

Our reference: FOI 24/25-XXX



GPO Box 700
Canberra ACT 2601
1800 800 110

[ndis.gov.au](https://www.ndis.gov.au)

25 November 2024

Name

By email: [Email](#)

Dear Name

Freedom of Information request - Notification of Decision

Thank you for your correspondence of (date), requesting access, under the *Freedom of Information Act 1982* (FOI Act), to documents held by the National Disability Insurance Agency (NDIA).

The purpose of this letter is to provide you with a decision on your request.

Scope of your request

You requested access to the following documents:

“request in full”

Extension of time

On (date), you agreed to a xx-day extension of time under section 15AA of the FOI Act, making (date) the new date to provide you with a decision on access.

Search efforts

Search efforts

The NDIA's XXXXX team conducted a search and identified X documents within the scope of your request.

Decision on access to documents

After examining the documents, I have decided to:

- grant access to XX document(s) in full
- grant access to XX document(s) in part
- refuse access to XX document(s) in full.

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

Reasons for decision

I have decided that some information will not be released as it comprises **Information that is conditionally exempt under 47F of the FOI Act, information where disclosure would be contrary to the public interest.**

A detailed statement of the reasons for my decision is **Attachment A**.

Rights of review

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

A schedule of documents can be found at Attachment B.

Access arrangements

The [third party has] **OR** [third parties have] objected to the release of certain documents as identified within the schedule contained in Attachment B of this notice. I must thereby defer granting access to those documents until such time as the [third party has] or [third parties have] exhausted their review rights.

The [third party has] **OR** [third parties have] 30 business days from the date of their decision to seek an internal review of my decision to release the information in question. I will advise you if the department receives an internal or external review application.

Release of documents

The documents for release, as referred to in the Schedule of Documents at **Attachment B**, is/are enclosed.

Rights of review

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

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

Yours sincerely

Name

Delegation

Government, Risk & Legal – Complaints Management and FOI
General Counsel Division

**Statement of Reasons
FOI23/24-XXXX**

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

I have decided that the document contains material that is exempt from disclosure under the FOI Act. This material can generally be described as the **names of third-party organisations and the personal identifying information of NDIS participants and other individuals**

Relevant Law

Under the FOI Act, a person has a legally enforceable right to obtain access to a document of an agency,¹ however a decision maker must decide whether access to a conditionally exempt document would, on balance, be contrary to the public interest.²

Personal privacy (section 47F)

Section 47F of the FOI Act conditionally exempts a document(s) if its disclosure would involve the unreasonable disclosure of personal information about any person (including a deceased person).

The FOI Act shares the same definition of 'personal information' as the Privacy Act.³ Personal information means information or an opinion about an identified individual, or an individual who is reasonably identifiable:

- a. whether the information or opinion is true or not
- b. whether the information or opinion is recorded in a material form or not.⁴

I have identified material in the documents falling within scope of your request which contains personal information of a third party / third parties. This is the information in issue and includes I am satisfied this information meets the definition of personal information.

I consider that disclosure of this information under the FOI Act would involve the unreasonable disclosure of third party information. In making this decision, I have had regard to all relevant factors, including:

- the extent to which the information is well known;
- whether the person to whom the information relates is known to be (or to have been) associated with the matters dealt with in the document;
- the availability of the information from publicly accessible sources; and
- any other matters that the agency considers relevant.⁵

Public interest considerations

Irrelevant factors

I have examined the irrelevant factors in section 11B(4) of the FOI Act and I am satisfied I have not taken into account any irrelevant factors in reaching my decision.

Factors favouring disclosure

¹ Section 11(1)(a) of the FOI Act.

² Section 11B(1)-(5) of the FOI Act.

³ Paragraph 6.127 of the FOI Guidelines.

⁴ Paragraph 6.128 of the FOI Guidelines.

⁵ Section 47F(2) of the FOI Act.

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 information in the documents would:

- (a) promote the objects of the FOI Act (including all matters set out in sections 3 and 3A;
- (b) allow a person to access his or her own personal information.

This is because providing access to documents held by the - NDIA allows for increased scrutiny, discussion, comment, and review of government held information; and allows a person to access his or her own personal information – if requesting access to own docs with third party info contained within.

I have therefore decided to afford significant weight to these two (2) factors favouring disclosure of the documents to you.

Factors weighing against disclosure

The FOI Act does not list any factors weighing against disclosure. These factors will depend on the circumstances. However, the inclusion of the exemptions and conditional exemptions in the FOI Act recognises that harm may result from the disclosure of some types of documents in certain circumstances.

In favour of non disclosure, I have determined disclosure of the information could reasonably be expected to:

- affect an individual's right to privacy by having their personal information in the public domain; and
- and cause a public interest harm.

This is because you have requested access to...I have been provided withI note there is some information in the document(s) containing personal information of third parties. Parliament's intention to protect the privacy of individuals is evidenced by the terms of both the *Privacy Act 1988* (Cth) and the *National Disability Insurance Scheme Act 2013* (Cth). I am thereby satisfied the disclosure of this information could reasonably be expected to:

On balance

I am satisfied that disclosure of the information I have redacted from the document would be contrary to the public interest. I therefore conclude that it is exempt from disclosure.

Accordingly, I have decided to release the majority of the information with the contrary to the public interest information removed pursuant to section 47G and 47F of the FOI Act.

Schedule of Documents for FOI 24/25-XXXX

Document number	Page number	Description	Access Decision	Comments
1	1-2	Document Title Date: DD Month YYYY	FULL ACCESS	Document created under section 17 of the FOI Act
2	3-4	Email Subject: verbatim subject line Date: date of email	PARTIAL ACCESS Exemption(s) claimed: s47C – deliberative processes s47E(c) – certain operation of agencies s47E(d) – certain operations of agencies s47F – personal privacy s47G – business information	Irrelevant material removed under section 22 of the FOI Act
2.1	5-6	Attachment to Document 2 Report XYZ		
2.1.1	7-8	Attachment to Document 2.1 Attachment A to Report XYZ		

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 xxx@xxxx.xxv.au or sent by post to:

Freedom of Information Section
Complaints Management and 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) for 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.

Our reference: FOI 23/24-XXXX



GPO Box 700
Canberra ACT 2601
1800 800 110

ndis.gov.au

25 November 2024

First and Last Name
Position (if applicable)
Organisation (if applicable)
Street Address
SUBURB STATE POSTCODE

By email: (e.g. John.smith@email.com.au)

Dear First and Last name

Freedom of Information request - Notification of Decision

Thank you for your correspondence of [Date Month Year], requesting access, under the *Freedom of Information Act 1982* (FOI Act), to documents held by the National Disability Insurance Agency (NDIA).

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

Scope of your request

For personal: You have requested access to following documents from [your] NDIS file [the NDIS file of no salutation] First and Last name (CRM Ref: XXXXXXXX):

"[Verbatim request]" (Please insert [sic] after any spelling or grammatical mistakes in the original quoted request.)

For non-personal: You have requested access to the following documents:

"[Verbatim request]" (Please insert [sic] after any spelling or grammatical mistakes in the original quoted request.)

If applicable: I confirm your email dated (insert date) where you agreed to the following revised scope:

"[Verbatim revised request]" (Please insert [sic] after any spelling or grammatical mistakes in the quoted request.)

If applicable: I am satisfied that you have the authority to receive the requested information [on behalf of First and Last name].

If applicable: Extension of time

On XXX, you agreed to an XX-day extension of time under section 15AA of the FOI Act, making DD Month YYYY the new date to provide you with a decision on access.

On XXX, the Office of the Australia Information Commissioner (OAIC) granted us an XX-day extension of time under section 15AB of the FOI Act, making DD Month YYYY the new date to provide you with a decision on access.

If applicable: Expiration of time

The due date for a decision on access for your request was 24 June 2024. As we did not provide you with a decision by the due date, we are deemed to have refused you access to the documents you requested (section 15AC of the FOI Act). The effect of this is that you do not have a right seek an internal review of my decision. However, I confirm that you retain your right to seek external review by the Office of the Australian Information Commissioner (OAIC).

Search efforts

For personal: I have conducted a search of your NDIS file [the NDIS file of First name Last name's] and I have identified XX document(s), (including attachments), which fall within the scope of your request.

For non-personal: The NDIA's XXXXX team conducted a search and identified X documents within the scope of your request.

Results of third party consultations

As advised in my letter of dd month 2017, I decided it was necessary to consult under section 27 / 27A of the FOI Act with a third party OR [number of third parties] third parties who I reasonably believed might have concerns about the disclosure of some of the matter contained in the documents.

Insert if no response received from third party:

Under sections 27 and 27A of the FOI Act, I must take reasonably practicable steps to obtain the views of a person, organisation or proprietor of the undertaking to ascertain if they might reasonably wish to make a contention that the document is exempt under section 47 or conditionally exempt under section 47G or 47F of the FOI Act. I have not received a response from the third party in question OR [(insert how many) of the third parties] and have proceeded to make a decision about access to the responsive documents without any comments from the third party OR those third parties. To date, the consultation letters have not been returned unclaimed.

Insert if response received from third party (no objection):

On dd month 2017, I received a response from the third party OR [(insert how many) of the third parties] advising that they do not object to the disclosure of the subject documents provided for consultation.

Insert if response received from third party (objection):

A response was received on dd month 2017 from the third party in question OR [(insert how many) of the third parties] advising that they do object to the disclosure of the subject documents on the basis of the following [exemption/s] AND/OR [public interest refusal/s]:

- [describe exemption or public interest refusal in full];
- [describe exemption or public interest refusal in full].

Disagree with third party -

I have considered the objection of the third party OR objections of the third parties and examined the relevant sections of the FOI Act to determine if disclosure of the subject information is subject to any exemption or public interest refusal. Following this examination, I do not agree with the third party's OR parties' argument for exemption/s AND/OR conditional exemptions and believe the matter at issue does not satisfy the requirements of the exemption/s OR conditional exemptions/public interest refusal/s under [insert sections or provisions] of the FOI Act. Accordingly, I have decided to grant full OR partial access to these subject documents.

Please refer to the section 'Access Arrangements' in this decision notice for advice on the deferral of access to these documents.

OR

Agree with third party -

I have considered the **objection of the third party OR objections of the third parties** and examined the relevant sections of the FOI Act to determine if disclosure of the subject information is subject to any exemption or conditional exemptions/public interest refusal. Following this examination, I agree with the third **party's OR parties'** argument for **[exemption/s] AND/OR [public interest refusal/s]** and believe the matter at issue satisfies the requirements of the **[exemption/s] OR [public interest refusal/s]** under **[insert section/s or provision/s]** of the FOI Act. Accordingly, I have decided to refuse access to these subject documents.

Decision on access to documents

I have decided to grant full access to all X documents.

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

Access to edited copies with exempt or irrelevant material deleted

If applicable: I have identified that Documents **XX** contains material that is irrelevant to your request. The irrelevant material relates to **names and/or contact details of NDIA staff which you have agreed to out of scope from your request.**

Although I have decided to provide full access to the information requested, the removal of the irrelevant information makes the documents a partial release.

Accordingly, I have prepared an edited copy of the documents with the irrelevant material removed.¹

Release of documents

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

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

Name

Senior Freedom of Information Officer
Government, Risk & Legal – Complaints Management and FOI
General Counsel Division

¹ Section 22 of the FOI Act.

Schedule of Documents for FOI 24/25-XXXX

Document number	Page number	Description	Access Decision	Comments
1	1-2	Document Title Date: DD Month YYYY	FULL ACCESS	
			FULL ACCESS	Irrelevant material removed under section 22 of the FOI Act

Your review rights**Internal Review**

The FOI Act gives you the right to apply for an internal review of this 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 xxx@xxxx.xxv.au or sent by post to:

Freedom of Information Section
Complaints Management and 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.

Our reference: FOI 24/25-XXXX

Your reference: XXXXX



GPO Box 700
Canberra ACT 2601
1800 800 110

[ndis.gov.au](https://www.ndis.gov.au)

25 November 2024

XXX

By email: (e.g. John.smith@email.com.au)

Dear **First and Last name**

Freedom of Information request — Notice of Decision

Thank you for your correspondence of **(Date)**, seeking access under the *Freedom of Information Act 1982* (FOI Act) to documents held by the National Disability Insurance Agency (NDIA).

