedback}}$ 

<sup>&</sup>lt;sup>20</sup> https://www.ombudsman.gov.au/

https://www.oaic.gov.au/privacy/privacy-complaints

- 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

<u>Australian Privacy Principles</u> – 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 <u>Freedom of Information Act 1982 (Cth)</u>

**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 <u>Privacy Act 1988 (Cth)</u>. 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.

#### **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.