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25 October 2024

Stuart

By email: foi+request-12040-6cfecba7@righttoknow.org.au

Dear Stuart

Freedom of Information request — Request consultation process

Thank you for your correspondence of 9 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 access to this information under the Freedom of Information Act.

Please provide the following figures per month, for the periods:

- *March to June 2023 (inclusive)*
- *March to June 2024 (inclusive)*

1. *The number of access requests received by the NDIA.*
2. *The number of access eligibility decisions made by the NDIA, where the applicant was found to be eligible. And of those:*
 - (a) *The number of those decisions made within 21 days of receiving the access request.*
 - (b) *The number of those decisions made within 60 days of receiving the access request.*
 - (c) *The number of those decisions made within 111 days of receiving the access request.*
 - (d) *The number of those decisions made 112 or more days after receiving the access request.*
3. *The average number of days between receiving an access request and making an access “eligible” decision.*
4. *The number of access decisions made by the NDIA, where the applicant was found -not- to be eligible. And of those:*
 - (a) *The number of those decisions made within 21 days of receiving the access request.*
 - (b) *The number of those decisions made within 60 days of receiving the access request.*
 - (c) *The number of those decisions made within 111 days of receiving the access request.*

- (d) *The number of those decisions made 112 or more days after receiving the access request.*
5. *The average number of days between receiving an access request and making an access “not eligible” decision.*
6. *The number of s100 internal reviews requested for access decisions*
7. *The number of requests for more information made by the NDIA, under section 26 of the NDIS Act, and;*
 - (a) *The number of requests for more information made within 21 days of receiving the access request.*
 - (b) *The number of requests for more information made within 60 days of receiving the access request.*
 - (c) *The number of requests for more information made within 111 days of receiving the access request.*
 - (d) *The number of requests for more information made 112 days or more after receiving the access request.*
8. *The number of access eligibility decisions made by the NDIA after requesting more information, where the applicant was found to be eligible.”*

Practical refusal

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

I am writing to advise as the terms of your request need clarification as we are unable to identify the specific documents sought. This is 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 consulted with the NDIA's Analytics, Data and Actuarial Division and can provide the following information which provides context on the agencies data reporting and periodic publication of information.

We are only able to provide the figures covering the **three-month period from Apr to June 2023 and Apr to June 2024**, rather than the four-month period from Mar to June 2023 and Mar to June 2024. This is because we only query the data base on a quarterly basis for each reporting end.

The NDIA produce quarterly reports to the disability ministers with information (including statistics) about participants in each jurisdiction and the funding or provision of supports by the NDIA in each jurisdiction. These are available here [Quarterly Reports | NDIS](#).

The data sets that you have requested are not routinely produced by the NDIA and to do so would require the reallocation of resourcing to create data summaries via the writing of computer code, data extraction and quality assurance to ensure accuracy.

Specific to each component of your FOI request I can advise we can proceed on the below parameters:

1. *The number of access requests received by the NDIA.*

This information is contained in the Q4 2023-24 and Q4 2022-23 quarterly reports

2. *The number of access eligibility decisions made by the NDIA, where the applicant was found to be eligible.*

We would only be able to provide the number of access decisions (irrespective of eligible or not eligible) which is going to be consistent with data in the Quarterly Report.

And of those:

(a) *The number of those decisions made within 21 days of receiving the access request.*

(b) *The number of those decisions made within 60 days of receiving the access request.*

(c) *The number of those decisions made within 111 days of receiving the access request.*

(d) *The number of those decisions made 112 or more days after receiving the access request.*

This data (a – d) can be provided, noting it will be for the figures covering the three-month period from Apr to June 2023 and Apr to June 2024.

3. *The average number of days between receiving an access request and making an access “eligible” decision.*

We can only calculate the average number of days between receiving an access request and making an access decisions (irrespective of eligible or not eligible).

4. *The number of access decisions made by the NDIA, where the applicant was found -not- to be eligible.*

We would only be able to quote the number of access decisions (irrespective of eligible or not eligible) which is going to be consistent with the Quarterly Report.

And of those:

(a) *The number of those decisions made within 21 days of receiving the access request.*

(b) *The number of those decisions made within 60 days of receiving the access request.*

(c) *The number of those decisions made within 111 days of receiving the access request.*

(d) *The number of those decisions made 112 or more days after receiving the access request.*

This data (a – d) can be provided, noting it will be for the figures covering the three-month period from Apr to June 2023 and Apr to June 2024.

5. *The average number of days between receiving an access request and making an access “not eligible” decision.*

We can only calculate the average number of days between receiving an access request and making an access decisions (irrespective of eligible or not eligible).

6. *The number of s100 internal reviews requested for access decisions*

We would be able to quote the 'completed internal review of a reviewable decision, after a request is received which is going to be consistent with data in the Quarterly Report

7. *The number of requests for more information made by the NDIA, under section 26 of the NDIS Act, and;*

We would only be able to provide the number of access decisions, or request for more information, after an access request has been made, which is going to be consistent with data in the Quarterly Report.

(a) *The number of requests for more information made within 21 days of receiving the access request.*

(b) *The number of requests for more information made within 60 days of receiving the access request.*

(c) *The number of requests for more information made within 111 days of receiving the access request.*

(d) *The number of requests for more information made 112 days or more after receiving the access request.*

This data (a – d) can be provided, noting it will be for the figures covering the three-month period from Apr to June 2023 and Apr to June 2024.

8. *The number of access eligibility decisions made by the NDIA after requesting more information, where the applicant was found to be eligible.”*

We would only be able to quote the number of an access decision, or request for additional information, after more information has been provided which is going to be consistent with data the Quarterly Report.

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.

Proposed rescope

To assist with both clarifying and narrowing the current scope of your request, and as some of the information you seek is currently available on the [Quarterly Reports | NDIS](#), you may choose to remove this part of your request and proceed with only those points listed prior where I have indicated the information can be produced.

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. accept the proposed revised scope above or provide an alternative wording
- 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
Parliamentary, Ministerial & FOI Branch
Government Division
National Disability Insurance Agency
GPO Box 700
CANBERRA ACT 2601

If you do not contact me within this period, that is by 8 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 black ink, appearing to read 'K. M. J.', written in a cursive style.

Kate (KIM627)
Senior Freedom of Information Officer
Complaints Management and FOI Branch
General Counsel Division