

4 February 2025

Paul Carter
Right to Know

By email: foi+request-12333-c7ee4148@righttoknow.org.au

Dear Paul Carter

Freedom of Information request — Notification of Decision

Thank you for your correspondence of 16 November 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 list of all possible selections or entries in the "assessed impairment" field of a participant or prospective participant's file on PACE. And the corresponding disability/impairment category, type or other code/s those possible entries is assigned by the NDIA.

- All current articles or guidance for staff on how to add, change, or request to add/change a NDIS participant's disability/impairment in their file...”

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 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 conducting searches of NDIA's systems, using all reasonable search terms that could return documents relevant to your request, 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 18 documents in full
- grant access to 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
- 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

Certain operations of agencies (section 47E(d))

Section 47E(d) of the FOI Act conditionally exempts a document if its disclosure would, or could reasonably be expected to, have a substantial adverse effect on the proper and efficient conduct of the operations of an agency.

Document 19 contain information relating to certain operations of the NDIA, specifically:

internal single points of contact, for use only by NDIA staff in their work.

Disclosing individual contact details may jeopardise the use of single points of contact. I am satisfied that there is a reasonable likelihood of aggrieved members of the public seeking to gain advantage over others by using internal points of contact in place of the appropriate points of contact and that release of this information could reasonably be expected to have an adverse effect on the proper and efficient conduct of the operations of the Agency, namely the Agency's ability to conduct its operations in a timely and efficient way.

Public interest considerations – section 47E(d)

Section 11A(5) of the FOI Act provides that access to a document covered by a conditional exemption must be provided unless disclosure would be contrary to the public interest.

I have not considered any of the irrelevant factors as set out under section 11B(4) of the FOI Act in making this decision.

In favour of disclosure, I have considered the factors outlined in section 11B(3) of the FOI Act, and I have determined that disclosure of the relevant information in Document 19 would promote the objects of the FOI Act by providing access to documents held by the government.

Against disclosure, I consider that disclosure of the relevant information in Document 19:

- would not contribute to the publication of information of sufficient public interest to justify the likely harm caused by release
- would not enhance Australia's representative democracy in the ways described in section 11B(3) of the FOI Act
- would not inform any debate on a matter of public importance, or promote oversight of public expenditure.

While there is limited public interest in the disclosure of information conditionally exempt under section 47E(d) of the FOI Act, the harm that would result from disclosure is that it could reasonably be expected to prejudice the ability of the Agency to protect established contact points and procedures of the Agency

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 Document 19 is exempt under section 47E(d) of the FOI Act.

Release of documents

The documents for release, as referred to in the Schedule of Documents at **Attachment A**, are 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

A handwritten signature in black ink, appearing to read 'K. M. J.' with a large, stylized flourish at the end.

Kate (KIM627)

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

Schedule of Documents for FOI 24/25-0754

Document number	Page number	Description	Access Decision	Comments
1	1-8	Knowledge Article - Add a new primary disability – Version 4 Date: 22/08/2024	FULL RELEASE	
2	9-17	Knowledge Article - Understand disability requirements Version 2.0 Date: 29/08/2024	FULL RELEASE	
3	18-24	Knowledge Article - Request a participant disability change - v3.0 Date: 22/08/2024	FULL RELEASE	
4	25-28	Knowledge Article - What evidence of disability is required – Version 5.0 Date: 25/09/2024	FULL RELEASE	
5	29-35	Knowledge Article - Check eligibility - DIS - disability caused by an impairment – Version 4.0 Date: 23/09/2024	FULL RELEASE	

Document number	Page number	Description	Access Decision	Comments
6	36-43	Knowledge Article - Record information - Expanded Disability Status Scale – Version 2.0 Date: 08/06/2023	FULL RELEASE	
7	44-51	Knowledge Article - Check eligibility - List A condition – Version 3.0 Date: 29/08/2024	FULL RELEASE	
8	52-59	Knowledge Article - Check eligibility - List B condition – Version 2.0 Date: 29/08/2024	FULL RELEASE	
9	60-67	Knowledge Article - Check eligibility - List D condition – Version 3.0 Date: 29/08/2024	FULL RELEASE	
10	68-74	Knowledge Article - Check eligibility - DIS - likely permanence – Version 5.0 Date: 23/09/2024	FULL RELEASE	
11	75-86	Knowledge Article - Impairment categories guide – Version 1.0 Date: 10/10/2024	FULL RELEASE	

Document number	Page number	Description	Access Decision	Comments
12	87-93	Standard Operating Procedure - Add or change disability – Version 6.0 Date: 07/07/2021	FULL RELEASE	
13	94-147	Operating Guidelines - Applying to the NDIS – Version 9.0 Date: 07/10/2024	FULL RELEASE	
14	148-156	Applicant - record disability conditions and impairments – Version 6.0 Date: 26/09/2024	FULL RELEASE	
15	157-163	Check eligibility - DIS - NDIS supports for life Version 3.0 Date: 29/08/2024	FULL RELEASE	
16	164-173	Knowledge Article - Complete form in the access request case – Version 9.0 Date: 25/09/2025	FULL RELEASE	
17	174-183	Knowledge Article - Create a person account – Version 11.0 Date: 22/08/2024	FULL RELEASE	

Document number	Page number	Description	Access Decision	Comments
18	184-196	Knowledge Article - Add and link evidence to a case – Version 4.0 Date: 08/03/2024	<p style="text-align: center;">FULL RELEASE</p>	
19	197-208	Knowledge Article - Complete a desktop review before a check-in – Version 8.0 Date: 24/10/2024	<p style="text-align: center;">PARTIAL RELEASE</p>	

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.