

10 June 2021

Ben Fairless

By email: foi+request-7251-321ce5b7@righttoknow.org.au

Dear Ben Fairless

Freedom of Information request — Notification of Decision

Thank you for your correspondence of 15 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:

“...all documents related to the message played prior to a call being connected that refers to treating all staff members with respect.

This would include, but not be limited to, internal communication prior to the message being created and internal communication about the message wording and why it was created.”

On 3 May 2021, we formally consulted with you under section 24AB of the FOI Act, as the scope of your request did not satisfy section 15(2)(b) of the Act, as it did not provide enough information about the documents sought as reasonably necessary for an officer to undertake searches.

On the same day, you responded to our correspondence and revised the scope of your request to be for the following documents:

“When calling the NDIA, a recorded announcement is played that refers to treating all staff members with respect. There should be documents from the relevant line area that indicate who requested that recorded announcement, any discussion internally about the recorded announcement, and who approved it being added to the phone system.”

In order to continue to undertake searches and respond to your request, we requested an extension of time of 30 days from the Office of the Australian Information Commissioner, under section 15AC of the FOI Act, as a result, the new due date to respond to your request for information is 15 June 2021.

Decision on access to documents

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.

I have identified 60 documents (including attachments), which fall within the scope of your request.

The documents were identified by conducting searches of NDIA's systems, using all reasonable search terms that could return documents relevant to your request, and consulting with relevant NDIA staff who could be expected to be able to identify documents within the scope of the request.

I have decided to:

- grant access to 2 documents in full;
- refuse access to 58 documents in full.

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

- 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;
- 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; and
- the NDIA's operating environment and functions.

Reasons for decisions

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

I have decided that documents falling within the scope of your request contain material that is exempt from disclosure under the FOI Act.

I have also identified that documents falling within the scope of your request contain material that is irrelevant to your request. The irrelevant material relates to names and contact details of NDIA staff.

In accordance with section 22 of the FOI Act, I have considered whether it is possible to delete the exempt and irrelevant material from the documents and have concluded that it is reasonably practicable to do so. Accordingly, I have prepared an edited copy of the documents with the exempt and irrelevant material removed.

Deliberative processes (section 47C)

Section 47C of the FOI Act conditionally exempts a document if its disclosure 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.

Documents within the scope of your request contain deliberative matter in the form of opinion, advice and recommendations recorded in the course of assisting NDIA decision-makers to reach a decision regarding changes proposed and implemented by the external company who manages the Agency's National Call Centre in relation to its IVR system.

As provided the FOI Guidelines, the deliberative processes involved in the functions of an agency are its thinking processes.

Where the documents contain factual material, I have, to the extent possible, released all of the purely factual material in the document in accordance with the FOI Act.

I am satisfied that the information redacted is conditionally exempt under section 47C of the FOI Act.

Personal privacy (section 47F)

Section 47F of the FOI Act conditionally exempts a document 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 third parties.

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.

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 – sections 47C, 47F and 47G

Under the FOI Act, access to a document covered by a conditional exemption must be provided unless disclosure would be contrary to the public interest.

After considering the public interest factors outlined in section 11B(3) of the FOI Act, I have determined that disclosure of the material identified as subject to conditional exemptions would provide access to information relating to the applicant. However, I have considered that:

- disclosure of the information would not contribute to the publication of information of sufficient public interest to justify the likely harm caused by release;
- disclosure of the information would not enhance Australia's representative democracy in the ways described in section 11B(3) of the FOI Act; and
- disclosure of the information 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 sections 47C, 47F and 47G, 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 integrity of the National Disability Insurance Scheme;
- prejudice the ability of the NDIA to provide guidance to staff and to decision makers regarding the development and implementation of internal changes and processes within NDIA;
- affect an individual's right to privacy by having their personal information in the public domain; and
- 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.