The purpose of this letter is to provide you with a decision on your request.

Scope of your request

For personal: You have requested access to documents from the NDIS file of **(no salutation) First and Last name** (CRM Ref: **XXXXXXXXX**). Specifically, you requested access to:

“[Verbatim request]” (Please insert [sic] after any spelling or grammatical mistakes in the original quoted request.)

For non-personal: You have requested access to the following documents:

“[Verbatim request]” (Please insert [sic] after any spelling or grammatical mistakes in the original quoted request.)

If applicable: You have revised the scope of your request to be for the following documents:

“[Verbatim revised request]” (Please insert [sic] after any spelling or grammatical mistakes in the quoted request.)

If applicable: I am satisfied that you have the authority to receive the requested information on behalf of **[First and Last name]**.

Timeframe

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

If applicable: Extension of time

On XXX, you agreed to an XX-day extension of time under section 15AA of the FOI Act, making DD Month YYYY the new date to provide you with a decision on access.

On XXX, the Office of the Australia Information Commissioner (OAIC) granted us an XX-day extension of time under section 15AB of the FOI Act, making DD Month YYYY the new date to provide you with a decision on access.

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.

If applicable: Section 17(1)(c) of the FOI Act provides that an agency can produce a written document containing the requested information, by the use of a computer or other equipment that is ordinarily available for retrieving or collating stored information. We have been able to produce a document(s) containing some of the information you requested. I have, therefore, treated your request as if it were a request for access to this/those documents in accordance with section 17(1)(c) of the FOI Act.

I have identified XX document(s), (including attachments), which fall within the scope of your request.

For personal: The document(s) were identified by conducting a search of First and Last name's NDIS file.

For non-personal: The document(s) 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 XX document(s) in full
- grant access to XX document(s) in part
- refuse access to XX document(s) in full.

In reaching my decision, I took the following into account (delete as appropriate):

- 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
- relevant case law concerning the operation 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)

If applicable: I have decided that Documents XX contains material that is exempt from disclosure under the FOI Act.

If applicable: I have also identified that Documents XX 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/not 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

Deliberative processes (section 47C)

Section 47C of the FOI Act conditionally exempts a document if its release would disclose deliberative matter in the nature of, or relating to, opinion, advice or recommendation obtained, prepared or recorded, or consultation or deliberation that has taken place, in the course of, or for the purposes of, the deliberative processes involved in the functions of an agency.

Paragraph 6.59 of the FOI Guidelines provides that deliberative process generally refers to the process of weighing up or evaluating competing arguments or considerations or to thinking processes – the process of reflection, for example, upon the wisdom and expediency of a proposal, a particular decision or a course of action.

Document(s) XX contain(s) deliberative matter in the form of opinion, advice and recommendations recorded in the course of assisting NDIA decision-makers to reach a decision regarding the reasonable and necessary supports for to be included in a participant's NDIS plan, in accordance with section 34 of the *National Disability Insurance Scheme Act 2013* (NDIS Act). (revise if necessary)

If required: Section 47C(2) of the FOI Act provides that deliberative matter does not include purely factual material. The FOI Guidelines provide that 'purely factual material' does not extend to factual material that is an integral part of the deliberative content and purpose of a document, or is embedded in or intertwined with the deliberative content such that it is impractical to excise it.

I am satisfied that document(s) XX contain information that meets the definition of 'deliberative matter'. I am also satisfied that to the extent that the parts of the documents that contain factual material, the factual material is an integral part of the deliberative content, or is embedded or intertwined with the deliberative content such that it is impractical to excise.

Therefore, I find that document(s) XX do not contain purely factual material, and are conditionally exempt under section 47C of the FOI Act.

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

Section 47E(c) 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 management or assessment of personnel by the Commonwealth or by an agency.

Document(s) within the scope of your request relate to a complaint process and contain information produced or obtained in confidence as part of that process. I consider that disclosure of the documents would have a substantial adverse effect on the management of NDIA personnel, in that staff may be reluctant to provide information and cooperate with complaints processes if they were aware that the subject matter of those discussions would be disclosed and made public. That then would, in my view, have a substantial adverse effect on the management of the NDIA's personnel.

If applicable: While the information contained within these documents does relate to you and/or to a process involving you, disclosure of information about that process, including staff members' confidential statements, would hamper the NDIA's ability to obtain confidential information and prejudice its ability to obtain similar information in the future.

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(s) XX contain(s) information relating to certain operations of the NDIA, specifically:

internal guidance given to staff in relation to the quantum of supports to include within a participant's plan in determining the level of supports a participant may require.

The disclosure of this information would reveal methodologies the NDIA uses to assist in determining levels of support provided to NDIS participants, which is to better ensure that participants receive supports that are reasonable and necessary. Any disclosure resulting in the prejudice of the effectiveness of the Agency's operational methods and procedures would, or could reasonably be expected to, result in the need for the Agency to change those methods and procedures to ensure the future effectiveness and sustainability of the Agency and the Scheme.

I am satisfied that the release of this information would potentially result in the public disclosure of internal methodologies that, through improper use, would, or could, lead to a distortion of funding levels that would substantially and adversely affect the integrity of the NDIS and its financial sustainability. Accordingly, I have decided that the relevant information in Document(s) XX is conditionally exempt under section 47E(d) of the FOI Act.

[OR choose only after considering application of section 22) –

internal single points of contact, for use only by NDIA staff in their work [managing complaints made against the Agency by members of the public.]

Disclosing individual staff contact details may jeopardise the use of single points of contact [to receive feedback and complaints.] 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.

[OR choose only after considering application of section 22) –

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.

Personal privacy (section 47F)

Section 47F of the FOI Act conditionally exempts a document(s) if its disclosure would involve the unreasonable disclosure of personal information about any person (including a deceased person).

I have identified material in the documents falling within scope of your request which contains personal information of a third party / third parties.

[OR choose only after considering application of section 22) -

The conditionally exempt material contains references to the middle names / details of personal leave or employment conditions of staff members which have not previously been disclosed to you.

Under section 47F(2) of the FOI Act, in determining whether the disclosure of documents would involve unreasonable disclosure of personal information, regard must be had to:

- a. the extent to which the information is well known;
- b. whether the person to whom the information relates is known to be (or to have been) associated with the matters dealt with in the document;
- c. the availability of the information from publicly accessible sources; and
- d. any other matters that the agency considers relevant.

Against these criteria, I take the view that:

- a. it is apparent from the information that an individual is identifiable; and
- b. the information referred to above is not readily available from publicly accessible sources.

With reference to the assessment above, it would be unreasonable to disclose publicly this personal information and is therefore conditionally exempt under section 47F(1) of the FOI Act.

Business Information (section 47G)

Some documents falling within scope of your request contain information that is conditionally exempt from release under section 47G of the FOI Act.

Section 47G of the FOI Act conditionally exempts a document if its disclosure would disclose information concerning a person in respect of their business or professional affairs or concerning the business, commercial or financial affairs of an organisation or undertaking, in which the disclosure of the information:

- would or could reasonably be expected to, unreasonably affect that person adversely in respect of their lawful business or professional affairs of that organisation or undertaking in respect of its lawful business, commercial or financial affairs; or
- could reasonably be expected to prejudice the future supply of information to the Commonwealth or an agency for the purpose of the administration of a law of the Commonwealth or of a Territory or the administration of matters administered by an agency.

The information that is conditionally exempt includes sensitive business details of a third party that were provided to the Agency in confidence with an expectation that they would not be disclosed further. The third party has contended that the disclosure of this information would unreasonably affect their business affairs, in that it would infringe on confidentiality agreements and could unfairly affect the lawful operations of their business.

I am satisfied that the disclosure of this information could unreasonably and adversely affect the business affairs of a third party and affect any potential or current business relationship with the Agency.

Public interest considerations – section 47C, 47E(d), 47F and 47G

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 Documents XX would promote the objects of the FOI Act by providing access to documents held by the government and/or providing access to information relating to the participant.

Against disclosure, I consider that disclosure of the relevant information in Documents XX:

- 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 47C, 47E(d), 47F, 47G of the FOI Act, the harm that would result from disclosure is that it could reasonably be expected to:

- hinder the Agency's thinking processes and the ability of Agency decision-makers to comply with their obligations and make informed decisions, which, in turn, helps to ensure the financial stability and integrity of the National Disability Insurance Scheme
- prejudice the ability of the Agency to provide guidance to staff and to decision makers in classifying applicants based on support needs in order to comply with their obligations and make informed decisions in relation to the quantum of funding to add to each reasonable and necessary support, which, in turn, helps to ensure the financial stability and integrity of the NDIS

OR

- prejudice the ability of the Agency to protect established contact points and procedures of the Agency

OR

- prejudice the ability of the Agency to protect the security and integrity of information held in the Agency
- affect an individual's right to privacy by having their personal information in the public domain
- compromise the business or professional affairs of a third party and interfere with their ability to undertake their lawful business.

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 Documents XX is exempt under sections XX of the FOI Act.

Release of documents

The documents for release, as referred to in the Schedule of Documents at **Attachment A**, is/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 fx@xxxx.xxx.xx

Yours sincerely

Name

Delegation

Complaints Management & FOI Branch
General Counsel Division

Schedule of Documents for FOI 24/25-XXXX

Document number	Page number	Description	Access Decision	Comments
1	1-2	Document Title Date: DD Month YYYY	FULL ACCESS	Document created under section 17 of the FOI Act
2	3-4	Email Subject: verbatim subject line Date: date of email	PARTIAL ACCESS Exemption(s) claimed: s47C – deliberative processes s47E(c) – certain operation of agencies s47E(d) – certain operations of agencies s47F – personal privacy s47G – business information	Irrelevant material removed under section 22 of the FOI Act
2.1	5-6	Attachment to Document 2 Report XYZ		
2.1.1	7-8	Attachment to Document 2.1 Attachment A to Report XYZ		

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.

Our reference: FOI 24/25-XXXX
 Your reference: XXXX



GPO Box 700
 Canberra ACT 2601
 1800 800 110

ndis.gov.au

25 November 2024

First and Last Name
 Position (if applicable)
 Organisation (if applicable)
 Street Address
 SUBURB STATE POSTCODE

By email: (e.g. John.smith@email.com.au)

Dear **First and Last name**

Freedom of Information request — Notification of Decision

Thank you for your correspondence of **[Date Month Year]**, 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

For personal: You have requested access to documents from the NDIS file of **(no salutation) First and Last name** (CRM Ref: **XXXXXXXXX**). Specifically, you requested access to:

“[Verbatim request]” (Please insert [sic] after any spelling or grammatical mistakes in the original quoted request.)

For non-personal: You have requested access to the following documents:

“[Verbatim request]” (Please insert [sic] after any spelling or grammatical mistakes in the original quoted request.)

If applicable: You have revised the scope of your request to be for the following documents:

“[Verbatim revised request]” (Please insert [sic] after any spelling or grammatical mistakes in the quoted request.)

If applicable: I am satisfied that you have the authority to receive the requested information on behalf of **[First and Last name]**.

If applicable: Extension of time

On XXX, you agreed to an XX-day extension of time under section 15AA of the FOI Act, making DD Month YYYY the new date to provide you with a decision on access.

On XXX, the Office of the Australia Information Commissioner (OAIC) granted us an XX-day extension of time under section 15AB of the FOI Act, making DD Month YYYY the new date to provide you with a decision on access.

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.

If applicable: Section 17(1)(c) of the FOI Act provides that an agency can produce a written document containing the requested information, by the use of a computer or other equipment that is ordinarily available for retrieving or collating stored information. We have been able to produce a document(s) containing some of the information you requested. I have, therefore, treated your request as if it were a request for access to this/those documents in accordance with section 17(1)(c) of the FOI Act.

I have identified XX document(s), (including attachments), which fall within the scope of your request.

For personal: The document(s) were identified by conducting a search of First and Last name's NDIS file.

For non-personal: The document(s) 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 XX document(s) in full
- grant access to XX document(s) in part
- refuse access to XX document(s) in full.

In reaching my decision, I took the following into account (delete as appropriate):

- 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
- relevant case law concerning the operation 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)

If applicable: I have decided that Documents **XX** contains material that is exempt from disclosure under the FOI Act.

