



GPO Box 700
Canberra ACT 2601
1800 800 110

ndis.gov.au

28 February 2024

Renee

By email: foi+request-10667-b55951fb@righttoknow.org.au

Dear Renee

Freedom of Information request — Request consultation process

Thank you for your correspondence of 6 September 2023, in which you requested access under the *Freedom of Information Act 1982* (FOI Act) to documents held by the National Disability Insurance Agency (NDIA).

Scope of your request

You have requested access to the following documents:

- “1. Legal Framework
- Copies of any laws, regulations, or policies that govern data collection and sharing within the NDIS.*
- 2. Data Types -Check the Data page as well as searching privacy statement/collection and use etc.
- A list of all types of data that are collected from NDIS participants, including but not limited to personal, financial, and health information.*
- 3. Consent Mechanism – check for information secrecy and information sharing
- Documents explaining the consent mechanisms in place for data collection and sharing, including forms that participants are required to sign.*
- 4. Data Usage
- Information on how the collected data is used, including any third-party sharing arrangements.*
- 5. Security Measures – Protective security policy
- Documents outlining the security measures in place to protect the data of NDIS participants.*
- 6. Ethical Considerations
- Any internal guidelines or policies on the ethical considerations surrounding data collection and sharing.*
- 7. Third-Party and International Entity Information Sharing
- A comprehensive list of all entities and third parties, either located overseas or international entities, with whom NDIS shares information.*
- 8. Ethical and Legal Responsibility for Data Breaches*

- Information on who is ethically and legally responsible for data breaches within the NDIS.

9. Data Protection Measures

- Details on what is being done to ensure that privacy and data are protected and safe.

10. Compensation Plans

- Information on what will be done to compensate victims in the event of a data breach.”

Practical refusal

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

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.

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

On 22 February 2024, 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.

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 limiting your request to documents that are in existence, rather than answers to questions.

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
Parliamentary, Ministerial & FOI Branch
Government Division
National Disability Insurance Agency
GPO Box 700
CANBERRA ACT 2601

If you do not contact me within this period, that is by 13 March 2024, 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

A handwritten signature in black ink, appearing to be 'Cooper', written in a cursive style.

Cooper
Senior Freedom of Information Officer
Parliamentary, Ministerial & FOI Branch
Government Division