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



Ausilia Woodhead

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

Schedule of Documents for FOI 20/21-0657

Document number	Page number	Description	Access Decision	Comments
1	-	Email Subject: RE: NCC 1800 IVR Restructure - Draft Email for Ian F Date: 10/12/2019	REFUSED ACCESS Exemption claimed: s47C – deliberative processes	
2	-	Email Subject: FW: NCC 1800 IVR Restructure - Draft Email for Ian F Date: 10/12/2019	REFUSED ACCESS Exemption claimed: s47C – deliberative processes	
3	-	Email Subject: RE: Quick check please Date: 17/01/2020	REFUSED ACCESS Exemption claimed: s47C – deliberative processes	
3.1	-	Attachment to Document 3 Email Subject: RE: Serco IVR Restructure Proposal Date: 05/12/2019	REFUSED ACCESS Exemptions claimed: s47C – deliberative processes s47F – personal privacy s47G – business information	
3.1.1	-	Attachment to Document 3.1 IVR Restructure Proposal – Updated.pdf	REFUSED ACCESS Exemptions claimed: s47C – deliberative processes s47G – business information	
4	-	Email Subject: RE: Quick chat please Date: 17/01/2020	REFUSED ACCESS Exemption claimed: s47C – deliberative processes	

Document number	Page number	Description	Access Decision	Comments
5	-	Email Subject: Serco IVR Restructure Proposal Date: 09/10/2019	REFUSED ACCESS Exemptions claimed: s47C – deliberative processes s47F – personal privacy s47G – business information	
6	-	Email Subject: RE: Serco IVR Restructure Proposal Date: 09/10/2019	REFUSED ACCESS Exemptions claimed: s47C – deliberative processes s47F – personal privacy s47G – business information	
7	-	Email Subject: FW: Serco IVR Restructure Proposal Date: 09/10/2019	REFUSED ACCESS Exemptions claimed: s47C – deliberative processes s47F – personal privacy s47G – business information	
8	-	Email Subject: RE: Serco IVR Restructure Proposal Date: 09/10/2019	REFUSED ACCESS Exemptions claimed: s47C – deliberative processes s47F – personal privacy s47G – business information	
9	-	Email Subject: FW: Serco IVR Restructure Proposal Date: 09/10/2019	REFUSED ACCESS Exemptions claimed: s47C – deliberative processes s47F – personal privacy s47G – business information	

Document number	Page number	Description	Access Decision	Comments
10	-	Email Subject: FW: Serco IVR Restructure Proposal Date: 09/10/2019	REFUSED ACCESS Exemptions claimed: s47C – deliberative processes s47F – personal privacy s47G – business information	
11	-	Email Subject: IVR Restructure Date: 12/11/2019	REFUSED ACCESS Exemptions claimed: s47C – deliberative processes s47F – personal privacy s47G – business information	
12	-	Email Subject: FW: IVR Restructure Date: 15/11/2019	REFUSED ACCESS Exemptions claimed: s47C – deliberative processes s47F – personal privacy s47G – business information	
13	-	Email Subject: FW: Serco IVR Restructure Proposal Date: 20/11/2019	REFUSED ACCESS Exemptions claimed: s47C – deliberative processes s47F – personal privacy s47G – business information	
14	-	Email Subject: FW: Serco IVR Restructure Proposal Date: 20/11/2019	REFUSED ACCESS Exemptions claimed: s47C – deliberative processes s47F – personal privacy s47G – business information	

Document number	Page number	Description	Access Decision	Comments
14.1	-	Attachment to Document 14 IVR Restructure Proposal – Updated.pdf	REFUSED ACCESS Exemptions claimed: s47C – deliberative processes s47G – business information	
15	-	Email Subject: FW: Serco IVR Restructure Proposal Date: 20/11/2019	REFUSED ACCESS Exemptions claimed: s47C – deliberative processes s47F – personal privacy s47G – business information	
16	-	Email Subject: NCC 1800 number - IVR Changes Date: 22/11/2019	REFUSED ACCESS Exemption claimed: s47C – deliberative processes	
17	-	Email Subject: FW: NCC 1800 number - IVR Changes Date: 22/11/2019	REFUSED ACCESS Exemption claimed: s47C – deliberative processes	
18	-	Email Subject: RE: NCC 1800 number - IVR Changes Date: 22/11/2019	REFUSED ACCESS Exemption claimed: s47C – deliberative processes	
19	-	Email Subject: RE: NCC 1800 number - IVR Changes Date: 22/11/2019	REFUSED ACCESS Exemption claimed: s47C – deliberative processes	

