

Our reference: FOI 24.25 - 0411



GPO Box 700
Canberra ACT 2601
1800 800 110
ndis.gov.au

29 October 2024

Rob Stewart
Right to Know

By email: foi+request-11472-6cf2db18@righttoknow.org.au

Dear Rob Stewart

Freedom of Information request — Request consultation process

Thank you for your correspondence of 30 September 2024, in which you requested access under the Freedom of Information Act 1982 (FOI Act) to documents held by the National Disability Insurance Agency (NDIA).

Scope of your request

You have requested access to the following documents:

“I request all documents from 1 July 2022 to today's date including policy, designs, correspondence, reports, finding, summaries and briefs associated with codesign with the disability community.”

Practical refusal

I am authorised to make decisions under section 23(1) of the FOI Act.

I am writing to advise that your request does not provide enough information about the documents you are seeking as is reasonably necessary to allow us to identify them. I am also advising that the work involved in processing your request in its current form would substantially and unreasonably divert the resources of the NDIA from its other operations due to its size and broad scope. These are called a ‘practical refusal reason’ under section 24AA of the FOI Act.

On this basis, I intend to refuse your request. However, before I make a final decision, I am writing to provide you with an opportunity to revise your request. This is called a ‘request consultation process’ as set out under section 24AB of the FOI Act. You have 14 days to respond to this notice in one of the ways set out below.

Why I intend to refuse your request

I have conducted a preliminary search for documents which are likely to be relevant to your request. This search has revealed that the NDIA is in possession of more than 1700 individual documents within the scope of your request, not including any attachments which may be contained within those documents.

The documents that are assessed as being within scope of the request will then need to be reviewed for any sensitivities and possible exemptions under the FOI Act, scheduled, consultations considered and carried out if required, a decision made on each document, and a decision letter prepared. This will significantly increase the hours that it will take an FOI officer to process your request.

As a result, I am of the view that the work involved in the processing of this request would substantially and unreasonably divert the resources of the NDIA from its other operations.

In addition, your request does not currently satisfy section 15(2)(b) of the FOI Act, as the terms of your request are too broad, and we were unable to identify the specific documents that you may be seeking.

In conducting this preliminary search, we consulted with relevant NDIA staff from the Co-design and Engagement Division (Co-design) who advised that their division was established in October 2023. Prior to this date, co-design was assigned to separate business areas within the NDIA dependent upon the project. This outcome shows that the terms of your request do not provide sufficient information to allow us to identify the specific documents that you are seeking.

Request consultation process

You now have an opportunity to revise your request to enable it to proceed.

Revising your request can mean narrowing the scope of the request to make it more manageable or explaining in more detail the documents you wish to access. For example, by providing more specific information about exactly what documents you are interested in, the NDIA will be able to pinpoint the documents more quickly and avoid using excessive resources to process documents you are not interested in.

To reduce the scope of your request, you might like to consider:

- Reducing the time period covered by your request
- Specifying the particular topic of co-design documents you are requesting

You have 14 days from the date you receive this letter to contact me and do one of the following:

- a. Withdraw your request
- b. Make a revised request
- c. Indicate that you do not wish to revise the request.

During this period, you are welcome to seek assistance to revise your request. If you revise your request in a way that adequately addresses the practical refusal reason outlined above, we will recommence processing it.

Please note that the time taken to consult with you regarding the scope of your request is not taken into account for the purposes of the timeframe for processing your request.

You can contact me by email at foi@ndis.gov.au.

Alternatively, you can reply in writing to the following address:

Freedom of Information Section
Complaints Management & FOI Branch
General Counsel Division
National Disability Insurance Agency
GPO Box 700
CANBERRA ACT 2601

If you do not contact me within this period, that is by **12 November 2024**, your FOI request will be taken to have been withdrawn under subsection 24AB(7) and will not be dealt with any further.

Please do not hesitate to contact me if you have any questions.

Yours sincerely

A handwritten signature in blue ink, appearing to be 'L.M.', is located below the text 'Yours sincerely'.

Lia (LML799)
Senior Freedom of Information Officer
Complaints Management & FOI Branch
General Counsel Division