

19 November 2024

Kayla  
Right to Know

**By email:** [foi+request-12067-c2dce762@righttoknow.org.au](mailto:foi+request-12067-c2dce762@righttoknow.org.au)

Dear Kayla

### **Freedom of Information request — Notification of Decision**

Thank you for your correspondence of 19 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:

*“...all Tab research documents and any other internal documents titled or including a scope of research of one or more of the following:*

- Developmental coordination disorder (DCD)*
- Autism/Autism Spectrum Disorder/ASD and motor impairments*
- Dyslexia or specific learning difficulty with reading*
- Dysgraphia or specific learning difficulty with written expression*
- Dyscalculia or specific learning difficulty with mathematics*
- Motor dysgraphia*
- Hypermobility*
- Dyspraxia...”*

#### **Processing time**

On 03 October 2024, you agreed to a 15-day extension of time under section 15AA of the FOI Act, making 05 November 2024 the new date to provide you with a decision on access.

I apologise for the delay in releasing this decision to you. We have been experiencing processing delays and were not able to provide you with our decision by the due date. Consequently, we are deemed to have refused your application under section 15AC of the FOI Act.

In the interests of not causing any further delays, I have decided not to apply for an extension to the processing period from the Office of the Australian Information

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National Disability  
Insurance Agency

Commissioner (OAIC) under section 15AC of the FOI Act to protect your internal review rights. However, your right to apply for an external review with the Office of the Australian Information Commissioner remains protected. Please see Attachment B for more information about your rights of review.

### **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 19 documents, which fall within the scope of your request.

These documents were identified by consulting with relevant NDIA staff who could be expected to be able to identify documents within the scope of the request and reviewing identical requests listed on our Disclosure Log.

I have decided to grant access to 19 documents in part.

In reaching my decision, I took the following into account (delete as appropriate):

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

### **Reasons for decision**

#### Personal privacy (section 47F)

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

I have identified material in the documents falling within scope of your request which contains personal information of a third party / third parties.

The conditionally exempt material contains references to the middle names / details of personal leave or employment conditions 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.

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 21 is exempt under section 47F of the FOI Act.

### **Documents**

Please be advised that all documents relevant to your request, have previously been requested under the FOI Act. These documents are publicly available on the NDIA's disclosure log ([FOI Disclosure log | NDIS](#)). We have provided these to you as an attachment to our email dated 03 October 2024 and 23 October 2024. However, as no response was received, we have reattached these documents for your convenience.

### **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](mailto:foi@ndis.gov.au).

Yours sincerely

A handwritten signature in black ink, appearing to read 'K. M. S.', written in a cursive style.

**Kate (KIM627)**

Senior Freedom of Information Officer  
Complaints Management & FOI Branch  
General Counsel Division  
National Disability Insurance Agency

## Schedule of Documents for FOI 24/25-0380

Document number	Number of Pages	Description	Access Decision	Comments
1	11	Research Paper – Autistic burnout Date: 12 March 2024	<b>PARTIAL ACCESS</b>  Exemption(s) claimed: s47F – personal privacy	
2	14	Research Paper – Effective management of auditory differences in people with autism Date: 16 February 2023	<b>PARTIAL ACCESS</b>  Exemption(s) claimed: s47F – personal privacy	
3	6	Research Paper – Applied Behaviour Analysis for adults with ASD Date: 14 February 2022	<b>PARTIAL ACCESS</b>  Exemption(s) claimed: s47F – personal privacy	
4	15	Research Request – Updated Literature Review: Sensory products / weighted items for participants with autism Date: 14 May 2020	<b>PARTIAL ACCESS</b>  Exemption(s) claimed: s47F – personal privacy	
5	17	Research Request – Expected abilities / Challenges for children <5 Date: Not Applicable	<b>PARTIAL ACCESS</b>  Exemption(s) claimed: s47F – personal privacy	
6	4	Research Paper – Cognitive Behaviour Therapy for Emotional Regulation in Children with Autism Date: 17 October 2022	<b>PARTIAL ACCESS</b>  Exemption(s) claimed: s47F – personal privacy	

Document number	Number of Pages	Description	Access Decision	Comments
7	6	Research Paper – Eye movement desensitisation and response therapy for people with Autism Spectrum Disorder and Obsessive-Compulsive Disorder  Date: 01 November 2022	<b>PARTIAL ACCESS</b>  Exemption(s) claimed: s47F – personal privacy	
8	15	Research Paper - ASD and DLD diagnoses after 6 years old  Date: 15 February 2022	<b>PARTIAL ACCESS</b>  Exemption(s) claimed: s47F – personal privacy	
9	20	Literature Review – Diagnoses of Autism Spectrum Disorder using the DSM-5  Date: 10 December 2021	<b>PARTIAL ACCESS</b>  Exemption(s) claimed: s47F – personal privacy	
10	14	Research Paper – Sensory-Based therapy  Date: 29 September 2022	<b>PARTIAL ACCESS</b>  Exemption(s) claimed: s47F – personal privacy	
11	9	Research Paper – Animal Assisted Therapy and Assistance Animals  Date: 14 April 2022	<b>PARTIAL ACCESS</b>  Exemption(s) claimed: s47F – personal privacy	
12	11	Research Request – Impact of funding on self-reported functional capacity and perceived difficulty Vs actual functional performance  Date: 27 August 2020	<b>PARTIAL ACCESS</b>  Exemption(s) claimed: s47F – personal privacy	

Document number	Number of Pages	Description	Access Decision	Comments
13	11	ASD Stocktake of Resources Date: Not Applicable	<b>PARTIAL ACCESS</b> Exemption(s) claimed: s47F – personal privacy	
14	19	Research Request – Frequency modulation (FM) systems for ASD literature review Date: 14 December 2020	<b>PARTIAL ACCESS</b> Exemption(s) claimed: s47F – personal privacy	
15	10	Position Paper – Foot Orthoses for people with Autism Spectrum Disorder Date: 25 November 2021	<b>PARTIAL ACCESS</b> Exemption(s) claimed: s47F – personal privacy	
16	28	Research Paper – Middle childhood and adolescent development Date: 11 August 2022	<b>PARTIAL ACCESS</b> Exemption(s) claimed: s47F – personal privacy	
17	6	Research Request – Childhood Speech Apraxia Date: 09 October 2020	<b>PARTIAL ACCESS</b> Exemption(s) claimed: s47F – personal privacy	
18	15	Research Request – Learning Supports for children with a disability in public and catholic school system Date: 07 December 2020	<b>PARTIAL ACCESS</b> Exemption(s) claimed: s47F – personal privacy	

Document number	Number of Pages	Description	Access Decision	Comments
19	5	Research Request – Definition of Early Intervention in health and rehabilitation  Date: 12 August 2019	<b>PARTIAL ACCESS</b>  Exemption(s) claimed: s47F – personal privacy	

## **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](mailto: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](http://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](http://www.oaic.gov.au)  
Post: GPO Box 5218, Sydney NSW 2001  
Email: [enquiries@oaic.gov.au](mailto: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](mailto: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.