

3 December 2024

David Wright

By email: foi+request-11956-32e10a2c@righttoknow.org.au

Dear David

Freedom of Information request — Notification of Decision

Thank you for your correspondence of 28 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:

I seek all information held by the NDIA containing:

- 1. Information sought by Minister Shorten or his office from the NDIA about plan or funding top up payments, which include the word "automatic":*
- 2. Information provided by the NDIA to Minister Shorten or his office about plan or funding top up payments, which include the word "automatic".*

On 1 October 2024 you agreed to revise the scope of your request as follows:

For the period 1 January 2024 to 28 August 2024 (date of your FOI application).

- 1. Information sought by Minister Shorten or his office from the NDIA about plan or funding top up payments, which include the word "automatic":*
- 2. Information provided by the NDIA to Minister Shorten or his office about plan or funding top up payments, which include the word "automatic".*

Extension of time

On 25 September 2024, you agreed to a 15-day extension of time under section 15AA of the FOI Act, making 18 October 2024 the new date to provide you with a decision on access. I confirm the Office of the Information Commissioner (OAIC) was notified of the agreed extension on 25 September 2024.

Irrelevant Information

Section 22 of the FOI Act permits us to provide FOI applicants with access to edited copies of documents with irrelevant material deleted. On 25 September 2024 you confirmed that the contact details and surnames of NDIA staff are irrelevant to my request.

Search efforts

Staff from the NDIA Strategic Communications division and Parliamentary and Ministerial branch conducted searches of NDIA's systems using all reasonable search terms that could return documents relevant to your request – including the word "automatic". Consultations also occurred with relevant NDIA staff who could be expected to be able to identify documents within the scope of the request.

1 document was identified which falls within the scope of your request.

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 decided to grant access to 1 document in full.

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

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

I have identified that the document contains material that is irrelevant to your request. The irrelevant material relates to surnames and contact details of NDIA staff, Department of Social Services staff, and a journalist. Information of this nature is not relevant to the subject matter of your request as per your agreement of 25 September 2024.

In accordance with section 22 of the FOI Act, I have prepared an edited copy of the documents with the irrelevant material removed

I note that where information has been redacted on the basis that it is irrelevant, we are required to record that a document has been only partially released.

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.

Yours sincerely



Kate (KIM627)

Senior Freedom of Information Officer
Complaints Management & FOI Branch
Government Division

Schedule of Documents for FOI 24/25-0249

Document number	Page number	Description	Access Decision	Comments
1	1-2	Email - 2024.05.15 Urgent review - NDIS saving breakdown	PART ACCESS	Irrelevant material removed under section 22 of the FOI Act

Your review rights

As this matter was a deemed refusal, internal review of this decision is not an option. However, if you have concern with any aspect of this decision, please contact the NDIA FOI team by email foi@ndis.gov.au or by post:

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 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.