

02 January 2025

Clementine Saber
Right to Know

By email: foi+request-12368-b892c2ee@righttoknow.org.au

Dear Clementine Saber

Freedom of Information request — Notification of Decision

Thank you for your correspondence of 25 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:

“Dear National Disability Insurance Agency,

I'm writing to request access to documents under the Freedom of Information Act 1982. Specifically, the following documents named in the “Understand functional capacity assessments” article document:

- (1). *“Record information – life skills profile (LSP - 16)”*
- (2). *“Record assessment – PEDI-CAT”*
- (3). *“Record Information – Level of Lesion”*
- (4). *“Record information – The care and needs scale*
- (5). *“Record information – Vineland”*
- (6). *“Record information from the DSM5 – Autism”*
- (7). *“Record information from the DSM5 – intellectual disability”*
- (8). *“Record information – Manual Ability Classification System”*
- (9). *“Record a communication function classification score”*
- (10). *“Record information – Expanded Disability Status Scale”*

Please include all identified documents in full. I consider all parts of a document to be relevant, except the surnames and contact details of staff, which can be removed.”

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 10 documents, which fall within the scope of your request.

The 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 9 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.

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

I have decided that Document 2 contains material that is exempt from disclosure under the FOI Act.

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.

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.

Documents 2 contains information relating to certain operations of the NDIA, specifically:

URLs, the disclosure of which would have a serious impact on the Agency's ability to operate within a secure IT environment.

Accordingly, I find that disclosure of this information would or could reasonably be expected to have a substantial adverse effect on the operations of the Agency and is therefore conditionally exempt under section 47E(d) of the FOI Act.

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 2 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 2:

- 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 the security and integrity of information held in 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 2 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, consisting of a stylized 'C' followed by a series of loops and a long diagonal stroke extending upwards and to the right.

Cooper (CHH674)
Team Leader / Senior Freedom of Information Officer
Complaints Management & FOI Branch
General Counsel Division

Schedule of Documents for FOI 24/25-0868

Document number	Page number	Description	Access Decision	Comments
1		Knowledge Article - Record information - Life Skills Profile (LSP - 16) v2.0 APPROVED Date: 16 June 2023	FULL ACCESS	
2		Knowledge Article - Record assessment - PEDI-CAT v3.0 APPROVED Date: 12 December 2023	PARTIAL ACCESS Exemption claimed: s47E(d) – certain operations of agencies	Exempt material removed under section 47E(d) of the FOI Act Irrelevant material removed under section S22 of the FOI Act.
3		Knowledge Article - Record information - Level of lesion assessment v2.0 APPROVED Date: 21 June 2023	FULL ACCESS	
4		Knowledge Article - Record information - The Care and Needs Scale v2.0 APPROVED Date: 21 June 2023	FULL ACCESS	
5		Knowledge Article - Record information - Vineland Adaptive Behaviour Scales v3.0 APPROVED	FULL ACCESS	

Document number	Page number	Description	Access Decision	Comments
		Date: 05 October 2023		
6		Knowledge Article - Record information from the DSM5 - Autism v3.0 APPROVED Date: 16 June 2023	FULL ACCESS	
7		Knowledge Article - Record information from the DSM5 - Intellectual Disability v2.0 APPROVED Date: 05 October 2023	FULL ACCESS	
8		Knowledge Article - Record information - Manual ability classification system v2.0 APPROVED Date: 20 June 2023	FULL ACCESS	
9		Knowledge Article - Record a communication function classification score v2.0 APPROVED Date: 20 June 2023	FULL ACCESS	
10		Knowledge Article - Record information - Expanded Disability Status Scale v2.0 APPROVED Date: 20 June 2023	FULL ACCESS	

Your review rights

Internal Review

The FOI Act gives you the right to apply for an internal review of this decision. The review will be conducted by a different person to the person who made the original decision.

If you wish to seek an internal review of the decision, you must apply for the review, in writing, within 30 days of receipt of this letter.

No particular form is required for an application for internal review, but to assist the review process, you should clearly outline your grounds for review (that is, the reasons why you disagree with the decision). Applications for internal review can be lodged by email to foi@ndis.gov.au or sent by post to:

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 also 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.