If applicable: I have **also** identified that Documents **XX** 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/not** 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

Deliberative processes (section 47C)

Section 47C of the FOI Act conditionally exempts a document if its release would disclose deliberative matter in the nature of, or relating to, opinion, advice or recommendation obtained, prepared or recorded, or consultation or deliberation that has taken place, in the course of, or for the purposes of, the deliberative processes involved in the functions of an agency.

Paragraph 6.59 of the FOI Guidelines provides that deliberative process generally refers to the process of weighing up or evaluating competing arguments or considerations or to thinking processes – the process of reflection, for example, upon the wisdom and expediency of a proposal, a particular decision or a course of action.

Document(s) XX contain(s) deliberative matter in the form of opinion, advice and recommendations recorded in the course of assisting NDIA decision-makers to reach a decision regarding the reasonable and necessary supports for to be included in a participant's NDIS plan, in accordance with section 34 of the *National Disability Insurance Scheme Act 2013* (NDIS Act). (revise if necessary)

If required: Section 47C(2) of the FOI Act provides that deliberative matter does not include purely factual material. The FOI Guidelines provide that 'purely factual material' does not extend to factual material that is an integral part of the deliberative content and purpose of a document, or is embedded in or intertwined with the deliberative content such that it is impractical to excise it.

I am satisfied that document(s) XX contain information that meets the definition of 'deliberative matter'. I am also satisfied that to the extent that the parts of the documents that contain factual material, the factual material is an integral part of the deliberative content, or is embedded or intertwined with the deliberative content such that it is impractical to excise.

Therefore, I find that document(s) XX do not contain purely factual material, and are conditionally exempt under section 47C of the FOI Act.

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

Section 47E(c) 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 management or assessment of personnel by the Commonwealth or by an agency.

Document(s) within the scope of your request relate to a complaint process and contain information produced or obtained in confidence as part of that process. I consider that disclosure of the documents would have a substantial adverse effect on the management of NDIA personnel, in that staff may be reluctant to provide information and cooperate with complaints processes if they were aware that the subject matter of those discussions would be disclosed and made public. That then would, in my view, have a substantial adverse effect on the management of the NDIA's personnel.

If applicable: While the information contained within these documents does relate to you and/or to a process involving you, disclosure of information about that process, including staff members' confidential statements, would hamper the NDIA's ability to obtain confidential information and prejudice its ability to obtain similar information in the future.

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(s) XX contain(s) information relating to certain operations of the NDIA, specifically:

internal guidance given to staff in relation to the quantum of supports to include within a participant's plan in determining the level of supports a participant may require.

The disclosure of this information would reveal methodologies the NDIA uses to assist in determining levels of support provided to NDIS participants, which is to better ensure that participants receive supports that are reasonable and necessary. Any disclosure resulting in the prejudice of the effectiveness of the Agency's operational methods and procedures would, or could reasonably be expected to, result in the need for the Agency to change those methods and procedures to ensure the future effectiveness and sustainability of the Agency and the Scheme.

I am satisfied that the release of this information would potentially result in the public disclosure of internal methodologies that, through improper use, would, or could, lead to a distortion of funding levels that would substantially and adversely affect the integrity of the NDIS and its financial sustainability. Accordingly, I have decided that the relevant information in Document(s) XX is conditionally exempt under section 47E(d) of the FOI Act.

[OR choose only after considering application of section 22) –

internal single points of contact, for use only by NDIA staff in their work [managing complaints made against the Agency by members of the public.]

Disclosing individual staff contact details may jeopardise the use of single points of contact [to receive feedback and complaints.] 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.

[OR choose only after considering application of section 22) –

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.

Personal privacy (section 47F)

Section 47F of the FOI Act conditionally exempts a document(s) if its disclosure would involve the unreasonable disclosure of personal information about any person (including a deceased person).

I have identified material in the documents falling within scope of your request which contains personal information of a third party / third parties.

[OR choose only after considering application of section 22) -

The conditionally exempt material contains references to the middle names / details of personal leave or employment conditions of staff members which have not previously been disclosed to you.

Under section 47F(2) of the FOI Act, in determining whether the disclosure of documents would involve unreasonable disclosure of personal information, regard must be had to:

- a. the extent to which the information is well known;
- b. whether the person to whom the information relates is known to be (or to have been) associated with the matters dealt with in the document;
- c. the availability of the information from publicly accessible sources; and
- d. any other matters that the agency considers relevant.

Against these criteria, I take the view that:

- a. it is apparent from the information that an individual is identifiable; and
- b. the information referred to above is not readily available from publicly accessible sources.

With reference to the assessment above, it would be unreasonable to disclose publicly this personal information and is therefore conditionally exempt under section 47F(1) of the FOI Act.

Business Information (section 47G)

Some documents falling within scope of your request contain information that is conditionally exempt from release under section 47G of the FOI Act.

Section 47G of the FOI Act conditionally exempts a document if its disclosure would disclose information concerning a person in respect of their business or professional affairs or concerning the business, commercial or financial affairs of an organisation or undertaking, in which the disclosure of the information:

- would or could reasonably be expected to, unreasonably affect that person adversely in respect of their lawful business or professional affairs of that organisation or undertaking in respect of its lawful business, commercial or financial affairs; or
- could reasonably be expected to prejudice the future supply of information to the Commonwealth or an agency for the purpose of the administration of a law of the Commonwealth or of a Territory or the administration of matters administered by an agency.

The information that is conditionally exempt includes sensitive business details of a third party that were provided to the Agency in confidence with an expectation that they would not be disclosed further. The third party has contended that the disclosure of this information would unreasonably affect their business affairs, in that it would infringe on confidentiality agreements and could unfairly affect the lawful operations of their business.

I am satisfied that the disclosure of this information could unreasonably and adversely affect the business affairs of a third party and affect any potential or current business relationship with the Agency.

Public interest considerations – section 47C, 47E(d), 47F and 47G

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 Documents XX would promote the objects of the FOI Act by providing access to documents held by the government and/or providing access to information relating to the participant.

Against disclosure, I consider that disclosure of the relevant information in Documents XX:

- 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 47C, 47E(d), 47F, 47G of the FOI Act, the harm that would result from disclosure is that it could reasonably be expected to:

- hinder the Agency's thinking processes and the ability of Agency decision-makers to comply with their obligations and make informed decisions, which, in turn, helps to ensure the financial stability and integrity of the National Disability Insurance Scheme
- prejudice the ability of the Agency to provide guidance to staff and to decision makers in classifying applicants based on support needs in order to comply with their obligations and make informed decisions in relation to the quantum of funding to add to each reasonable and necessary support, which, in turn, helps to ensure the financial stability and integrity of the NDIS

OR

- prejudice the ability of the Agency to protect established contact points and procedures of the Agency

OR

- prejudice the ability of the Agency to protect the security and integrity of information held in the Agency

- affect an individual's right to privacy by having their personal information in the public domain
- compromise the business or professional affairs of a third party and interfere with their ability to undertake their lawful business.

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 Documents XX is exempt under sections XX of the FOI Act.

Release of documents

The documents for release, as referred to in the Schedule of Documents at **Attachment A**, is/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 fx@xxxx.xxx.xx

Yours sincerely

Name

Delegation

Complaints Management & FOI Branch
General Counsel Division

Schedule of Documents for FOI 23/24-XXXX

Document number	Page number	Description	Access Decision	Comments
1	1-2	Document Title Date: DD Month YYYY	FULL ACCESS	Document created under section 17 of the FOI Act
2	3-4	Email Subject: verbatim subject line Date: date of email	PARTIAL ACCESS Exemption(s) claimed: s47C – deliberative processes s47E(c) – certain operation of agencies s47E(d) – certain operations of agencies s47F – personal privacy s47G – business information	Irrelevant material removed under section 22 of the FOI Act
2.1	5-6	Attachment to Document 2 Report XYZ		
2.1.1	7-8	Attachment to Document 2.1 Attachment A to Report XYZ		

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 xxx@xxxx.xxv.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.

Our reference: FOI 24/25-XXX



GPO Box 700
Canberra ACT 2601
1800 800 110

ndis.gov.au

25 November 2024

Name

By email: [email](#)

Dear Name

Freedom of Information request - Notification of Decision

Thank you for your correspondence of [Date Month Year], seeking access under the *Freedom of Information Act 1982* (FOI Act) to documents held by the National Disability Insurance Agency (NDIA).

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

Scope of your request

For personal: You requested access to following documents from [your] NDIS file [the NDIS file of no salutation] First and Last name (CRM Ref: XXXXXXXX):

"[Verbatim request]" (Please insert [sic] after any spelling or grammatical mistakes in the original quoted request.)

For non-personal: You requested access to the following documents:

"[Verbatim request]" (Please insert [sic] after any spelling or grammatical mistakes in the original quoted request.)

If applicable: I confirm your email dated (insert date) where you agreed to the following revised scope:

"[Verbatim revised request]" (Please insert [sic] after any spelling or grammatical mistakes in the quoted request.)

If applicable: I am satisfied that you have the authority to receive the requested information on behalf of [First and Last name].

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

If applicable: Extension of time

On XXX, you agreed to an XX-day extension of time under section 15AA of the FOI Act, making DD Month YYYY the new date to provide you with a decision on access.

On XXX, the Office of the Australia Information Commissioner (OAIC) granted us an XX-day extension of time under section 15AB of the FOI Act, making DD Month YYYY the new date to provide you with a decision on access.

Expiration of time

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

XXXXX. 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

Staff in the NDIA's Scalable Integrity Responses Branch conducted searches for documents and advised they did not locate any documents relevant to the scope of your request. I have set out the reasons for this outcome in **Attachment A** to this letter.

Decision on access to documents

In summary, I have decided to refuse access to the information you have requested on the basis that the documents are non-existent or unlocatable pursuant to section 24A 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

Name

Senior Freedom of Information Officer
Government, Risk & Legal – Complaints Management and FOI
General Counsel Division

Statement of Reasons
FOI Application [insert number]

Refused information

I have refused access to the information you requested under section 24A of the FOI Act on the basis that documents containing such information are unlocatable or do not exist.

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 24A of the FOI Act states that an agency may refuse a request for access to a document if all reasonable steps have been taken to find the document and the agency is satisfied that the document cannot be found or does not exist.

Searches for documents

After reviewing the scope of your FOI application, I identified the need to make enquiries with the NDIA's XXXXX for documents relevant to the scope of your request.

Provide an explanation as provided by the business unit that is specific to the scope

Conclusion

Based on the information I received from XXXX, I consider there are reasonable grounds to be satisfied that documents containing the information you seek do not exist. I therefore refuse access to the information under section a 24A of the FOI Act on the basis that the information is **non-existent or does not exist**.

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 xxx@xxxx.xxv.au or sent by post to:

Freedom of Information Section
Complaints Management and 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 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.

Our reference: FOI 24/25-XXXX



GPO Box 700
Canberra ACT 2601
1800 800 110

ndis.gov.au

25 November 2024

First and Last name
Position (if applicable)
Organisation (if applicable)
Street Address
SUBURB STATE POSTCODE
By email: (e.g. John.smith@email.com.au)

Dear **First and Last name**

Freedom of Information request - Request consultation process

Thank you for your correspondence of **[Date Month Year]**, in which you requested access under the *Freedom of Information Act 1982* (FOI Act) to documents held by the National Disability Insurance Agency (NDIA).

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 held by the NDIA:

[insert scope or negotiated scope]

Request Consultation

On [date], I sent you an email/letter initiating a consultation process under section 24AB of the FOI Act. I advised I intended to refuse access to your request on the grounds that **[insert the practical refusal reason provided and any other discussions that occurred around scope revision]**

If applicable: On [date] you responded revising your scope as follows:

If applicable: To [date] I have not had a response from you.

I note that the time taken to undertake this consultation process is not taken into account for the purposes of the timeframe for processing your request, and that the new deadline to provide you with a decision on access became [date].

Decision on access to documents

I have decided to refuse your request on the grounds that **[your revised scope did not change the scope in a way that would remove the reasons for the practical refusal] [you did not respond to my request consultation process and thereby the practical refusal reason remains.]**

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

Reasons for decision

A detailed statement of reasons for my decision can be found at Attachment A.

