



Australian Government

Department of Health

Department Reference: FOI 147-1314

Mr Renai LeMay
Editor and Publisher
Delimiter

renai@delimiter.com.au

Dear Mr LeMay

NOTICE OF DECISION

I refer to your request of 5 January 2014 to the Department of Health (Department) seeking access under the *Freedom of Information Act 1982* (FOI Act) to: the full text of the review of the Personally Controlled Electronic Health Record.

I am writing to advise you of my decision.

Decision

I have decided to refuse access. My reasons for this decision are detailed below.

As the document did not exist in the Department on the date of receipt of your request, I have decided to refuse access under section 24A of the FOI Act.

Review rights

You are entitled to seek review of this decision.

Your rights are set out at Attachment A to this letter.

Relevant provisions

The FOI Act, including the provisions relevant to your request can be accessed from the ComLaw website using the following link:

<http://www.comlaw.gov.au/Details/C2013C00242>

Contacts

If you require clarification of any of the matters discussed in this letter you should contact the FOI Unit on (02) 6289 1666 or via email at FOI@health.gov.au.

Yours sincerely



Rod Schreiber
Acting Assistant Secretary
eHealth Policy
31 January 2014

REVIEW RIGHTS

YOUR REVIEW RIGHTS

If you are dissatisfied with this decision, you have certain rights of review available to you. You can apply for either internal review or Australian Information Commissioner (AIC) review. You do not have to apply for internal review before seeking AIC review:

- if you choose internal review, you can still apply for AIC review if you are dissatisfied with the internal review decision;
- if you choose AIC review, you will not be able to seek internal review of that decision and your only avenue will then be AAT review.

Details of the review options are set out below.

Internal Review

Under section 54B of the FOI Act, you may apply for an internal review of the decision. Your application must be made within 30 days of you receiving this notice (or such further period as the agency allows), or where access is granted to some documents and not others, 30 days after receiving this decision notice or 15 days of you receiving the documents to which you have been granted access (if any) – whichever is the longer period.

An internal review will be conducted by a different officer of this Department. No particular form is required to apply for review although it will assist your case to set out in the application the grounds on which you believe that the original decision should be overturned. An application for a review of the decision should be addressed to:

FOI Coordinator (MDP 350)
Department of Health
GPO Box 9848
CANBERRA ACT 2601
Email: foi@health.gov.au

Australian Information Commissioner Review

Alternatively you may apply in writing for review by the Australian Information Commissioner. The Australian Information Commissioner can be contacted by:

E-mail: enquiries@oaic.gov.au
Phone: 1300 363 992

In making your application you need to provide:

- An address for notices to be sent (this can be an email address); and
- A copy of this decision

An application for AIC review must be made within 60 days of this notice (if you do not request an internal review) or within 60 days of notice of the internal review decision.

Administrative Appeals Tribunal review

You may also apply to the AAT for review of a decision made on Australian Information Commissioner review with which you are dissatisfied. (Note: if you are dissatisfied with an internal review decision you must apply for AIC review.)

The AAT is a completely independent review body with the power to make a fresh decision. Your application to the AAT should be accompanied by an application fee - currently \$816, which may be refunded in some instances. The fee may be waived by the AAT where financial hardship is shown.

The AAT has a help desk to advise on its procedures. More information is available on the AAT's website www.aat.gov.au.

Processing Complaints to the Australian Information Commissioner

You may also make a complaint to the Australian Information Commissioner about action taken by the Department in relation to your application. The complaint needs to be in writing and identify the agency against whom the complaint is made.

There is no particular form required to make a complaint, but the complaint should set out the grounds on which you consider the action should be investigated.