

Our reference: FOI 24/25-0023



GPO Box 700  
Canberra ACT 2601  
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[ndis.gov.au](https://www.ndis.gov.au)

30 August 2024

Consumer  
Right to Know Organisation

By email: [foi+request-11639-81e61262@righttoknow.org.au](mailto:foi+request-11639-81e61262@righttoknow.org.au)

Dear Consumer

### Freedom of Information request — Notification of Decision and Acknowledgement

Thank you for your correspondence of 7 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).

We apologise for the delay in acknowledging this request.

### Processing timeframes

A 30-day statutory period for processing your request commenced from 8 July 2024 in accordance with section 15(5)(b) of the FOI Act. On 5 August 2024, you agreed to a 30-day extension of time under section 15AA of the FOI Act, making **5 September 2024**, the new date to provide you with a decision on access.

Unless you advise otherwise, we will take it that you agree to the names and contact details of NDIA staff being excluded from the scope of your request.

### Disclosure log

Information released under the FOI Act may be published on our disclosure log, located on our website at [FOI Disclosure log | NDIS](#).

If you have any concerns about the publication of the information you have requested, please contact us at [foi@ndis.gov.au](mailto:foi@ndis.gov.au).

## **Scope of your request**

You have requested access to the following documents:

*“...any research, reports, statistics, policies or guidelines you have in relation to Dissociative Disorders, Dissociation, or Dissociative Identity Disorder.”*

## **Decision on access to documents**

I am authorised to make decisions under section 23(1) of the FOI Act. My decision on your request and the reasons for my decision are set out below.

I have identified one document, which falls within the scope of your request.

The document was identified by consulting with relevant NDIA staff in our Technical Advisory branch who conducted searches to identify document(s) within the scope of the request.

I have decided to grant access to this document in part.

Please note, the Technical Advisory branch has further advised, due to the date of the research, the information in this document, Research – Dialectical Behaviour Therapy, may no longer be considered current best practice.

In reaching my decision, I took the following into account:

- your correspondence outlining the scope of your request
- the nature and content of the documents falling within the scope of your request
- the FOI Act
- the FOI Guidelines published under section 93A of the FOI Act
- consultation with relevant NDIA staff
- factors relevant to my assessment of whether or not disclosure would be in the public interest
- the NDIA’s operating environment and functions.

## **Refuse a request for access (section 24A)**

Section 24A of the FOI Act provides 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.

Part of your request seeks access to the following:

*“...any...reports, statistics, policies or guidelines you have in relation to Dissociative Disorders, Dissociation, or Dissociative Identity Disorder.”*

I have made enquiries with relevant NDIA staff, in the Service Guidance and Analytics, Data and Actuarial branches, who could be expected to be able to identify documents within the scope of this part of the request, including staff who are knowledgeable about how to conduct searches of the NDIA's systems. These enquiries have revealed that the NDIA do not hold any reports, statistics (or data), policies or guidelines specific to the conditions, 'Dissociative Disorders, Dissociation, or Dissociative Identity Disorder'. As such, these line areas were unable to provide any documents for this part of the scope of your request.

I am satisfied that all reasonable steps have been taken to locate the documents for this part of your request and that the documents do not exist. I have, therefore, decided to refuse access to your request in accordance with section 24A(1)(b)(ii) of the FOI Act.

Access to edited copies with exempt or irrelevant material deleted (section 22)

I have decided that Document 1 contains material that is exempt from disclosure under the FOI Act.

In accordance with section 22 of the FOI Act, I have considered whether it is possible to delete the exempt a from the document and have concluded that it is reasonably practicable to do so. Accordingly, I have prepared an edited copy of the document with the exempt material removed.

**Reasons for decision**

Personal privacy (section 47F)

Section 47F of the FOI Act states that a document is conditionally exempt if its disclosure under the Act would involve the unreasonable disclosure of personal information about any person.

The term “personal information” is defined as information or an opinion about an identified individual, or an individual who is reasonably identifiable, whether or not the information or opinion is true and whether or not it is recorded in a material form.

I have identified material in Document 1 which contains the names of NDIS staff that have not previously been disclosed to you. I consider these names to be the personal information of those staff members.

In determining whether the disclosure of that information would be unreasonable, the FOI Act requires that I take account of all the relevant factors, including:

- a. the extent to which the information is well known;
- b. whether the person to whom the information relates is known to be (or to have been) associated with the matters dealt with in the document;
- c. the availability of the information from publicly accessible sources; and
- d. any other matters that the agency considers relevant.

Against these criteria, I take the view that:

- a. it is apparent from the information that an individual is identifiable; and
- b. the information referred to above is not well known or readily available from publicly accessible sources.

I therefore conclude that it would be unreasonable to disclose publicly this personal information and it is therefore conditionally exempt under section 47F(1) of the FOI Act.

*Public interest considerations – section 47F*

Under the FOI Act, I can only refuse to disclose information which is conditionally exempt if I conclude that it would be contrary to the public interest to do so. Section 11B of the Act sets out what I need to consider and what I must not consider when reaching my conclusion.

In favour of disclosure, I have considered the factors outlined in section 11B(3) of the FOI Act, and I have determined that disclosure of the relevant information in Document 1 would promote the object of the FOI Act by providing access to documents held by the government.

I do not consider that disclosure of the personal information in the document would promote the other objects of the FOI Act, such as informing debate on a matter of public importance or promoting oversight of public expenditure. Although disclosure of the information would provide you with access to government-held information, it would also impinge on the third parties' right to keep their personal information private. This is an important right recognised by the *Privacy Act 1988* and, given the limited public interest in disclosing the information, I believe it ought to be given the most weight.

While there is limited public interest in the disclosure of information conditionally exempt under sections 47E(d) and 47F, of the FOI Act, the harm that would result from disclosure is

that it could reasonably be expected to affect individuals' right to privacy by placing their personal information in the public domain.

In summary, I am satisfied that the factors against disclosure of the information outweigh the factors in favour of disclosure and that, on balance, it would be contrary to the public interest to release this information to you. Accordingly, I have decided that the relevant information in Document 1 is exempt under section 47F of the FOI Act.

### **Release of documents**

The document for release, as referred to in the Schedule of Documents at **Attachment A**, is enclosed.

### **Rights of review**

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

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

Yours sincerely

A handwritten signature in black ink that reads "Ramya". The signature is written in a cursive style with a long horizontal stroke extending to the right.

### **Ramya (RMO 260)**

Senior Freedom of Information Officer  
Complaints Management & FOI Branch  
General Counsel Division

Attachment A

Schedule of Documents for FOI 24/25-0023

Document number	Page number	Description	Access Decision
1	1-11	Research – Dialectical Behaviour Therapy Date: 23 June 2021	<b>PARTIAL ACCESS</b> Exemption claimed: s47F – personal privacy

## **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](mailto:foi@ndis.gov.au) or sent by post to:

Freedom of Information Section  
Complaints Management & 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](http://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](http://www.oaic.gov.au)  
Post: GPO Box 5218, Sydney NSW 2001

Email: [enquiries@oaic.gov.au](mailto: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](mailto: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.