Delivered by the

National Disability
Insurance Agency

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 fx@xxx.xxx.xx

Yours sincerely

NAME

Delegation

Government, Risk & Legal – Complaints Management and FOI
General Counsel Division

**Statement of Reasons
FOI 24/25-XXXX**

Practical refusal reason*Relevant law*

A practical refusal reason exists in relation to a request for documents if [the work involved in processing the request would substantially and unreasonably divert the resources of the agency from its other operations¹] AND [the terms of your request were too broad and we were unable to identify the specific documents sought.²]

In determining whether processing the request would substantially and unreasonably divert the agency's resources, I am required to have regard to the resources that would have to be used for the following:

- identifying, locating or collating the documents within the Agency
- deciding whether to grant, refuse or defer access to a document including resources used for examining the document and consulting with any person or body in relation to the request
- making a copy or an edited copy of the document
- notifying the decision on the request

Provide an analysis of the request consultation process that occurred, include any reasons the applicant gave for requesting access, how they tried to reduce scope and how describe how the practical refusal reason still exists and conclude.

Accordingly, I am satisfied that a practical refusal reason still exists and that the work involved in processing the request would substantially and unreasonably divert the resources of the agency from its other operations.

Further options for requesting documents

You are welcome to submit further freedom of information requests in the future. In doing so, you may wish to contact the FOI Team directly on foi@ndis.gov.au or advise a convenient time for us to contact you, to engage assistance in developing a scope that does not attract a practical refusal reason under the FOI Act.

¹ 24AA(1)(a) of the FOI Act.

² 24AA(1)(b) of the FOI Act.

Subject: DELEGATE REVIEW: PIA 22/23-XXXX (NAME) - Due:

PIA 22/23 – xxxx (Name)
NDIS No: XXXXXXXX
Date of Request: Day Month Year
Due Date: Day Month Year/ASAP

Dear

Proof of Identity

I am / I am not satisfied the applicant has provided sufficient POI
I have therefore prepared the attached email for your review, seeking POI

Name ✓ / X
DOB ✓ / X
Street address ✓ / X
NDIS reference number ✓ / X

Consent/Authority

I am/ satisfied the applicant has sufficient authority to receive the requested information.
Please see attached consent form / Applicant is the Participant/a CRM contact / consent is recorded on CRM [advise location]. I have therefore prepared the attached email for your review, seeking Consent.

Scope

A request was made seeking the following documents under PIA:

“scope...”

From the NDIS file of xxxx (NDIS Ref:):

Plan date

Contents of Release

Covering Email
<ul style="list-style-type: none"> Addressed to: on behalf of Email address:
Documents
Please see attached bundle

Comments

Eg, Missing documents, defined participants, CRM alerts, any other issues.

AO Considerations:

- I have reviewed and can confirm the applicant has provided sufficient POI
- I have reviewed and can confirm the applicant has sufficient authority to receive the documents
- I have reviewed and can confirm the documents provided satisfy the scope of the request.

- I have reviewed and can confirm the documents do not contain any sensitivities

I can confirm the following:

- Correct Subjects in Del Review and Release email ✓/X
- Redactions made ✓/X
- Document numbers added ✓/X
- Headers/Page numbers added ✓/X
- Release email attached ✓/X

Next Steps:

Can you please review the attached email and documents and instruct release by: **Day Month Year.**

Thank you

Kind Regards

Name

PIA Officer - Participant Information Access (PIA)

Complaints Management and FOI Branch

General Counsel Division

National Disability Insurance Agency

T XXXXXX

E XXXXXXX



Delivered by the
National Disability
Insurance Agency



The NDIA acknowledges the Traditional Custodians of Country throughout Australia and their continuing connection to land, sea and community. We pay our respects to them and their cultures and to Elders past, present and emerging.



Subject: DELEGATE REVIEW COMPLETE – FOR RELEASE: PIA 22/23-XXXX (Name)

PIA 22/23-XXXX (Name)

NDIS No: XXXXXXXXX

Date of Request: Day Month Year

Due Date: Day Month Year

Hi AO Name

Thank you for preparing this PIA Matter for release.

Contents for Release:

Covering Email ✓X
<ul style="list-style-type: none"> • Addressed to: Applicant • Email: Applicant's Email • Client NDIA number and address confirmed
Document ✓X
DOCUMENTS – NO SENSITIVITIES INAPPROPRIATE FOR RELEASE

Delegate Approval:

- I am satisfied that the applicant has provided sufficient POI ✓X
- I am satisfied the applicant has sufficient authority to receive the documents ✓X
- I am satisfied the documents provided satisfy the scope of the request ✓X
- I am satisfied the documents do not contain any sensitive information inappropriate for release ✓X

*I **XXXXXX** authorise this release of information under section 60(2)(b)(iii) of the NDIS Act 2013 (Cth).*

Next Steps:

May I please ask you:

1. Sanitise documents for release **and apply any redactions**
2. Prepare the release email with docs attached (split into 9MB bundles where appropriate)
3. Release the documents to applicant with PC
4. Update LEX to reflect my decision
5. Close LEX reminders if any. Add notes in relation to each matter
6. Close the Interaction Record on CRM
7. Save the final documents, emails, etc, onto the shared drive

Delegate: Run your LEX daily report, check SharePoint and CRM to confirm Matter Closed.

Many thanks for your good work.

FIRST NAME ONLY

Delegate – Participant Information Access (PIA)

Parliamentary, Ministerial & FOI Branch

Government Division

National Disability Insurance Agency

E information.access@ndis.gov.au



The NDIA acknowledges the Traditional Custodians of Country throughout Australia and their continuing connection to land, sea and community. We pay our respects to them and their cultures and to Elders past, present and emerging.



Subject: PIA 22/23-XXXX – Release of Information

Body:

Our reference: PIA 22/23-XXXX

Dear <Applicant>

Thank you for your request for information.

We are sorry it has taken us longer than expected to provide you with documents. Due to higher-than-normal demand we are currently experiencing some delays and appreciate your patience and understanding.

We have confirmed your identity and are satisfied you are authorised to receive the documents you have requested.

You have requested access to:

<Scope verbatim>

Please note this release includes medical and supporting documentation for the latest Plan only.

[delete as required] [Participant Name] is a defined participant, meeting access to NDIS through an automatic transfer from a state or territory. Consequently, NDIA the does not hold an Access Request Form (ARF), Supporting Evidence Form, Access related Medical Records/Assessments or Evidence of Disability documents. These documents were not automatically transferred to the NDIS; you may wish to make a request to the previous state or territory program for these documents.

Or

[delete as required] [Participant Name] initial application to NDIS was a Verbal Access Request (VAR) made over the phone. Consequently, NDIA do not hold an Access Request Form (ARF) in [Participant Name]'s file.

Or

[delete as required] Please note NDIA do not hold the roster of care, home and living or supported independent living documents on file.

Or

[delete as required] Due to the size of the documents, they have been split across **XX** emails, this being **Part 1 of X**.

This information is being released in accordance with the *National Disability Insurance Scheme Act 2013 (Cth)*.

Please let me know if you would like the documents in a different format.

Kind regards

<Delegate First Name>

Delegate – Participant Information Access (PIA)

Parliamentary, Ministerial and FOI Branch

National Disability Insurance Agency

E information.access@ndis.gov.au



The NDIA acknowledges the Traditional Custodians of Country throughout Australia and their continuing connection to land, sea and community. We pay our respects to them and their cultures and to Elders past, present and emerging.



Subject: PIA 23/24-XXXX - Your request for information – Proof of Identity**Body:**

Dear <Applicant>

Thank you for your request for information on behalf of <Participant First Name Last Name>.

Our policy is to respect and protect the privacy of all people connected with the NDIS, including participants, providers, employees, contractors, and community partners.

Therefore, we need you to provide evidence of <your/Participant's name> identity.

You can do so by providing the following information:

Choose as required

1. Full name
2. Date of birth
3. Residential address
4. NDIS Reference Number

Please contact us at information.access@ndis.gov.au if you have any questions or require further assistance.

If we do not hear from you within 7 days we will assume you no longer wish to proceed with your request and the matter will be closed.

Kind regards

<First Name>

Participant Information Access (PIA) Team

Parliamentary, Ministerial and FOI Branch

Government Division

National Disability Insurance Agency

E information.access@ndis.gov.au



The NDIA acknowledges the Traditional Custodians of Country throughout Australia and their continuing connection to land, sea and community. We pay our respects to them and their cultures and to Elders past, present and emerging.



Subject:**PIA 22/23-XXXX - Your request for information – Consent****Body:**

Dear <Applicant>

Thank you for your request for information on behalf of <Participant First Name Last Name>.

Our policy is to respect and protect the privacy of all people connected with the NDIS including participants, providers, employees, contractors, and community partners. For this reason, we need to see evidence of consent.

Please provide a written statement or a letter **signed by the person you are requesting information about, dated within the last 12 months.**

This signed consent form should state <Participant First Name Last Name or their Authorised Representative> gives consent for you to receive the information.

Alternatively, [download a consent form](#) and provide us with a copy signed by <Participant First Name Last Name or their Authorised Representative>, whose information you are seeking.

Further information is available via the [Information Handling Operational Guideline](#).

If we do not hear from you within 7 days we will assume you no longer wish to proceed with your request and the matter will be closed.

Kind regards

<First Name>

Participant Information Access (PIA) Team

Parliamentary, Ministerial and FOI Branch

Government Division

National Disability Insurance AgencyE information.access@ndis.gov.au

The NDIA acknowledges the Traditional Custodians of Country throughout Australia and their continuing connection to land, sea and community. We pay our respects to them and their cultures and to Elders past, present and emerging.



PIA 22/23-XXXX - Communication – Matter Closed

Our Reference: PIA 22/23-XXXX

Dear **Applicant/Participant Name**

Thank you for your request for information on behalf of **Participant Name**.

Our policy is to respect and protect the privacy of all people connected with the NDIS, including participants, providers, employees, contractors and community partners. We can only release the information we hold when permitted by law and with the consent of the person the information is about.

As we have not heard from you within 7 days access has not been met and this matter has been closed.

You can submit another request via [this webform link](#) and provide us with POI or by completing/uploading a [consent form](#) signed by the person whose information you are seeking to access any documents the NDIS may hold for **Participant Name**.

Further information is available in our [Information Handling Operational Guideline](#).

Kind regards

PIA Officer
Participant Information Access (PIA) Team

Complaints Management and FOI Branch

General Counsel Division

National Disability Insurance Agency

E information.access@ndis.gov.au



The NDIA acknowledges the Traditional Custodians of Country throughout Australia and their continuing connection to land, sea and community. We pay our respects to them and their cultures and to Elders past, present and emerging.



Subject: Participant Search/Confirmation: PIA 22/23-XXXX (Name)**Body:**

(CC Info Access and your DM)

Dear NAT

The Participant Information Access Team is currently processing a request in relation to <Participant full name>.

In our initial assessment we were unable to identify any CRM or PACE record for <Participant full name>. The details we have are as follows:

**Adjust details as needed.*

Name: <Name>

DOB: <DD-MM-YYYY>

Address: <Address>

Can we please have your assistance in confirming whether we hold a CRM or PACE record for <Participant full name>?

So we can provide a timely response to the applicant, could you please provide your response by no later than **COB DAY MONTH 2023**. **Please allow ONE WEEK.*

If you are unable to meet this timeframe, please let us know as soon as possible.

Kind regards

<Action Officer (AO)'s Full Name>

Participant Information Access Officer
Complaints Management and FOI Branch
General Counsel Division

National Disability Insurance Agency

E XXX.XXXX@ndis.gov.au



The NDIA acknowledges the Traditional Custodians of Country throughout Australia and their continuing connection to land, sea and community. We pay our respects to them and their cultures and to Elders past, present and emerging.



The contents of this document are OFFICIAL: SENSITIVE

Please note, this security marking also appears in the header and footer of this document. <Make sure protective markings and instructional text are removed before external publication>

13 May 2024

First and Last name
Position (if applicable)
Organisation (if applicable)
Street Address
SUBURB STATE POSTCODE
By email: (e.g. John.smith@email.com.au)

Dear **First and Last name**

Freedom of Information Request: Acknowledgement

Thank you for your request of **[Date Month Year]**, under the *Freedom of Information Act 1982* (FOI Act) for copies of documents held by the National Disability Insurance Agency (NDIA).

