

25 May 2021

Karen Reynolds

By email: foi+request-7219-741a89c4@righttoknow.org.au

Dear Karen Reynolds

Freedom of Information request — Notification of Decision

Thank you for your correspondence of 14 April 2021, 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 documents about the National Disability Insurance Scheme (NDIS). Specifically, you requested access to:

“...I am requesting a list of all staff employed within the Agency's new Sustainability Action Taskforce, as well as any correspondence that relates to terms of reference or scope of the Taskforce.

I also request any documents, notes, emails, transcripts or other information which relates to the development of an algorithm in relation to scheme sustainability from 2017”

On 29 April 2021, the FOI team initiated a 24AB consultation process with you to revise the scope of your request, as to process your request would have been an unreasonable diversion of resources.

On 7 May 2021, in response to the request consultation process, you revised the scope of the second part of your request to:

“...a list of all staff employed within the Agency's new Sustainability Action Taskforce, as well as any correspondence that relates to terms of reference or scope of the Taskforce

... a list [sic] of any contractors who have been outsourced in the development of an algorithm for the NDIS' and 'please also provide a copy of any reports that proposed using Salesforce/developing new algorithms in relation to scheme sustainability (including outsourced reports and business cases, as well as modelling [sic]), as well as details of the tender documentation and conditions of tender between the NDIA and the developers of the algorithm”

Practical Refusal

I am authorised to make decisions under the FOI Act. My decision on your request and the reasons for my decision are set out below.

Having undertaken a request consultation process, as required by section 24 of the FOI Act, I am satisfied that your revised scope will still result in a substantial and unreasonable diversion of resources. As foreshadowed in my correspondence of 29 April 2021, I am refusing your request under section 24 on the basis that a practical refusal reason exists in relation to the request.

Reasons for decisions

We have conducted searches of the NDIA's systems, using all reasonable search terms that could return documents relevant to the revised scope of 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 is in possession of a large number of documents that may be relevant to 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.

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



Ausilia Woodhead
Assistant Director
Parliamentary, Ministerial & FOI Branch
Government Division

Your review rights

Internal Review

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

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

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

Freedom of Information Section
Parliamentary, Ministerial & FOI Branch
Government 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 Division.