

29 August 2024

B

By email: foi+request-11615-831d776b@righttoknow.org.au

Dear B

Freedom of Information request - Notification of Decision

Thank you for your correspondence of 3 July 2024, in which you requested access to documents held by the National Disability Insurance Agency (NDIA), under the *Freedom of Information Act 1982* (FOI Act).

The purpose of this letter is to provide you with a decision on your request.

Scope of your request

As per your email dated 15 August 2024, I confirm you have requested access to the following documents:

1. *the average funding packages for individuals diagnosed with Borderline Personality Disorder (BPD), Dissociative Identity Disorder and either PTSD or Complex Post-Traumatic Stress Disorder (C-PTSD)*
2. *the average Improved Daily Living Skills funding packages for individuals diagnosed with Borderline Personality Disorder (BPD), Dissociative Identity Disorder and either PTSD or Complex Post-Traumatic Stress Disorder (C-PTSD)*
3. *for the 2023/2024 financial year the overall number of participants with these diagnoses as either primary or secondary listed disability.*
[Borderline Personality Disorder (BPD), Dissociative Identity Disorder and either PTSD or Complex Post-Traumatic Stress Disorder (C-PTSD)]

Extension of time

On 1 August 2024, you agreed to a 30-day extension of time under section 15AA of the FOI Act, making 2 September 2024 the new date to provide you with a decision on access.

Decision Structure

I advise that during the internal consultation process, information was located for only some parts of your scope, therefore, for ease of reading, I have addressed my decision as two separate decisions as below.

Decision 1 - Dissociated Identity Disorder and Complex Post Traumatic Stress Disorder (C-PTSD)

Scope:

1. *the average funding packages for individuals diagnosed with Dissociative Identity Disorder and Complex Post-Traumatic Stress Disorder (C-PTSD)*
2. *the average Improved Daily Living Skills funding packages for individuals diagnosed with, Dissociative Identity Disorder and Complex Post-Traumatic Stress Disorder (C-PTSD)*
3. *for the 2023/2024 financial year the overall number of participants with these diagnoses as either primary or secondary listed disability – [Dissociative Identity Disorder and Complex Post-Traumatic Stress Disorder (C-PTSD)]*

Search efforts

A search for documents has been conducted by the Analytics, Data and Actuarial Division (ADA) and no responsive documents were located in response your scope

Decision on access to documents

I have decided to refuse access to the information you have requested relating to *Dissociative Identity Disorder and Complex Post-Traumatic Stress Disorder (C-PTSD)* on the basis that the documents are non-existent or unlocatable pursuant to section 24A of the FOI Act.

A detailed statement of reasons explaining my decision is **Attachment A** to this decision notice.

Decision 2 - Borderline Personality Disorder (BPD) and PTSD

Scope:

1. *the average funding packages for individuals diagnosed with Borderline Personality Disorder (BPD) and PTSD*
2. *the average Improved Daily Living Skills funding packages for individuals diagnosed with Borderline Personality Disorder (BPD) and PTSD*
3. *for the 2023/2024 financial year the overall number of participants with these diagnoses as either primary or secondary listed disability. [Borderline Personality Disorder (BPD), and PTSD]*

Search efforts

A search for documents has been conducted by the Analytics, Data and Actuarial Division (ADA) and information was located in response to your scope.

Decision on access

I have decided to release this information to you in full.

Section 17(1)(c) of the FOI Act provides that an agency can produce a written document containing the requested information, by the use of a computer or other equipment that is ordinarily available for retrieving or collating stored information. We have been able to produce a document containing this information as requested by you. I have, therefore, treated your request as if it were a request for access to this document in accordance with section 17(1)(c) of the FOI Act. This document is referred to as Document 1.

I made these decisions as an authorised FOI decision maker under section 23(1) of the FOI Act.

Rights of review

Your rights to seek a review of my decision, or lodge a complaint, are set out at **Attachment C**.