Scope of your request

For personal request: You have requested access to the following documents from the National Disability Insurance Scheme (NDIS) file of **First and Last name** (CRM Ref: **XXXXXXXX**):

“[Verbatim Request]” (Please insert [sic] after any spelling or grammatical mistakes in the original quoted request.)

For non-personal request: You have requested access to the following documents about the National Disability Insurance Scheme (NDIS):

“[Verbatim Request]” (Please insert [sic] after any spelling or grammatical mistakes in the original quoted request.)

Unless you advise otherwise, we will take it that you agree to the names and contact details of NDIA staff being excluded from the scope of your request (that is, the information will be treated as irrelevant).

Processing timeframes

We received your request on **[Date Month Year]** and the 30-day statutory period for processing your request commenced from the day after that date. You should therefore expect a decision from us by **[Date Month Year]**.

The period may be extended if we need to consult with third parties or for other reasons. We will advise you if this happens.

Disclosure Log

Information released under the FOI Act may be published on the NDIA's disclosure log located on our website, subject to certain exceptions.

If you have any concerns about the publication of information you have requested, please contact us.

Further help

Please contact us at xxx@xxxx.xxx.au if you have any questions or need help.

We will contact you using the email address you provided. Please advise if you would prefer us to use an alternative means of contact.

Yours sincerely

Name

Delegation

Complaints Management & FOI Branch
General Counsel Division

Subject: FOI 22/23-XXXX – Your request for information – Revised scope

Body:

Dear [Applicant]

Thank you speaking with me regarding your request for information.

Revised request

Following our telephone conversation today, I understand that you have agreed to revise the scope of your request to be for the following documents:

“[Verbatim revised scope]”

If this isn't correct, please let me know by [day month year] (3 business days). Otherwise, we will continue to process your revised request as agreed during our conversation.

Unless you advise otherwise, we will take it that you agree to the names and contact details of NDIA staff being excluded from the scope of your request (that is, the information will be treated as irrelevant).

Please contact us at foi@ndis.gov.au if you have any questions or require help.

Kind regards

First Name

Senior FOI Officer

Complaints Management & FOI Branch

General Counsel Division

National Disability Insurance Agency

E foi@ndis.gov.au



The NDIA acknowledges the Traditional Custodians of Country throughout Australia and their continuing connection to land, sea and community. We pay our respects to them and their cultures and to Elders past, present and emerging.



Subject: FOI 22/23-XXXX – Your request for information – Extension of time

Body:

Dear [Applicant]

Thank you for your request for information.

We're sorry it is taking us longer than expected to process your request.

OPTION 1 (Please delete this line in final email)

We are therefore writing to seek your agreement to a **XX-day** extension of time under section 15AA of the FOI Act. If you agree to this extension, the new due date for us to make a decision on your request will be **[day month year]**.

Please let us know whether you agree by **[day month year] (2 days)**.

If you don't agree, we may need to seek an extension of time from the Office of the Australian Information Commissioner.

OR

OPTION 2 (Please delete this line in final email)

We are therefore writing to advise you that we have sought an extension of time from the Office of the Australian Information Commissioner (OAIC) under section 15AB of the FOI Act. If this extension of time is granted, the new due date for us to make a decision on your request will be **[day month year]**.

The OAIC will contact you directly with the outcome of their decision.

We sincerely apologise that it is taking us longer than we expected to process your request and we appreciate your patience.

Please contact us at foi@ndis.gov.au if you have any questions or require help.

Kind regards

First Name

Senior FOI Officer

Complaints Management & FOI Branch

General Counsel Division

National Disability Insurance Agency

E foi@ndis.gov.au



The NDIA acknowledges the Traditional Custodians of Country throughout Australia and their continuing connection to land, sea and community. We pay our respects to them and their cultures and to Elders past, present and emerging.



The contents of this document are OFFICIAL: SENSITIVE

Please note, this security marking also appears in the header and footer of this document. <Make sure protective markings and instructional text are removed before external publication>

13 May 2024

First and Last name

Position (if applicable)

Organisation (if applicable)

Street Address

SUBURB STATE POSTCODE

By email: (e.g. John.smith@email.com.au)

Dear **First and Last name**

Freedom of Information request and opportunity to make submission

The National Disability Insurance Agency (NDIA) has received a request under the *Freedom of Information Act 1982* (FOI Act) which seeks access to documents **about you / which contain your personal information**. A copy of the document/s **is/are** enclosed.

The person making the request has/has not given consent for us to identify them as [Name].

Under the FOI Act, where an Australian Government agency receives a request for access to documents containing another person's personal information, and the agency believes that the other person may object to the release of the documents, the agency is required to consult that person before making a decision to grant access.

Personal Information

Personal information includes information or an opinion, whether true or not, and whether recorded in a material form or not, about a person whose identity is apparent, or can reasonably be ascertained, from the information or opinion.

Section 27A of the FOI Act provides that the NDIA must not release a document containing personal information without first giving that person an opportunity to object to the release.

If you wish to object to the release of the document/s, please let us know including the reasons why you object.

In deciding whether to release the documents, we will consider:

- whether the information well known;
- whether the information about you is, or was known to be, associated with the matters dealt with in the document; and
- whether the information is available from publicly accessible sources.

Next Steps

Please let us know whether you object to the release of the documents, including the reasons why, by [Date Month Year].

If you do not respond by this date, we will assume that you do not object to the release of the documents.

Please note that it is not sufficient to simply assert that the release of the documents would involve a disclosure of personal information about you. You need to provide reasons about why disclosure of the information would be unreasonable. While your comments will be given careful consideration, the final decision about whether to release the documents rests with the decision maker in the NDIA. If the decision maker decides to grant access to any documents whose release you opposed, you will be given written notice of the decision and the opportunity to seek review of the decision before those documents are released

Please also note that we may provide your response to the person who made the request.

Your response should be in writing and can be emailed to foi@ndis.gov.au. If you have any questions about this matter, please do not hesitate to contact me at this same email address.

Yours sincerely

Name
Delegation
Complaints Management & FOI Branch
General Counsel Division

The contents of this document are OFFICIAL: SENSITIVE

Please note, this security marking also appears in the header and footer of this document. <Make sure protective markings and instructional text are removed before external publication>

13 May 2024

Full name

Position (if applicable)

Organisation (if applicable)

Street Address

SUBURB STATE POSTCODE

By email: (e.g. John.smith@email.com.au)

Dear Mr/Mrs/Ms Last name

Freedom of Information request and opportunity to make submission

The National Disability Insurance Agency (NDIA) has received a request under the *Freedom of Information Act 1982* (FOI Act) seeking access to documents held by the Agency.

In processing this request, the Agency has identified **a/document/s** falling within scope that **contains personal information and your business information**.

The participant has given consent for us to identify them as.....

I attach a copy of the documents for which we are seeking your view on release.

Third Party Consultation – Personal Privacy and Business Information

We are consulting with you on grounds of both Personal Privacy and Business. I shall address each of these grounds separately.

Personal Information

The term 'personal information', is defined in the *Freedom of Information Act 1982* (FOI Act) as follows:

'information or an opinion (including information forming part of a database), whether true or not, and whether recorded in a material form or not, about an individual whose identity is apparent, or can reasonably be ascertained, from the information or opinion'.

Section 27A of the FOI Act provides that the Agency must not release a document without first giving a third party reasonable opportunity to submit a contention that the document should not be released to the applicant, where:

- a. the document contains personal information about that third party; and
- b. it appears that the third party might wish to contend that their personal information should not be disclosed.

If you wish to contend that the personal information contained within the document/s is/are exempt and should not be released, please advise the Agency.

Factors where section 47F of the FOI Act could be relevant to the question of whether disclosure of the personal information would be unreasonable include (but are not limited to):

- a. how well known the information is;
- b. whether the person referred to in the document is, or was known to be associated with the matters dealt with in the document; and
- c. whether the information is available from publicly accessible sources.

Business Information

Similarly, section 27 of the FOI Act provides the agency must not release a document without first giving a person or organisation reasonable opportunity to make a submission in support of the contention, where:

- it contains information about a person's business or professional affairs, or an organisation's commercial or financial affairs; and
- it appears that the person or organisation might reasonably wish to contend that the business information is:
 - exempt under section 47; or
 - conditionally exempt under section 47G.

Section 47 - Trade secrets or commercially valuable information

Section 47 of the FOI Act provides that a document is exempt from disclosure where its disclosure would reveal trade secrets or would or could reasonably be expected to destroy or diminish commercially valuable information contained in the document.

I seek your comments on whether disclosure of any of the enclosed documents would involve the disclosure of trade secrets or commercially valuable information.

Section 47G - Business, commercial or financial affairs

Under section 47G of the FOI Act, there is provision, subject to public interest considerations (discussed below), to conditionally exempt from release the business information where release of the information:

- would, or could reasonably be expected to, unreasonably affect you or your organisation in respect of lawful business, commercial or financial affairs; or
- could reasonably be expected to prejudice the future supply of information to the Commonwealth.

Next Steps

Can you please advise regarding the following:

- whether the release of your personal information contained within the document/s would be unreasonable specified in section 47F of the FOI Act;
- whether, in the circumstances, disclosure of the documents would be contrary to the public interest and why;
- whether a section 47G conditional exemption, applies to the information; and
- in the case of section 47G, explain why disclosing the business information in the document would, in the circumstances, be contrary to the public interest.

If you make a submission objecting to the release of a document, please take care to ensure that your submission clearly sets out the grounds on which the exemption is sought. Please note that it will not be sufficient to assert that certain documents should not be disclosed without providing reasons.

Please also note that any comments you make, may be communicated to the applicant when providing reasons for the agency's decision.

Rights of review

If you make a submission objecting to the release of a document, the Agency's decision-maker must consider your objections but is ultimately obliged to make their own decision on release of the document.

However, if the decision maker decides to release a document (with or without deletions) and this decision is contrary to your objections, this document cannot be released to the applicant until you have been given an opportunity to apply for review of the decision.

Time Frame

Any submission you make regarding the release of the enclosed documents would be appreciated as soon as possible, but no later than **COB Date Month Year**. This will allow the Agency to comply with the statutory time frame for processing your request.

If the Agency does not receive a response by this date, it will be assumed that you have no objection to the release of the documents.

Comments should be in writing and can be emailed to me via foi@ndis.gov.au. If you have any questions about this matter, please do not hesitate to contact me at this same email address.

Yours sincerely

Name

Delegation

Complaints Management & FOI Branch
General Counsel Division

Subject: FOR ACTION: SEARCH CONSULT – Due 12pm DD Month YYYY – FOI 22/23-XXXX (name) – Request for FOI Document Searches and Advice

Body:

Email Addresses:

To: EOs and DSOs for each line area being consulted

CC: foi@ndis.gov.au, DM, AO

Attach: FOI Consult FAQ

Dear **Names of EOs and DSOs**

If contacting a single line area: I am contacting you as the EO and DSO for **line area**.

If contacting multiple line areas: For the attention of the following line areas:

Group/Division	EO/DSO
<i>e.g. Service Guidance and Practice</i>	<i>e.g. Barny Lee/Jackson Dugan</i>

The NDIA has received a request under the Freedom of Information Act 1982 (FOI Act). **Please fill out the form below the signature block.**

Reference Number	FOI 22/23-XXXX (name)
Applicant	For non-personal: XXXX (from organisation) For personal: XXXX on behalf of XXXX (CRM Ref: XXXXXX)
Date of FOI Request	Day Month Year (documents required up until this date)
Scope of Request (Verbatim)	“verbatim scope” (highlight parts of scope relevant to consult)

Optional: Notes on Request	<p><i>Include any notes from the DM here that would impact the searches/advice required from the line area.</i></p> <p><i>List which line areas should be addressing which parts of the scope.</i></p>
-----------------------------------	--

What You Must Do:

- Conduct searches for documents within the scope of this request
- Provide advice on any harm or detriment to the Agency or other stakeholders resulting from disclosure
- Advise of any other line areas that may hold documents relevant to this request.

Please copy the Document Search and Advice Response form at the bottom of this email into your response, fill it in and send it back to foi@ndis.gov.au.

