

7 February 2024

Emily Lacey

By email: foi+request-10774-c7a22db2@righttoknow.org.au

Dear Emily Lacey

Freedom of Information request — Notification of Decision

Thank you for your correspondence of 19 October 2023, in which you requested access to documents held by the National Disability Insurance Agency (NDIA), under the *Freedom of Information Act 1982* (FOI Act).

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

Scope of your request

You have requested access to documents. Specifically, you requested access to:

“Please provide documents currently in use and in their most recent version.

1. *Practice Guide - Pre-Planning*
2. *Standard Operating Procedure - Pre-Planning*
3. *Standard Operating Procedure - Complete the guided planning questions*
4. *Standard Operating Procedure - Complete the participant statement*
5. *Outcomes Questionnaire*
6. *Standard Operating Procedure - Complete the update the outcomes questionnaire task*
7. *Capacity Building, Employment, and Education Short Forms Outcomes Frameworks (SFOF)*
8. *Family Questionnaire*”

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.

You have requested access to 8 documents. I have identified 6 documents which fall within the scope of your request. Our searches could not identify 2 of the documents requested.

I have therefore decided to grant access to 6 documents in full and refuse access to 2 documents.

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

- your correspondence outlining the scope of your request
- the nature and content of the documents falling within the scope of your request
- the FOI Act
- the FOI Guidelines published under section 93A of the FOI Act

I will address each of the 8 requested documents separately.

1. *Practice Guide – Pre-planning*- This document has been retired and replaced with the document 'Creating your Plan' which has been provided as Document 1.
2. *Standard Operating Procedure – Pre-Planning* – Our searches could not identify a document by that name. I am therefore Refusing Access to this document pursuant to section 24A of the FOI Act.
3. *Standard Operating Procedure – Complete the guided planning questions* – This has been provided as Document 2.
4. *Standard Operating Procedure – Complete the participant statement* – This has been provided as Document 3.
5. *Outcomes Questionnaire* – Our searches could not identify a document by this name. I am therefore Refusing Access to this document under section 24A of the FOI Act.
6. *Standard Operating Procedure – Complete the update the outcomes questionnaire task* – This has been provided as Document 4.
7. *Capacity Building, Employment, and Education Short Forms Outcomes Frameworks (SFOF)* – This has been provided as Document 5.
8. *Family Questionnaire* – This has been provided as Document 6.

Access to edited copies with exempt or irrelevant material deleted

I have decided that Documents 2, 3, 4, 5, and 6 contain material that is exempt from disclosure under the FOI Act. The irrelevant material relates to names of NDIA staff.

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

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

Refusal of 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 unable to identify any documents titled *Standard Operating Procedure – Pre-Planning* or *Outcomes Questionnaire*.

I am satisfied that all reasonable steps have been taken to locate these documents and that they do not exist. I have, therefore, decided to refuse access these two documents in accordance with section 24A(1)(b)(ii) of the FOI Act.

Release of documents

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

Rights of review

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

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

Yours sincerely



Emma

Senior Freedom of Information Officer
Governance, Risk & Legal - Complaints Management and FOI.
General Counsel Division
National Disability Insurance
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Schedule of Documents for FOI 23/24-0468

Document number	Page number	Description	Access Decision	Comments
1	1-38	Creating your plan	FULL ACCESS	
2	39-52	(Standard Operating Procedure) Complete the Guided Planning Questions	FULL ACCESS	Irrelevant material removed under section 22 of the FOI Act
3	53-64	(Standard Operating Procedure) Complete the Participant Statement	FULL ACCESS	Irrelevant material removed under section 22 of the FOI Act
4	65-70	(Standard Operating Procedure) Complete Update the Family Questionnaire task	FULL ACCESS	Irrelevant material removed under section 22 of the FOI Act
5	71-75	Complete the Short Form Outcomes Framework (SFOF)	FULL ACCESS	Irrelevant material removed under section 22 of the FOI Act
6	76-80	(Standard Operating Procedure) Complete the Update the Outcomes Questionnaire task	FULL ACCESS	Irrelevant material removed under section 22 of the FOI Act

Your review rights

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