



Australian Government
Department of Veterans' Affairs

transforming
DVA

DVA Information Release Policy

February 2023

Contents

Introduction.....	3
Who is this policy for?	4
How should this document be used?	4
Background.....	5
What is information access or release?	6
Information release principles	6
Principle 1: Open access to information — a default position.....	6
Principle 2: Effective information governance	7
Principle 3: Robust information asset management.....	7
Principle 4: Appropriate charging for access.....	8
Principle 5: Transparent enquiry and complaints processes.....	8
Principle 6: Single information access point and no wrong door.....	8
Principle 7: Encourage requests for information through the Administrative Release pathway	8
Principle 8: Engage with a trauma-informed approach	8
Information release mechanisms	9
Administrative release.....	9
Release under legislative provisions.....	9
Release through lawful requests.....	11
Information release channels.....	11
MyService	11
Public release.....	11
DVA delegates	12
Information Access Unit	12
Reporting to the Office of Australian Information Commissioner	12
National Archives of Australia	13
Australian Defence Force (ADF) service records	13
Consent to release information.....	14
Redacting	14
Where to seek assistance	15
Related information	15
Policy owner	16
Review date	16

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.