

3 December 2024

Ivy

By email: foi+request-12107-f1a1b2ef@righttoknow.org.au

Dear Ivy

Freedom of Information request - Notification of Decision

Thank you for your correspondence of 1 October 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 requested access to the following documents:

“...like information on the costings and funds regarding the “ Research study: Developing an Evidence Base for Improved Outcomes for People with a Psychosocial Disability” which is being run jointly between NDIA and Sydney University. I would also like to request any information on how Sydney University became involved in this, including any correspondence with names and contact details removed. Additionally, I would like to request information from the NDIA regarding what they want to achieve through this research...”

The purpose of this letter is to notify you of my decision on your application.

Request for Extension of time

On 23 October 2024, I wrote to you requesting your agreement to a 30-day extension of time under section 15AA of the FOI Act. To date, I have not received a response from you.

On 29 October 2024, I applied to the Office of the Australia Information Commissioner (OAIC) to grant us a 30-day extension of time under section 15AB of the FOI Act. This application was declined by OAIC; therefore, the due date of this FOI application is unchanged.

Expiration of time

A 30-day statutory period for processing your request commenced from 1 October 2024, in accordance with section 15(5)(b) of the FOI Act. The due date for a decision on access was 31 October 2024. 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.

Search efforts

On the basis of the original scope, I initiated a preliminary search of external websites, the NDIS website and our internal intranet for the research study using keywords from the title

you provided, that being, “*Research study: Developing an Evidence Base for Improved Outcomes for People with a Psychosocial Disability*”. I was unable to find an exact match.

As a result of my preliminary searches, I identified there to be a practical refusal reason as 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 a document as is reasonably necessary to enable a responsible officer of the agency to identify it.

Informal request consultation process

On 30 October 2024, I emailed you as part of an informal request consultation process to remove the practical refusal reason. Towards clarifying the scope, I requested your assistance in providing me with further details on the research study mentioned in your request. To date, I have not received a response.

Formal request consultation process

As I did not receive a response to the informal request consultation process of 30 October 2024, on 12 November 2024, I initiated a formal request consultation process under section 24AB of the FOI Act. I provided a letter explaining the process and advising that the 14-day consultation period commenced on 12 November 2024 and concluded on 26 November 2024. To date, I have not received a response from you.

Decision on access to documents

I have decided to refuse access to the information you have requested on the basis of a ‘practical refusal reason’ pursuant to section 24AA of the FOI Act as your request did not satisfy 15(2)(b) of the FOI Act.

I made this decision as an authorised FOI decision maker under section 23(1) of the FOI Act.

I have provided a detailed statement of the reasons for my decision in **Attachment A** to this decision notice.

Rights of review

Your rights to seek a review of my decision, or lodge a complaint, are set out at **Attachment B**.

If you have any enquiries about this matter, please contact me by email at foi@ndis.gov.au.

Yours sincerely



Patrick (PHO293)

Senior Freedom of Information Officer
Complaints Management and FOI Branch
General Counsel Division

**Statement of Reasons
FOI Application 24/25-0428**

Refused information

I have refused access to the information you requested under section 24AA of the FOI Act on the basis of a 'practical refusal reason' as your request did not satisfy section 15(2)(b) of the FOI Act, that is the documents could not be identified.

Relevant law

Under the FOI Act, a person has a right to be given access to documents of an agency. However, the right of access is subject to limitations, including grounds for refusal of access. Section 24AA of the FOI Act states that an agency may refuse a request for access to document/s on the basis of a 'practical refusal reason'. 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.

Searches for documents

After reviewing the scope of your FOI application, I initiated a search of external websites and the NDIS website for the research study using the verbatim title you provided, that being, "*Research study: Developing an Evidence Base for Improved Outcomes for People with a Psychosocial Disability*".

Searches undertaken, including of the website of University of Sydney, revealed a number of research studies with similar titles and topics, but I could not locate any with the same title as quoted in your FOI application. As I was unable to identify the original research study you referred to, I was unable to direct searches to an appropriate business area within the NDIA. On 30 October 2024 and 12 November 2024, I wrote to you requesting assistance to clarify the name of the specific research study, however I have not received a response from you.

Conclusion

Based on the thorough searches of the internet and NDIS website, I consider there are reasonable grounds to be satisfied that a practical refusal reason exists as the research document noted in your request cannot be identified with certainty. I therefore refuse access to the information under section 24AA of the FOI Act on the basis that your request did not satisfy section 15(2)(b) of the FOI Act, the document/s could not be identified.

Your review rights

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 review within 60 days of receiving this letter.

You can apply to the OAIC for review 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 the NDIA took in relation to your request. The Ombudsman will consult with the OAIC before investigating a complaint about the handling of an FOI request.

You can make a complaint to the OAIC using the contact details identified above, or to the Ombudsman by:

Phone: 1300 362 072 (local call charge)
Email: ombudsman@ombudsman.gov.au

Your complaint should set out the grounds on which you consider the OAIC or the Ombudsman should investigate the NDIA's handling of your FOI request.