Should you have any enquiries concerning this matter, please do not hesitate to contact me by email at foi@ndis.gov.au.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Jennifer', written in a cursive style.

Jennifer(JFD472)

Senior Freedom of Information Officer
Government, Risk & Legal – Complaints Management and FOI
General Counsel Division

**Statement of Reasons
FOI24/25-0011**

Refused information

I have refused access to the information you have requested on the basis that the documents are unlocatable or do not exist under section 24A of the FOI Act.

Relevant law

Under the FOI Act, a person has a right to be given access to documents of an agency. However, the right of access is subject to limitations, including grounds for refusal of access. Section 24A of the FOI Act states that an agency may refuse a request for access to a document if all reasonable steps have been taken to find the document and the agency is satisfied that the document cannot be found or does not exist.

After reviewing the scope of your FOI application, I conducted searches with the NDIA's Analytics, Data and Actuarial Division (ADA) to assess whether the documents you requested existed.

ADA responded advising that we cannot specifically report on Dissociative Identity Disorder, or Complex Post Traumatic Stress Disorder (C-PTSD) in relation to items 1-3 of your scope for the following reasons:

Dissociative Identity Disorder, although a classification of the International Classification of Diseases (ICD), it is not recorded in our database as a stand-alone disease, therefore we are unable to provide results.

I have further been advised that we do not have a separate category for Complex Post-Traumatic Stress Disorder (C-PTSD), and that the category of F43 – Post traumatic stress disorder (PTSD) would likely include participants with varying types of PTSD and NOT exclusively C-PTSD.

Additionally, prior to 2020, participants with PTSD were previously included in category F99 – Other Psychological disabilities, and I have been advised that it is likely some participants with C-PTSD may also remain in this category.

For these reasons, we are unable to isolate information specifically relating to Dissociative Identity Disorder or C-PTSD. We are also unable to provide a response to item 3 of your scope relating to these 2 conditions for the same reasons as stated above.

Conclusion

On the basis of the advice I have received from subject matter experts, I am satisfied that the information specific to Dissociative Identity Disorder and Complex Post Traumatic Stress Disorder (C-PTSD) is unlocatable.

I therefore refuse access to the information under section a 24A of the FOI Act on the basis the information does not exist.

Your review rights

Internal Review

The FOI Act gives you the right to apply for an internal review of this decision. The review will be conducted by a different person to the person who made the original decision.

If you wish to seek an internal review of the decision, you must apply for the review, in writing, within 30 days of receipt of this letter.

No particular form is required for an application for internal review, but to assist the review process, you should clearly outline your grounds for review (that is, the reasons why you disagree with the decision). Applications for internal review can be lodged by email to foi@ndis.gov.au or sent by post to:

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

Review by the Office of the Australian Information Commissioner

The FOI Act also gives you the right to apply to the Office of the Australian Information Commissioner (OAIC) to seek a review of this decision.

If you wish to have the decision reviewed by the OAIC, you may apply for the review, in writing, or by using the online merits review form available on the OAIC's website at www.oaic.gov.au, within 60 days of receipt of this letter.

Applications for review can be lodged with the OAIC in the following ways:

Online: www.oaic.gov.au
Post: GPO Box 5218, Sydney NSW 2001
Email: enquiries@oaic.gov.au
Phone: 1300 363 992 (local call charge)

Complaints to the Office of the Australian Information Commissioner or the Commonwealth Ombudsman

You may complain to either the Commonwealth Ombudsman or the OAIC about actions taken by the NDIA in relation to your request. The Ombudsman will consult with the OAIC before investigating a complaint about the handling of an FOI request.

Your complaint to the OAIC can be directed to the contact details identified above. Your complaint to the Ombudsman can be directed to:

Phone: 1300 362 072 (local call charge)
Email: ombudsman@ombudsman.gov.au

Your complaint should be in writing and should set out the grounds on which it is considered that the actions taken in relation to the request should be investigated