



Decision to decline an extension of time under s 15AB of the *Freedom of Information Act 1982*

Agency	National Disability Insurance Agency
Applicant	Ivy
Decision date	30 October 2024
OAIC reference number	RQ24/04680
Agency reference number	FOI 24/25-0428

Decision

1. On 29 October 2024, the National Disability Insurance Agency (the Agency) applied under s 15AB(1) of the *Freedom of Information Act 1982* (Cth) (FOI Act) to the Information Commissioner for an extension of 30 days to 2 December 2024 to process Ivy's (the Applicant) request of 1 October 2024 (the FOI request). This application was made on the basis that the processing period is insufficient to deal adequately with the FOI request because it is complex and/or voluminous.
2. As a delegate of the Information Commissioner, I am authorised to make decisions on extension of time applications made under s 15AB(2) of the FOI Act.
3. On the information before the Information Commissioner, I have decided to decline the Agency's request to extend the processing period. A decision on the Applicant's request therefore is due by 31 October 2024. My reasons are outlined below.

Background

4. A copy of the Agency's reasons for seeking an extension are included at **Attachment A**.

Reasons for decision

5. Subsection 15AB(2) of the FOI Act requires that I consider whether the application is justified on the basis that the processing period referred to in s 15(5)(b) is insufficient for dealing with the request, on the basis that the request is complex or voluminous.
6. In making my decision under s 15AB(2), I have considered the information provided by the Agency and the FOI Guidelines issued by the Information Commissioner under s 93A of the FOI Act, in particular paragraphs [3.150] – [3.157].

7. On the information before the OAIC, I am not satisfied that the application to extend the processing period is justified, for the following reasons:
 - The application provides limited evidence of appropriate work being undertaken by the Agency to process the FOI request to date. As such, it appears the Agency has not utilised the initial processing period effectively and I cannot find that the processing period was insufficient on the basis of complexity or volume.
8. If the Agency does not provide the Applicant a decision by **31 October 2024**, the Applicant may seek review by the Information Commissioner of the Agency's deemed access refusal decision of **31 October 2024**. Further information on [applying for IC review](#) is available on the OAIC [website](#). Any application for IC review should be made within 60 days of the Agency's decision or deemed decision. It also remains open to the Agency to apply for a further extension of time from the Information Commissioner if considered appropriate.
9. For further information, the OAIC website provides a resource containing information on [applying for an extensions of time to process freedom of information requests](#).
10. This extension of time matter is now closed. Your review rights are set out below.
11. If you wish to discuss this matter, please contact us by email at FOIDR@oaic.gov.au quoting reference number RQ24/04680.

Yours sincerely

A De Ieso

Andriana De Ieso
Review Adviser
Office of the Australian Information Commissioner
30 October 2024

The Agency’s reasons for requesting an extension of time, as included in the extension of time request form.

Please provide a timeline setting out the work already completed in order to process this request. Where an extension of time has previously been granted, describe the work that was undertaken during that extended period. *

1/10/2024 - Application received 23/10/2024 - Acknowledgement and extension of time request sent to applicant 28/10/2024 - Application assigned to decision maker

What work is required to finalise the request? *

Request documents from internal line areas, assess documents, consult with third parties.

Why is the request considered complex or voluminous? *

The applicant has requested a broad range of documents in relation to research being jointly conducted between the agency and a third-party University. I have not reached out to relevant line areas yet, however the area that would hold this information is our Analytics, Data and Actuarial Branch who are currently processing a number of late third quarter reports for other areas of the agency.

Do other agencies or parties have an interest in the request? *

No commonwealth agency, but a publicly funded state University will



Review rights

If you disagree with the Office of the Australian Information Commissioner's (OAIC) decision you can apply to the Federal Court of Australia or the Federal Circuit Court for a review of a decision of the Information Commissioner, if you think that a decision by the Information Commissioner to grant an extension of time is not legally correct. You can make this application under the *Administrative Decisions (Judicial Review) Act 1977*.

The Court will not review the merits of your case, but it may refer the matter back to the Information Commissioner for further consideration if it finds the decision was wrong in law or the Information Commissioner's powers were not exercised properly.

An application for review must be made to the Court within 28 days of the OAIC sending the decision to you. You may wish to seek legal advice as the process can involve fees and costs. Please contact the Federal Court registry in your state or territory for more information or visit the Federal Court website at <http://www.fedcourt.gov.au/>.

Further information

Further information about how applications to extend the timeframe to process an FOI request are handled by the OAIC can be found published on our website:

For Applicants: [How to make an FOI request: Extensions of time](#)

For agencies and Ministers: [Guidance and advice: Extension of time for processing requests](#)

The OAIC has the power to investigate complaints about an agency's actions under the *Freedom of Information Act 1982* (FOI Act). This is a separate process from asking for an Information Commissioner review following a decision made under the FOI Act. Complaints usually focus on how an agency has handled your FOI request or complied with other obligations under the FOI Act, rather than the decision itself.

In some cases, the Information Commissioner's investigation of a complaint may lead to the agency addressing the issues that you have complained about. In other cases, the Information Commissioner may make suggestions or recommendations that the agency should implement. The Information Commissioner can only make non-binding recommendations as a result of a complaint. You and the agency will be notified of the outcome of the investigation.

FOI complaints to the OAIC must be made in writing. Our preference is for you to use the **[online FOI complaint form](#)** if at all possible.

Further information about how to make a complaint can be found published on our website: <https://www.oaic.gov.au/freedom-of-information/your-freedom-of-information-rights/freedom-of-information-complaints/make-an-foi-complaint> .

Making a complaint to the Commonwealth Ombudsman

If you believe you have been treated unfairly by the OAIC, you can make a complaint to the Commonwealth Ombudsman (the Ombudsman). The Ombudsman's services are free. The Ombudsman can investigate complaints about the administrative actions of Australian Government agencies to see if you have been treated unfairly.

If the Ombudsman finds your complaint is justified, the Ombudsman can recommend that the OAIC reconsider or change its action or decision or take any other action that the Ombudsman considers is appropriate. You can contact the Ombudsman's office for more information on 1300 362 072 or visit the Commonwealth Ombudsman's website at <http://www.ombudsman.gov.au> .