



11 November 2024

Bob Buckley

By email: foi+request-12044-91a69063@righttoknow.org.au

Dear Bob Buckley

Freedom of Information request — Request consultation process

Thank you for your correspondence of 11 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).

I confirm on 2 November 2024, you agreed to us processing your FOI request in two stages.

The purpose of this letter is to invite you to engage in a request consultation process on the scope of your request, that relates to Stage 2, in order to avoid a section 24AA practical refusal.

Scope of your request – Stage 2

You have requested access to the following documents:

“...all information held by the NDIA relating to the National Autism Strategy including, but not limited to:...

- 1. communication with and information provided to the National Autism Strategy Oversight/Committee/Council and/or its working groups,*
- 2. communication with and information provided to staff or officials in the Department of Social Security,*
- 3. information given to politicians or parliamentary officials, ...”*

Internal Consultation

On the basis of the scope, I initiated searches for documents with the NDIA's Children's Taskforce, Parliamentary and Ministerial, and Cyber Security and Resilience, branches.

The Children's Taskforce, and Parliamentary and Ministerial branches have provided documentation relevant to your scope.

With regard to Cyber Security and Resilience Branch, preliminary searches of their email database were conducted, using the following sample search parameters:

- Key words: 'National Autism Strategy' and 'National Autism Strategy Oversight Council'
- Sample date range: 1 January 2022 to 11 September 2024.

Accordingly, a total of 582 items, not including attachments, were returned.

Based on the advice provided, I consider that there are more than 1,746 pages worth of material that could potentially fall within the scope of your request as currently worded (not including the attachments). However, to determine this would require scrutiny of the documents by an FOI Officer to assess whether they are in relation to the 'National Autism Strategy' and/or 'National Autism Strategy Oversight Council'. At a conservative estimate of spending two minutes reading each page, this would take an FOI officer more than 58 hours to simply review and collate the documents.

I note that the documents that are assessed as being within scope of the request would then need to be reviewed for any sensitivities and possible exemptions under the FOI Act. I would also need to consider whether any further consultations were required and carry these out. A decision about disclosure would need to be made on each document, and a decision letter prepared. These steps would significantly increase the hours that it would take for an FOI officer to process your request.

Practical refusal reason

As a result of my enquiries, I am satisfied that the work involved in processing the request in its current form would substantially and unreasonably divert the resources of the Agency from its other operations.¹

I therefore intend to refuse your request on the basis of a 'practical refusal reason' under section 24AA of the FOI Act. A practical refusal reason exists if either (or both) of the following applies:

- a) the work involved in the processing of the request would substantially and unreasonably divert the resources of the Agency from its other operations; and/or
- b) the request does not satisfy the requirement in section 15(2)(b) of the FOI Act, which requires an FOI applicant to provide such information concerning the document/s they are seeking access to, to enable the Agency to be able to identify it or them

¹ Section 24AA of the FOI Act.

In reaching this view, I have taken into account:

- the internal searches carried out by the NDIA's Data Team in the Cyber Security and Resilience Branch.

However, before I make a final decision, I am writing to provide you with an opportunity to revise your request.² This is called a 'request consultation process' as set out under section 24AB of the FOI Act.

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

Request consultation process

In circumstances where an Agency is considering a practical refusal, it is required to undertake a request consultation process under section 24AB of the FOI Act. The purpose of this letter is to initiate that process. You now have 14 days to do one of the following:

- withdraw your request;
- make a revised request; or
- indicate that you do not wish to revise the request (in which case the current scope of your request will stand).

If you do not do one of the three things listed above during the consultation period, your request will be processed on the basis of the current scope, and it is likely to be refused on the basis that processing it would represent a substantial and unreasonable diversion of the Agency's resources.

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.

To assist you with revising your scope, I suggest that you consider:

- Narrow the scope of your request to a shorter date range
- Revise your scope to a particular topic or context concerning 'National Autism Strategy' or 'National Autism Strategy Oversight Council'.

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 calculating the timeframe for processing your request.

If you wish to discuss this process, please contact me by email at foi@ndis.gov.au.

If you do not contact me within this period, that is by 25 November 2024, your FOI request will be taken to have been withdrawn under subsection 24AB(7) and will not be dealt with any further.

² Section 24AB of the FOI Act.

Please do not hesitate to contact me if you have any questions.

Yours sincerely

A handwritten signature in cursive script that reads "Ramya". The signature is written in a light gray or blue ink.

Ramya (RMO 260)
Senior Freedom of Information Officer
Complaints Management & FOI Branch
General Counsel Division