Please note:

- ALL documents relevant to the scope must be provided to the FOI team. This does not mean they will automatically be released.
- Please limit your advice to the **risks/harm** to the Agency or other stakeholders if the documents were to be released.
- Only the FOI Decision Maker will decide which FOI Act exemptions apply.
- If you are unsure of what advice the FOI team requires, please refer to the attached FAQ, or contact the FOI decision maker for clarification.

In order for NDIA to comply with statutory timeframes under the FOI Act, please complete the form at the bottom of this email and provide relevant documents no later than **12pm day month year**. If you are unable to meet this timeframe, please advise the FOI team no later than **12pm next day**.

Please contact me and Cc foi@ndis.gov.au and **action officer if you have any questions or require help.**

Kind regards

Your Name

Freedom of Information Officer
Complaints Management & FOI Branch
General Counsel Division
National Disability Insurance Agency
E firstname.surname@ndis.gov.au



The NDIA acknowledges the Traditional Custodians of Country throughout Australia and their continuing connection to land, sea and community. We pay our respects to them and their cultures and to Elders past, present and emerging.



--- RESPONSE TEMPLATE ---

Please copy this response template into your response email to the FOI team.

Please fill in the tables below and attach any documents found in searches to this email. If there are more than 4 documents to return, please save them in a zip folder and attach the folder to this email. Alternatively, you can provide a SharePoint link to a folder containing the documents.

Send this response to foi@ndis.gov.au, and CC **Decision Maker and Action Officer**.

<p>FOI Document Search</p> <p>(please delete the appropriate checked/unchecked boxes)</p>	<p><input type="checkbox"/>/ <input checked="" type="checkbox"/> No documents found</p> <p><input type="checkbox"/>/ <input checked="" type="checkbox"/> Document can be created without being an unreasonable diversion of resources <i>[Attach created document - complete table below]</i></p> <p><input type="checkbox"/>/ <input checked="" type="checkbox"/> Documents found: <i>[Attach documents and advise of potential risk/harm of disclosure, if any]</i></p> <p style="margin-left: 40px;">a. <input type="checkbox"/>/ <input checked="" type="checkbox"/> For all parts of the scope</p> <p style="margin-left: 40px;">b. <input type="checkbox"/>/ <input checked="" type="checkbox"/> For only part of the scope <i>[please advise which parts of the scope no documents were found for]</i></p> <p><input type="checkbox"/>/ <input checked="" type="checkbox"/> Searches or documents created would be a substantial or unreasonable diversion of resources <i>[Contact the FOI team]</i></p>
--	--

Document Number	Document Name	Harm/Detriment of Disclosure
E.g. 1		<p>e.g. pages 1-3 contain advice the release of which would offend legal professional privilege</p> <p>page 4 contains personal information about a participant/provider</p>

	Advice Approved By:
Name	
APS Level	
Date	
Time Spent Searching and Reviewing Documents	XX hours XX minutes

Signature Block

Subject: FOR ACTION: DUE TIME Day Month Year - Call Transcript Request - FOI 22/23-xxxx (Name)

Body:

Dear

The NDIA has received the following request under the *Freedom of Information Act 1982* (FOI Act):

Details of FOI request	
Applicant	Name Surname (NDIS Ref: XXXXX)
Scope of request (verbatim)	<p>Include full scope in this section.</p> <p>Highlight any details that refer to transcripts.</p>

To assist us in processing this request, we seek your help in providing any transcripts which may be relevant to the request.

Action Required

Could you please provide transcripts/audio for the following phone calls or advise if there are any difficulties with this.

	Interaction Record	Date	NDIS Reference #
1	Interaction number from CRM	Date from CRM	XXXXXXXXXX
2			

We require your response by no later than **Day Month Year**.

- We have allowed 7 days as there are 1-2 Transcripts. (Delete as appropriate)
- We have allowed 14 days as there are 3-6 Transcripts. (Delete as appropriate)
- We have allowed 21 days as there are more than 7 Transcripts. (Delete as appropriate)

If you are unable to meet this timeframe, please let us know.

Please contact us at foi@ndis.gov.au if you have any questions or require help.

Kind regards

Your Name

Freedom of Information Officer
Complaints Management & FOI Branch
General Counsel Division

National Disability Insurance Agency

E firstname.surname@ndis.gov.au



The NDIA acknowledges the Traditional Custodians of Country throughout Australia and their continuing connection to land, sea and community. We pay our respects to them and their cultures and to Elders past, present and emerging.



The contents of this document are OFFICIAL: SENSITIVE

Please note, this security marking also appears in the header and footer of this document. <Make sure protective markings and instructional text are removed before external publication>

13 May 2024

Full name

Position (if applicable)

Organisation (if applicable)

Street Address

SUBURB STATE POSTCODE

By email: (e.g. John.smith@email.com.au)

Dear **First and Last name**

Freedom of Information request — Notification of Third Party Consultation

Thank you for your correspondence of **[Day Month Year]**, in which you requested access under the *Freedom of Information Act 1982* (FOI Act) to documents held by the National Disability Insurance Agency (NDA).

For business: As your request includes documents which contain information about the business, commercial or financial affairs of an organisation, or a person's business or professional affairs, we are required to consult with the person or organisation concerned before making a decision on the release of the documents.

For personal: As your request includes documents which contain another individual's personal information, we are required to consult with that individual before making a decision on the release of the documents.

For this reason, the timeframe for processing your request has been extended by 30-days, to allow us time to consult with that person or organisation. The processing period for your request will now end on **[Day Month Year]**.

Consultation - business information

We are required to consult when we believe a person or organisation may wish to contend that the requested documents are exempt because their release would disclose trade secrets or commercially valuable information or may adversely affect their business or financial affairs. We will take into account any comments we receive from the person or organisation but the final decision about whether to grant you access to the documents rests with us.

Consultation - personal information

We are required to consult when we believe an individual (or their representative) may wish to contend that the requested documents are exempt because of personal privacy. We will take into account any comments we receive from the individual but the final decision about whether to grant you access to the documents you requested rests with us.

Consent to disclose your name

Your personal privacy is important to us and we will only disclose your name with your consent.

However, to assist us in conducting the consultation, we seek your consent to disclose your name to the relevant person or organisation. If you do not consent to this, we will not be able to identify you as the applicant of the FOI request. This may affect the responses given by the person or organisation.

Can you please let us know whether you consent to the disclosure of your name by [Day Month Year].

If we do not hear from you by this date, we will proceed on the basis that you do not consent to us disclosing your name.

Please contact us at foi@ndis.gov.au if you have any questions or require help.

Yours sincerely

Name

Delegation

Complaints Management & FOI Branch
General Counsel Division

Subject: FOI 22/23-XXXX – Your request for information – **Revision/Clarification** of scope

Body:

Dear [Applicant]

Thank you for your request for information.

We are writing to **ask that you narrow the scope of your request because it appears to be large OR seek clarification of your request.**

Scope of your request

You have requested access to:

“[Verbatim request]”

Too large: We have located a large number of documents that may be relevant to your request. **[insert estimate if known]**. Therefore, we are seeking your help to narrow the scope of your request so that we can provide the documents you are seeking more quickly.

You might consider revising the scope of your request to:

- **Exclude all correspondence you have sent to us**
- **Exclude all correspondence we have sent to you (including all tax invoices and remittance advices)**
- **Specify a particular date range for documents sought, and/or**
- **Limit your request to a particular topic (for example, a particular review or decision).**

Unclear (section 15(2)(b)): In order for your request to meet the requirements of the FOI Act, it must provide enough information about the document(s) you are seeking to enable us to locate them.

Based on the description you have provided, we are unable to locate the documents you are seeking. If you are seeking access to documents from **your/participant's NDIS file or about [insert topic]**, you may wish to revise the scope of your request to be for the following:

[insert suggested scope]

You can include the following examples:

- **Information about your access to the NDIS, including the reasons for the access decision**
- **Information about your most recent NDIS plan, including the reasons for decisions**

Unless you advise otherwise, we will take it that you agree to the names and contact details of NDIA staff being excluded from the scope of your request (that is, the information will be treated as irrelevant).

Next steps

If you are happy for us to proceed with your request as outlined above, please let me know by [day month year] (3 business days).

Please contact us at foi@ndis.gov.au if you have any questions or require help.

Kind regards

First Name

Senior FOI Officer

Complaints Management & FOI Branch

General Counsel Division

National Disability Insurance Agency

E foi@ndis.gov.au



The NDIA acknowledges the Traditional Custodians of Country throughout Australia and their continuing connection to land, sea and community. We pay our respects to them and their cultures and to Elders past, present and emerging.



Subject: AO Assessment – FOI 22/23-XXXX (Name)

Body:

Hi [DM name]

Our reference: FOI 22/23-XXXX (Name)

Participant reference no: XXXXXXXXXXX

Date of request: [date]

Decision due: [date]

You are the decision maker for this request.

1. Proof of Identity (for personal information requests – non personal requests do not require POI)

This request seeks access to personal information about an NDIS participant.

I **am/am not** satisfied the applicant has provided sufficient POI:

- Participant name yes/no
- CRM Reference Number yes/no
- Date of Birth yes/no
- Address yes/no

If identity has not been verified: As the applicant's identity has not been verified, it may be unreasonable to disclose any personal information about the participant until we receive this information. I have therefore prepared an email for your review in the FOI Drafts folder, which seeks POI.

2. Consent (non personal requests do not require Consent)

If there is express consent on CRM (A nominated rep not just a contact): A consent form is not required **because the applicant is listed on CRM as...**

If the applicant is a parent:

1. Please refer to Section 75 of the NDIS Act (Definition of Parental Responsibility)

2. If there is evidence of separation and family violence considerations please refer to your DM and Assistant Director FOI for advice.

If third party: The applicant is a third party who is seeking access to personal information about another person and **has/has not** provided consent to receive the information.

If consent is provided: In my assessment, the consent provided **is/is not** sufficient because **it is addressed to the NDIA, signed within the last 12 months, and relates to the information sought.**

If consent not provided: **As the applicant has not provided consent, it may be unreasonable to disclose any personal information about the participant until we receive this information. I have therefore prepared an email for your review in the FOI Drafts folder, which seeks consent.**

3. Requirements of FOI Act

In my assessment, the request **does/does not** meet the requirements of section 15 of the FOI Act in that it:

- is in writing **yes/no**
- states that the request is an application for the purposes of the FOI Act **yes/no**
- provides enough information about the document(s) **yes/no**
- provides an address for reply **yes/no**

If no to (3) above: In my assessment, the request **does/does not** provide enough information about the document(s). **This is because the following is unclear:**

- **[describe]**

I therefore recommend we help the applicant to clarify their request in the following way(s):

- **[for example: Send a consultation email seeking the applicant's help to define the scope of their request.**

4. Interpretation of scope

The request seeks access to:

"[Verbatim request]"

In my assessment, the request **does/does not** provide enough information about the documents for us to undertake searches **I have therefore prepared an email for your review in the FOI Drafts folder, which seeks further clarification about the scope of request.**

On my reasonable interpretation, I believe the applicant is seeking access to:

Insert interpretation

Based on this interpretation, I suggest the following document(s) may be within scope:

Inbound Documents – List Documents In Scope Only

Inbound folder	Documents	Comments
Shell Folder	Document Name – to be copied exactly from CRM	Comments –

Outbound Documents – List Documents In Scope Only

Outbound folder	Comments	Date
Letter Name	ID:	

Planning documents (add or delete as appropriate):

- PPP for Review Application xxxx [xx.xx.2022 - xx.xx.2024]
- S100 #xxxxxxxxxx

Other documents

- Interactions
- Emails

Based on this, I estimate that the total approximate volume of documents could be:

- **XX** documents
- **XX** pages

5. Consultations

I have identified the following documents which I believe require consultation with the business owners:

1. [for example: A consult with the Data Team for emails with the following search parameters].

For data search consults, include suggested search terms:

Search 1:

Documents: All emails **between/to/from** @

Key Words:

Date-range:

6. Next Steps

As the DM for this request, can you please review my assessment and instruct me on how you would like me to proceed.

Kind regards

Your Name

Freedom of Information Officer
Complaints Management & FOI Branch
General Counsel Division

National Disability Insurance Agency

E firstname.surname@ndis.gov.au



The NDIA acknowledges the Traditional Custodians of Country throughout Australia and their continuing connection to land, sea and community. We pay our respects to them and their cultures and to Elders past, present and emerging.



