

31 January 2025

Stuart

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

Dear Stuart

Freedom of Information request — Notification of Decision

Thank you for your correspondence of 10 September 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 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;*
 - *2a). The number of those decisions made within 21 days of receiving the access request.*
 - *2b). The number of those decisions made within 60 days of receiving the access request.*
 - *2c). The number of those decisions made within 111 days of receiving the access request.*
 - *2d). 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;*
 - *4a). The number of those decisions made within 21 days of receiving the access request.*

- 4b). The number of those decisions made within 60 days of receiving the access request.
 - 4c). The number of those decisions made within 111 days of receiving the access request.
 - 4d). 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;
- 7a). The number of requests for more information made within 21 days of receiving the access request.
 - 7b). The number of requests for more information made within 60 days of receiving the access request.
 - 7c). The number of requests for more information made within 111 days of receiving the access request.
 - 7d). The number of requests for more information made 112 days or more after receiving the access request.
- 6 [sic]. The number of access eligibility decisions made by the NDIA after requesting more information, where the applicant was found to be eligible.”

You have revised the scope of your request to be for the following documents:

“2022-23 Q3 (1 January 2023 to 31 March 2023)•

2022-23 Q4 (1 April 2023 – 30 June 2023)•

2023-24 Q3 (1 January 2024 – 31 March 2024)•

2023-24 Q4 (1 April 2024 – 30 June 2024)

1. The total number of access requests carried over (outstanding) from the previous quarter.
2. The total number of access requests received during the quarter.
3. The total number of access decisions or requests for more information made during the quarter, and;
 - a). The number of those decisions/requests made within 21 days of receiving the access request.
 - b). The number of those decisions/requests made within 60 days of receiving the access request.
 - c). The number of those decisions/requests made within 111 days of receiving the access request.
 - d). The number of those decisions/requests made 112 or more days after receiving the access request.
4. The total number of access decisions or requests for more information made during the quarter, after more information had been provided, and;

- a). *The number of those decisions/requests made within 14 days of receiving the additional information.*
- b). *The number of those decisions/requests made within 40 days of receiving the additional information.*
- c). *The number of those decisions/requests made within 104 days of receiving the additional information.*
- d). *The number of those decisions/requests made 105 or more days after receiving the additional information.*
5. *The total number of access requests still awaiting an eligibility decision (outstanding) at the end of the quarter.*
6. *The total number of access decisions made during the quarter where the applicant was found to be eligible.*
7. *The total number of access decisions made during the quarter where the applicant was found to be not-eligible.”*

Extension of time

On 10 October 2024, you agreed to a 30-day extension of time under section 15AA of the FOI Act, making 1 December 2024 the new date to provide you with a decision on access. I note this time has lapsed and as a result we are deemed to have refused your request under section 15AC of the FOI Act.

Despite this, I have continued to process your application. I apologise for the delay and confirm that you retain your right to seek external review of this 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.

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.

The Analytics Data and Actuarial Division (ADA) have been able to produce a document containing the information you requested. In the production of the document, ADA noted that the retrieved data for points three and four of your request were captured against two service guidance criteria. This means that the data could not be further split by ADA into the requested timeframes.

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.

I have decided to:

- grant access to one document in full.

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

A handwritten signature in blue ink, consisting of stylized initials and a surname, likely representing Lia.

Lia (LML799)
Senior Freedom of Information Officer
Complaints Management & FOI Branch
General Counsel Division

Schedule of Documents for FOI 24/25-0322

Document number	Page number	Description	Access Decision	Comments
1	1	FOI 24.25-0322 – Document – Document Undated	FULL ACCESS	Document created under section 17 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.