

23 December 2024

Emily Lacey
Right to Know

By email: foi+request-12197-9b848d96@righttoknow.org.au

Dear Emily Lacey

Freedom of Information request — Notification of Decision

Thank you for your correspondence of 21 October 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:

“A copy of all “TAB Digest” and “TAT Digest” documents held by the NDIA.

I agree for the surnames and contact details of any staff to be redacted, but please otherwise provide the documents in their entirety.”

On 26 November 2024 you have revised the scope of your request to be for the following documents:

“A list of all “TAB Digest” and “TAT Digest” documents held by the NDIA. Please include the following details for each item:

- Document title.*
- File name.*
- Date created.*
- Date published.*
- Date archived.*
- Whether it is “APPROVED/FINAL” or “DRAFT” or “ARCHIVED”.*

Processing Period

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. I sincerely apologise for the delay in releasing this decision to you.

We have continued processing your request. 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 Commissioner (OAIC) under section 15AC of the FOI Act. Therefore, an internal review of my decision is not an option. 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 interpreted your request to be for access to information presented in a data report. Section 17(1)(c) of the FOI Act provides that, in circumstances where it appears to an agency that an applicant seeks access to information that is not available in a discrete form in a written document held by the agency, but the agency could produce a written document containing the information in a discrete form, by the use of equipment ordinarily available to the agency, the agency is to deal with the request as if it were a request for access to a document so produced.

In this instance the NDIA can produce a document under section 17(1)(c), of *a list of all "TAB Digest" and "TAT Digest" documents held by the NDIA* with the file name and date modified.

This document was produced in consultation with Technical Advice & Practice Improvement branch (TAPIB), and consulting with relevant NDIA staff who could be expected to be able to identify documents within the scope of the request.

I have decided to grant access to the 1 document in part.

In reaching my decision, I took the following into account:

- 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
- the NDIA's operating environment and functions.

Access to edited copies with exempt or irrelevant material deleted (section 22)

I have identified that this document contains material that is irrelevant to your request. The irrelevant material relates to names and contact details of NDIA staff / information which is not relevant to the subject matter of your request.

In accordance with section 22 of the FOI Act, I have considered whether it is possible to delete the exempt and irrelevant material from the documents and have concluded that it is reasonably practicable to do so. Accordingly, I have prepared an edited copy of the documents with the exempt and irrelevant material removed.

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



Kate (KIM627)

A/g Assistant Director – Freedom of Information
Complaints Management & FOI Branch
General Counsel Division

Schedule of Documents for FOI 24/25-0596

Document number	Page number	Description	Access Decision	Comments
1	1-14	TAPIB Digest List - Technical Advice and Practice Improvement Branch Date: 10 December 2024	PARTIAL ACCESS	Irrelevant material removed under section 22 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.