Subject: DM ASSESSMENT – FOI 22/23-XXXX (Name)

Body:

Hi [AO Name]

Thank you for your assessment.

Proof of Identity

The applicant **has/has not** provided sufficient POI.

Consent / Authorisation

The applicant **has/does not have** sufficient authority to receive the requested information.

Requirements of FOI Act

The request **does/does not** meet the requirements of section of the FOI Act.

Interpretation of scope

- 1. DM to provide your interpretation of scope in detail for processing.
- 2. DM to provide some reasoning and explanation for the scope interpretation. Particularly important with large/ambiguous requests. Use this opportunity to teach the AO's how to break down scope and what documents apply to each part. Uplift is key here.

From the NDIS file of **Participant (NDIS Ref: xxxxxxxxx)**:

Inbound Documents

Inbound folder	Documents	DM Comments
Shell Folder	Document Name – to be copied exactly from CRM	Comments – eg document out of scope due to date

Outbound Documents – LIST DOCUMENTS IN SCOPE ONLY

Outbound folder	Comments	Date
-----------------	----------	------

Letter Name	ID:	
--------------------	-----	--

Planning documents:

- PPP for Review Application xxxx [xx.xx.2022 - xx.xx.2024]
- S100 #xxxxxxxxxx
- Complaints

Other documents

- Interactions
- Emails
- Emails

Consultation

Please draft consultations for the following areas:

Explain why and provide instructions on who to consult with. Please source information directly from Org Chart available on the intranet here: [Executive Staff](#), [Executive Officers](#), [Executive Assistants Contact List](#)

Next steps:

IMMEDIATE NEXT STEPS WITHIN 2 BUSINESS DAYS (Notify DM once completed):

1. Please draft an Ack/POI/Consent/Scope email for DM, based on instructions and place into FOI drafts folder
- 2.
- 3.

Please complete the following steps by **XXXX**:

1. Consult to
- 2.
- 3.

Decision package

Can you please have the decision package to me by no later than **XXXXX**.

Kind regards

Your Name

Freedom of Information Officer
Complaints Management & FOI Branch
General Counsel Division

National Disability Insurance Agency

E firstname.surname@ndis.gov.au



The NDIA acknowledges the Traditional Custodians of Country throughout Australia and their continuing connection to land, sea and community. We pay our respects to them and their cultures and to Elders past, present and emerging.



Subject: FOR DECISION: FOI 22/23-XXXX (Name) DUE: XX MONTH 2023

Body:

Hi [Name]

Our reference: FOI 22/23-XXXX (Name)

If relevant: Participant reference no: XXXXXXXXXX

Date of request: [date]

Decision due: [date]

Request

On [date], the NDIA received the following request under the *Freedom of Information Act 1982* (FOI Act):

Applicant	[Applicant]
Scope	[verbatim scope]
Revised Scope	[revised scope]
Date of Revised Scope	[date]

Searches

Based on your instructions, I have conducted searches of the participant's CRM file. **(delete for non personal matters).**

I have also consulted with the following NDIA business areas and staff:

- E.g. EO/DSO of PED
- E.g NDIA.DATA for emails

These searches returned [XXX] individual documents, including [XXX] duplicates/out of scope documents.

Documents

I recommend that you:

- Grant access to [XXX] documents in full
- Grant access to [XXX] documents in part
- Refuse access to [XXX] documents in full.

Reasoning

PARTIAL/REFUSED ACCESS DOCUMENTS			
Doc No	Redaction	Page Number	Reasoning for redactions/refusal

Attachments

- Draft Decision letter
- Document bundle

Next Steps

Can you please review the draft decision and documents and make a decision by **[date]**.

Please let me know if you need further information or wish to discuss this further.

Kind regards

Your Name

Freedom of Information Officer
Complaints Management & FOI Branch
General Counsel Division

National Disability Insurance Agency

E firstname.surname@ndis.gov.au



The NDIA acknowledges the Traditional Custodians of Country throughout Australia and their continuing connection to land, sea and community. We pay our respects to them and their cultures and to Elders past, present and emerging.



Subject: DECISION MADE: FOI 22/23-XXXX (Name) – DUE: XXXX

Body:

Hi [AO Name]

Thank you for preparing this matter for decision.

Please find attached my decision (with/without edits) and documents (with/without edits) in relation to this matter.

Outline any feedback or changes made to the decision package here, also check, mark off and save AO Checklist for this matter:

Examples Only – Please delete and update and add your own.

Decision Letter:

- Formatting changes
- Updated schedule of documents to reflect changes made to exemptions used

Documents:

- Added further s22 redactions to staff names not known to applicant
- Corrected document labels on Document 2 and 3

Can you please:

1. Review and accept tracked changes one by one in the letter
2. Convert the decision letter to PDF
3. **Apply redactions, remove hidden information and sanitise documents for release**
4. Prepare the covering email with decision and docs attached (split into 9MB bundles where appropriate)
5. DM to complete the privacy check and consider if it requires a 'For Visibility' consult prior to sending (*ie sig matters*) OR send the decision letter and documents to the applicant.
6. Update LEX to reflect my decision
7. Close the Interaction Record on CRM, and
8. Finalise and save your AO checklist in the matter folder

9. Prepare documents and apply for publication on the disclosure log.

10. Save the key documents, emails, etc, into Sharepoint matter folder

11. Please notify me by reply email that all is logged and updated

If you have any questions please let me know.

I do / do not find it reasonable to publish any of the material captured by this request on the Agency's Disclosure Log.

Thank you.

Your Name

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

National Disability Insurance Agency

E firstname.surname@ndis.gov.au



The NDIA acknowledges the Traditional Custodians of Country throughout Australia and their continuing connection to land, sea and community. We pay our respects to them and their cultures and to Elders past, present and emerging.



13 May 2024

First and Last Name
Position (if applicable)
Organisation (if applicable)
Street Address
SUBURB STATE POSTCODE

By email: (e.g. John.smith@email.com.au)

Dear **First and Last name**

Freedom of Information request — Notification of Decision

Thank you for your correspondence of **[Date Month Year]**, 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

For personal: You have requested access to documents from the NDIS file of **(no salutation) First and Last name** (CRM Ref: **XXXXXXXX**). Specifically, you requested access to:

“[Verbatim request]” (Please insert [sic] after any spelling or grammatical mistakes in the original quoted request.)

For non-personal: You have requested access to the following documents:

“[Verbatim request]” (Please insert [sic] after any spelling or grammatical mistakes in the original quoted request.)

If applicable: You have revised the scope of your request to be for the following documents:

“[Verbatim revised request]” (Please insert [sic] after any spelling or grammatical mistakes in the quoted request.)

If applicable: I am satisfied that you have the authority to receive the requested information on behalf of **[First and Last name]**.

If applicable: Extension of time

On XXX, you agreed to an XX-day extension of time under section 15AA of the FOI Act, making DD Month YYYY the new date to provide you with a decision on access.

On XXX, the Office of the Australia Information Commissioner (OAIC) granted us an XX-day extension of time under section 15AB of the FOI Act, making DD Month YYYY the new date to provide you with a decision on access.

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.

If applicable: Section 17(1)(c) of the FOI Act provides that an agency can produce a written document containing the requested information, by the use of a computer or other equipment that is ordinarily available for retrieving or collating stored information. We have been able to produce a document(s) containing some of the information you requested. I have, therefore, treated your request as if it were a request for access to this/those documents in accordance with section 17(1)(c) of the FOI Act.

I have identified XX document(s), (including attachments), which fall within the scope of your request.

For personal: The document(s) were identified by conducting a search of First and Last name's NDIS file.

For non-personal: The document(s) 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 XX document(s) in full
- grant access to XX document(s) in part
- refuse access to XX document(s) in full.

In reaching my decision, I took the following into account (delete as appropriate):

- 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
- relevant case law concerning the operation 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)

If applicable: I have decided that Documents **XX** contains material that is exempt from disclosure under the FOI Act.

If applicable: I have **also** identified that Documents **XX** 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/not** 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

Deliberative processes (section 47C)

Section 47C of the FOI Act conditionally exempts a document if its release would disclose deliberative matter in the nature of, or relating to, opinion, advice or recommendation obtained, prepared or recorded, or consultation or deliberation that has taken place, in the course of, or for the purposes of, the deliberative processes involved in the functions of an agency.

Paragraph 6.59 of the FOI Guidelines provides that deliberative process generally refers to the process of weighing up or evaluating competing arguments or considerations or to thinking processes – the process of reflection, for example, upon the wisdom and expediency of a proposal, a particular decision or a course of action.

Document(s) XX contain(s) deliberative matter in the form of opinion, advice and recommendations recorded in the course of assisting NDIA decision-makers to reach a decision regarding the reasonable and necessary supports for to be included in a participant's NDIS plan, in accordance with section 34 of the *National Disability Insurance Scheme Act 2013* (NDIS Act). (revise if necessary)

If required: Section 47C(2) of the FOI Act provides that deliberative matter does not include purely factual material. The FOI Guidelines provide that 'purely factual material' does not extend to factual material that is an integral part of the deliberative content and purpose of a document, or is embedded in or intertwined with the deliberative content such that it is impractical to excise it.

I am satisfied that document(s) XX contain information that meets the definition of 'deliberative matter'. I am also satisfied that to the extent that the parts of the documents that contain factual material, the factual material is an integral part of the deliberative content, or is embedded or intertwined with the deliberative content such that it is impractical to excise.

Therefore, I find that document(s) XX do not contain purely factual material, and are conditionally exempt under section 47C of the FOI Act.

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

Section 47E(c) 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 management or assessment of personnel by the Commonwealth or by an agency.

Document(s) within the scope of your request relate to a complaint process and contain information produced or obtained in confidence as part of that process. I consider that disclosure of the documents would have a substantial adverse effect on the management of NDIA personnel, in that staff may be reluctant to provide information and cooperate with complaints processes if they were aware that the subject matter of those discussions would be disclosed and made public. That then would, in my view, have a substantial adverse effect on the management of the NDIA's personnel.

If applicable: While the information contained within these documents does relate to you and/or to a process involving you, disclosure of information about that process, including staff members' confidential statements, would hamper the NDIA's ability to obtain confidential information and prejudice its ability to obtain similar information in the future.

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(s) XX contain(s) information relating to certain operations of the NDIA, specifically:

internal guidance given to staff in relation to the quantum of supports to include within a participant's plan in determining the level of supports a participant may require.

The disclosure of this information would reveal methodologies the NDIA uses to assist in determining levels of support provided to NDIS participants, which is to better ensure that participants receive supports that are reasonable and necessary. Any disclosure resulting in the prejudice of the effectiveness of the Agency's operational methods and procedures would, or could reasonably be expected to, result in the need for the Agency to change those methods and procedures to ensure the future effectiveness and sustainability of the Agency and the Scheme.

I am satisfied that the release of this information would potentially result in the public disclosure of internal methodologies that, through improper use, would, or could, lead to a distortion of funding levels that would substantially and adversely affect the integrity of the NDIS and its financial sustainability. Accordingly, I have decided that the relevant information in Document(s) XX is conditionally exempt under section 47E(d) of the FOI Act.

[OR choose only after considering application of section 22) –

internal single points of contact, for use only by NDIA staff in their work [managing complaints made against the Agency by members of the public.]

Disclosing individual staff contact details may jeopardise the use of single points of contact [to receive feedback and complaints.] 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.

[OR choose only after considering application of section 22) –

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.

Personal privacy (section 47F)

Section 47F of the FOI Act conditionally exempts a document(s) if its disclosure would involve the unreasonable disclosure of personal information about any person (including a deceased person).

I have identified material in the documents falling within scope of your request which contains personal information of a third party / third parties.

[OR choose only after considering application of section 22) -

The conditionally exempt material contains references to the middle names / details of personal leave or employment conditions of staff members which have not previously been disclosed to you.

Under section 47F(2) of the FOI Act, in determining whether the disclosure of documents would involve unreasonable disclosure of personal information, regard must be had to:

- a. the extent to which the information is well known;
- b. whether the person to whom the information relates is known to be (or to have been) associated with the matters dealt with in the document;
- c. the availability of the information from publicly accessible sources; and
- d. any other matters that the agency considers relevant.

