

4 October 2024

Melissa O'Connell

By email: foi+request-11920-bc85fab0@righttoknow.org.au

Dear Melissa

Freedom of Information request — Notice of Decision

Thank you for your correspondence of 18 August 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

You have requested access to the following documents:

- * *Improving upper limb function after spinal cord injury*
- * *Exercise and physiotherapy for progressive conditions*
- * *Arm cycle ergometer for spinal cord injury*
- * *Exercise physiology and brain injury*
- * *Functional Electrostimulation Therapy for Spinal Cord Injury*
- * *Efficacy of chiropractic treatment*
- * *Restless legs syndrome and multiple sclerosis*
- * *Guillain-Barre syndrome diagnosis in children*
- * *Guillain Barre Syndrome*
- * *Length of High Intensity Intervention for ABI, SCI and Amputees*
- * *Massage Therapy for Multiple Sclerosis*
- * *List of rapidly progressing conditions*
- * *Treatment of Chronic Migraine*
- * *Medical Definitions*
- * *Rehabilitation Training Machines*

Extension of time

On 20 September 2024, you agreed to a 15-day extension of time under section 15AA of the FOI Act, making 2 October 2024 the new date to provide you with a decision on access.

I apologise for the delay in providing you with a decision.

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 15 documents which fall within the scope of your request.

The documents were identified by the Technical Advisory Branch.

I have decided to one (1) document in full and fourteen (14) documents in part.

In reaching my decision I considered:

- 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 Technical Advisory Branch
- factors relevant to my assessment of whether or not disclosure would be in the public interest
- the NDIA's operating environment and functions.

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

I have decided that Documents 1 to 13 and Document 15 contain 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 and irrelevant material from the documents and have concluded that it is reasonably practicable to do so. Accordingly, I have prepared an edited copy of the documents with the exempt and irrelevant material removed.

Reasons for decision

Personal privacy (section 47F)

Section 47F of the FOI Act conditionally exempts a document(s) if its disclosure would involve the unreasonable disclosure of personal information about any person (including a deceased person).

The conditionally exempt material contains references the surnames and positions of staff members which have not previously been disclosed to you.

Under section 47F(2) of the FOI Act, in determining whether the disclosure of documents would involve unreasonable disclosure of personal information, regard must be had to:

- 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 readily available from publicly accessible sources.

With reference to the assessment above, it would be unreasonable to disclose publicly this personal information and is therefore conditionally exempt under section 47F(1) of the FOI Act.

Public interest considerations – section 47F

Section 11A(5) of the FOI Act provides that access to a document covered by a conditional exemption must be provided unless disclosure would be contrary to the public interest.

I have not considered any of the irrelevant factors as set out under section 11B(4) of the FOI Act in making this decision.

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 the Documents listed above would promote the objects of the FOI Act by providing access to documents held by the government.

Against disclosure, I consider that disclosure of the relevant information:

- would not contribute to the publication of information of sufficient public interest to justify the likely harm caused by release
- would not enhance Australia's representative democracy in the ways described in section 11B(3) of the FOI Act
- would not inform any debate on a matter of public importance, or promote oversight of public expenditure.

While there is limited public interest in the disclosure of information conditionally exempt under section 47F of the FOI Act, the harm that would result from disclosure is that it could reasonably be expected to affect an individual's right to privacy by having 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 Documents 1 to 13 and Document 15 is exempt under section 47F of the FOI Act.

Release of documents

The documents for release, as referred to in the Schedule of Documents at **Attachment A**, are 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.

Yours sincerely

Kylie (KJB737)
Assistant Director
Complaints Management & FOI Branch
General Counsel Division

Schedule of Documents for FOI 24/25-0223

Document number	Description	Access Decision
1	<i>Improving upper limb function after spinal cord injury</i> (also titled RES 344 Therapy for chronic incomplete cervical spinal cord injury)	PARTIAL ACCESS Exemption(s) claimed: s47F – personal privacy
2	<i>Exercise and physiotherapy for progressive conditions</i> (also titled RES 340 Physiotherapy and exercise for progressive neurological conditions)	PARTIAL ACCESS Exemption(s) claimed: s47F – personal privacy
3	<i>Arm cycle ergometer for spinal cord injury</i> (also titled RES 320 Arm cycle ergometer for spinal cord injury)	PARTIAL ACCESS Exemption(s) claimed: s47F – personal privacy
4	<i>Exercise physiology and brain injury</i> (also titled RES 318 Exercise physiology and stroke)	PARTIAL ACCESS Exemption(s) claimed: s47F – personal privacy
5	<i>Functional Electrostimulation Therapy for Spinal Cord Injury</i> (also titled RES 293 Functional Electrostimulation Therapy after Spinal Cord Injury)	PARTIAL ACCESS Exemption(s) claimed: s47F – personal privacy

Document number	Description	Access Decision
6	<i>Efficacy of chiropractic treatment</i> (also titled RES 264 Efficacy of chiropractic treatment)	PARTIAL ACCESS Exemption(s) claimed: s47F – personal privacy
7	<i>Restless legs syndrome and multiple sclerosis</i> (also titled RES 256 Restless leg syndrome associated with Multiple Sclerosis, schizophrenia and antipsychotic medication)	PARTIAL ACCESS Exemption(s) claimed: s47F – personal privacy
8	<i>Guillain-Barre syndrome diagnosis in children</i> (also titled RES 244 Guillain-Barre syndrome diagnosis in children)	PARTIAL ACCESS Exemption(s) claimed: s47F – personal privacy
9	<i>Guillain Barre Syndrome</i> (also titled RES 212 Research – Guillain Barre Syndrome)	PARTIAL ACCESS Exemption(s) claimed: s47F – personal privacy
10	<i>Length of High Intensity Intervention for ABI, SCI and Amputees</i> (9 July 2021)	PARTIAL ACCESS Exemption(s) claimed: s47F – personal privacy
11	<i>Massage Therapy for Multiple Sclerosis</i> (also titled RES 191 Research – Massage Therapy as an Intervention for Multiple Sclerosis)	PARTIAL ACCESS Exemption(s) claimed: s47F – personal privacy

Document number	Description	Access Decision
12	<i>List of rapidly progressing conditions</i>	<p>PARTIAL ACCESS</p> <p>Exemption(s) claimed: s47F – personal privacy</p>
13	<p><i>Treatment of Chronic Migraine</i></p> <p>(also titled RES 175 Treatment of Chronic Migraine)</p>	<p>PARTIAL ACCESS</p> <p>Exemption(s) claimed: s47F – personal privacy</p>
14	<i>Medical Definitions</i>	<p>FULL ACCESS</p>
15	<p><i>Rehabilitation Training Machines</i></p> <p>(also titled Research Request – Efficacy of Rehabilitation Training Machines 3 June 2020)</p>	<p>PARTIAL ACCESS</p> <p>Exemption(s) claimed: s47F – personal privacy</p>