Against these criteria, I take the view that:

- a. it is apparent from the information that an individual is identifiable; and
- b. the information referred to above is not readily available from publicly accessible sources.

With reference to the assessment above, it would be unreasonable to disclose publicly this personal information and is therefore conditionally exempt under section 47F(1) of the FOI Act.

Business Information (section 47G)

Some documents falling within scope of your request contain information that is conditionally exempt from release under section 47G of the FOI Act.

Section 47G of the FOI Act conditionally exempts a document if its disclosure would disclose information concerning a person in respect of their business or professional affairs or concerning the business, commercial or financial affairs of an organisation or undertaking, in which the disclosure of the information:

- would or could reasonably be expected to, unreasonably affect that person adversely in respect of their lawful business or professional affairs of that organisation or undertaking in respect of its lawful business, commercial or financial affairs; or
- could reasonably be expected to prejudice the future supply of information to the Commonwealth or an agency for the purpose of the administration of a law of the Commonwealth or of a Territory or the administration of matters administered by an agency.

The information that is conditionally exempt includes sensitive business details of a third party that were provided to the Agency in confidence with an expectation that they would not be disclosed further. The third party has contended that the disclosure of this information would unreasonably affect their business affairs, in that it would infringe on confidentiality agreements and could unfairly affect the lawful operations of their business.

I am satisfied that the disclosure of this information could unreasonably and adversely affect the business affairs of a third party and affect any potential or current business relationship with the Agency.

Public interest considerations – section 47C, 47E(d), 47F and 47G

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 Documents XX would promote the objects of the FOI Act by providing access to documents held by the government and/or providing access to information relating to the participant.

Against disclosure, I consider that disclosure of the relevant information in Documents XX:

- 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 47C, 47E(d), 47F, 47G of the FOI Act, the harm that would result from disclosure is that it could reasonably be expected to:

- hinder the Agency's thinking processes and the ability of Agency decision-makers to comply with their obligations and make informed decisions, which, in turn, helps to ensure the financial stability and integrity of the National Disability Insurance Scheme
- prejudice the ability of the Agency to provide guidance to staff and to decision makers in classifying applicants based on support needs in order to comply with their obligations and make informed decisions in relation to the quantum of funding to add to each reasonable and necessary support, which, in turn, helps to ensure the financial stability and integrity of the NDIS

OR

- prejudice the ability of the Agency to protect established contact points and procedures of the Agency

OR

- prejudice the ability of the Agency to protect the security and integrity of information held in the Agency

- affect an individual's right to privacy by having their personal information in the public domain
- compromise the business or professional affairs of a third party and interfere with their ability to undertake their lawful business.

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 Documents XX is exempt under sections XX of the FOI Act.

Release of documents

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

Name

Delegation

Complaints Management & FOI Branch
General Counsel Division

Attachment A

Schedule of Documents for FOI 21/22-XXXX

Document number	Page number	Description	Access Decision	Comments
1	1-2	Document Title Date: DD Month YYYY	FULL ACCESS	Document created under section 17 of the FOI Act
2	3-4	Email Subject: verbatim subject line Date: date of email	PARTIAL ACCESS Exemption(s) claimed: s47C – deliberative processes s47E(c) – certain operation of agencies s47E(d) – certain operations of agencies s47F – personal privacy s47G – business information	Irrelevant material removed under section 22 of the FOI Act
2.1	5-6	Attachment to Document 2 Report XYZ		
2.1.1	7-8	Attachment to Document 2.1 Attachment A to Report XYZ		

13 May 2024

First and Last name
Position (if applicable)
Organisation (if applicable)
Street Address
Suburb State Postcode

By email:

Dear **First and Last name**

Freedom of Information request — Notification of Decision

Thank you for your correspondence of **[Date Month Year]**, in which you requested access to documents held by the National Disability Insurance Agency (NDIA), under the *Freedom of Information Act 1982* (FOI Act).

Scope of your request

If applicable / After consultation with you on **DATE**, the scope of your request was confirmed in our email **ON DATE/of the same day**. You have requested access to the following documents:

- “Original Request.” (Please insert [sic] after any spelling or grammatical mistakes in the original quoted request.) OR Your email, which outlines the scope of your request is at Attachment X.

If applicable: *You have requested access to information about (Participant Name).*

If applicable: I am satisfied that you have the authority to receive the requested information on behalf of *(Participant Name)*.

If applicable: **Extension of time**

On **XXX**, you agreed to an **XX**-day extension of time under section 15AA of the FOI Act, making **DD Month YYYY** the new date to provide you with a decision on access.

On **XXX**, the Office of the Australia Information Commissioner (OAIC) granted us an **XX**-day extension of time under section 15AB of the FOI Act, making **DD Month YYYY** the new date to provide you with a decision on access.

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 decided to refuse your request for access under section 24A of the FOI Act. The reasons for my decision are set out below.

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

- your correspondence outlining the scope of your request the FOI Act
- the FOI Guidelines published under section 93A of the FOI Act
- consultation with relevant officers of the NDIA
- the NDIA's operating environment and functions.

Reasons for decision - Refuse a request for access (section 24A)

Section 24A of the FOI Act provides that an agency may refuse a request for access to a document if all reasonable steps have been taken to find the document and the agency is satisfied that the document cannot be found or does not exist.

I have conducted searches of the NDIA's documents management systems and made enquiries with NDIA staff. These enquiries have revealed that the NDIA is not in possession of documents matching the scope of your request. This is because [\[insert reason\]](#).

I am satisfied that all reasonable steps have been taken to locate the documents you have requested and that the documents **cannot be found** or **do not exist** [\[pick one or both\]](#). I have, therefore, decided to refuse access to your request in accordance with section 24A(1)(b)(ii) of the FOI Act.

Rights of review

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

Should you have any enquiries concerning this matter, please do not hesitate to contact me by email at foi@ndis.gov.au.

Yours sincerely

First name

Designation

Complaints Management & FOI Branch
General Counsel Division

13 May 2024

First and Last name
Position (if applicable)
Organisation (if applicable)
Street Address
SUBURB STATE POSTCODE
By email: (e.g. John.smith@email.com.au)

Dear **First and Last name**

Freedom of Information request — Request consultation process

Thank you for your correspondence of **[Date Month Year]**, 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

For personal: You have requested access to documents from the NDIS file of **(no salutation) First and Last name** (CRM Ref: **XXXXXXXXXX**). Specifically, you requested access to:

“[Verbatim request]” (Please insert [sic] after any spelling or grammatical mistakes in the original quoted request.)

For non-personal: You have requested access to the following documents:

“[Verbatim request]” (Please insert [sic] after any spelling or grammatical mistakes in the original quoted request.)

If applicable: You have revised the scope of your request to be for the following documents:

“[Verbatim revised request]” (Please insert [sic] after any spelling or grammatical mistakes in the quoted request.)

If applicable: I am satisfied that you have the authority to receive the requested information on behalf of **[First and Last name]**.

Practical refusal

I am authorised to make decisions under section 23(1) of the FOI Act.

For 24AA(1)(b): I am writing to advise that your request does not provide enough information about the documents you are seeking as is reasonably necessary to allow us to identify them. This is called a ‘practical refusal reason’ under section 24AA of the FOI Act.

For 24AA(1)(a): I am writing to advise that the work involved in processing your request in its current form would substantially and unreasonably divert the resources of the NDIA from its

other operations due to its [size/complexity/broad scope/other] [chose one]. This is called a 'practical refusal reason' under section 24AA of the FOI Act.

On this basis, I intend to refuse your request. However, before I make a final decision, I am writing to provide you with an opportunity to revise your request. This is called a 'request consultation process' as set out under section 24AB of the FOI Act. You have 14 days to respond to this notice in one of the ways set out below.

Why I intend to refuse your request *[include matter history here]*

For 24AA(1)(b): On [Date Month Year], we advised you that your request did not satisfy section 15(2)(b) of the FOI Act, as the terms of your request were too broad and we were unable to identify the specific documents sought. We sought further information from you about the documents you were requesting access to.

ONLY where applicable - *We have conducted preliminary searches of the NDIA's systems, using all reasonable search terms that could return documents relevant to your request. In addition, we have consulted with relevant NDIA staff who could be expected to be able to identify documents within the scope of the request, including staff who are knowledgeable about how to conduct searches of the NDIA's systems. Those searches indicate that the NDIA has more than X,XXX or is unable to locate documents that may be relevant to your request. This outcome shows that the terms of your request do not provide sufficient information to allow us to identify the specific documents that you are seeking.*

For 24AA(1)(a): I have conducted a preliminary search for documents which are likely to be relevant to your request. This search has revealed that the NDIA is in possession of more than X,XXX individual documents matching the scope of your request, not including any attachments which may be contained within those documents.

On my reasonable estimate, I consider that there is more than XXXX pages worth of material that falls within the scope of your request as currently worded, not including XXXX. At a conservative estimate of 1 minute per page, this would take an FOI officer more than XX hours to simply review and collate the documents.

The documents that are assessed as being within scope of the request will then need to be reviewed for any sensitivities and possible exemption under the FOI Act and scheduled, we will need to consider any consultations and carry these out if required, a decision will need to be made on each document, and a decision letter prepared. This will significantly increase the hours that it will take an FOI officer to process your request.

As a result, I am of the view that the work involved in the processing of this request would substantially and unreasonably divert the resources of the NDIA from its other operations.

Request consultation process

You now have an opportunity to revise your request to enable it to proceed.

Revising your request can mean narrowing the scope of the request to make it more manageable or explaining in more detail the documents you wish to access. For example, by providing more specific information about exactly what documents you are interested in, the NDIA will be able to pinpoint the documents more quickly and avoid using excessive resources to process documents you are not interested in.

To reduce the scope of your request, you might like to consider:

- [add example].

You have 14 days from the date you receive this letter to contact me and do one of the following:

- a. withdraw your request
- b. make a revised request
- c. indicate that you do not wish to revise the request.

During this period, you are welcome to seek assistance to revise your request. If you revise your request in a way that adequately addresses the practical refusal reason outlined above, we will recommence processing it.

Please note that the time taken to consult with you regarding the scope of your request is not taken into account for the purposes of the timeframe for processing your request.

You can contact me by email at foi@ndis.gov.au.

Alternatively, you can reply in writing to the following address:

Freedom of Information Section
Complaints Management & FOI Branch
General Counsel Division
National Disability Insurance Agency
GPO Box 700
CANBERRA ACT 2601

If you do not contact me within this period, that is by [Date Month Year], your FOI request will be taken to have been withdrawn under subsection 24AB(7) and will not be dealt with any further.

Please do not hesitate to contact me if you have any questions.

Yours sincerely

Name

Delegation

Complaints Management & FOI Branch
General Counsel Division

Subject: FOI 22/23-XXXX – Communication – 'Subject Matter'

Body:

Dear [Applicant]

Thank you for your request for information.

Please find **attached** correspondence in relation to your request. If you require the attachment in a different format, please let us know.

Please contact us at foi@ndis.gov.au if you have any questions or require help.

Kind regards

First Name

Senior FOI Officer
Complaints Management & FOI Branch
General Counsel Division

National Disability Insurance Agency

E foi@ndis.gov.au



The NDIA acknowledges the Traditional Custodians of Country throughout Australia and their continuing connection to land, sea and community. We pay our respects to them and their cultures and to Elders past, present and emerging.



Subject: FOI 22/23-XXXX – Your request for information - Notification of Decision **[Part 1 of X]**

Body:

Dear **Applicant**

Thank you for your request for information.

Please find **attached** correspondence **and documents** in relation to your request. If you require **this/these** in a different format, please let us know.

Due to the size of the documents they have been split across XX emails, this being Part 1 of X.
[delete the 'Part 1 of X' from subject line and body if not applicable]

Please contact us at foi@ndis.gov.au if you have any questions or require help.

Thank you.

Kind regards

First Name

Senior FOI Officer

Complaints Management & FOI Branch

General Counsel Division

National Disability Insurance Agency

E foi@ndis.gov.au



The NDIA acknowledges the Traditional Custodians of Country throughout Australia and their continuing connection to land, sea and community. We pay our respects to them and their cultures and to Elders past, present and emerging.