Document number	Page number	Description	Access Decision	Comments
20	-	Email Subject: FOR ADVICE/ACTION: NCC IVR messaging update Date: 26/11/2019	REFUSED ACCESS Exemption claimed: s47C – deliberative processes	
21	-	Email Subject: RE: FOR ADVICE/ACTION: NCC IVR messaging update Date: 27/11/2019	REFUSED ACCESS Exemption claimed: s47C – deliberative processes	
22	-	Email Subject: NCC 1800 IVR Restructure - Draft Email for Ian F Date: 05/12/2019	REFUSED ACCESS Exemption claimed: s47C – deliberative processes	
23	-	Email Subject: RE: Serco IVR Restructure Proposal Date: 05/12/2019	REFUSED ACCESS Exemption claimed: s47C – deliberative processes	
24	-	Email Subject: RE: NCC 1800 IVR Restructure - Draft Email for Ian F Date: 06/12/2019	REFUSED ACCESS Exemption claimed: s47C – deliberative processes	
25	-	Email Subject: FW: Serco IVR Restructure Proposal Date: 05/12/2019	REFUSED ACCESS Exemptions claimed: s47C – deliberative processes s47F – personal privacy s47G – business information	

Document number	Page number	Description	Access Decision	Comments
26	-	Email Subject: RE: Serco IVR Restructure Proposal Date: 06/12/2019	REFUSED ACCESS Exemptions claimed: s47C – deliberative processes s47F – personal privacy s47G – business information	
27	-	Email Subject: RE: Serco IVR Restructure Proposal Date: 06/12/2019	REFUSED ACCESS Exemptions claimed: s47C – deliberative processes s47F – personal privacy s47G – business information	
28	-	Email Subject: RE: Serco IVR Restructure Proposal Date: 06/12/2019	REFUSED ACCESS Exemptions claimed: s47C – deliberative processes s47F – personal privacy s47G – business information	
29	-	Email Subject: RE: Serco IVR Restructure Proposal Date: 09/12/2019	REFUSED ACCESS Exemptions claimed: s47C – deliberative processes s47F – personal privacy s47G – business information	
29.1	-	Attachment to Document 29 IVR Restructure Proposal – Updated V1.3.pdf	REFUSED ACCESS Exemptions claimed: s47C – deliberative processes s47G – business information	

Document number	Page number	Description	Access Decision	Comments
30	-	Email Subject: RE: NCC 1800 IVR Restructure - Draft Email for Ian F Date: 09/12/2019	REFUSED ACCESS Exemption claimed: s47C – deliberative processes	
31	-	Email Subject: NCC 1800 IVR Restructure - Draft Email for Ian F Date: 09/12/2019	REFUSED ACCESS Exemption claimed: s47C – deliberative processes	
32	-	Email Subject: RE: NCC 1800 IVR Restructure - Draft Email for Ian F Date: 09/12/2019	REFUSED ACCESS Exemption claimed: s47C – deliberative processes	
33	-	Email Subject: RE: FOR REVIEW: Updated IVR messaging Date: 10/02/2020	REFUSED ACCESS Exemption claimed: s47C – deliberative processes	
33.1	-	Attachment to Document 33 Telephony queue and Interactive Voice Response (IVR).docx	REFUSED ACCESS Exemption claimed: s47C – deliberative processes	
34	-	Email Subject: ICT Service Desk - NCC Assistance Date: 10/02/2020	REFUSED ACCESS Exemptions claimed: s47C – deliberative processes	
35	-	Email Subject: RE: Updated IVR and the Intranet Date: 11/02/2020	REFUSED ACCESS Exemption claimed: s47C – deliberative processes	

Document number	Page number	Description	Access Decision	Comments
36	-	Email Subject: Reviewed drafts Updated IVR and the Intranet Date: 12/02/2020	REFUSED ACCESS Exemption claimed: s47C – deliberative processes	
36.1	-	Attachment to Document 36 Draft NCC Telephony queue and Interactive Voice Response (IVR).docx	REFUSED ACCESS Exemption claimed: s47C – deliberative processes	
36.2	-	Attachment to Document 36 Accessible NCC Telephony queue and Interactive Voice Response (IVR).docx	REFUSED ACCESS Exemption claimed: s47C – deliberative processes	
37	-	Email Subject: Finals Updated IVR doc and Intranet content Date: 12/02/2020	REFUSED ACCESS Exemption claimed: s47C – deliberative processes	
37.1	1 -4	Attachment to Document 37 NCC Telephony queue and Interactive Voice Response (IVR).docx; Intranet copy with Telephony IVR updates 2020.docx	FULL ACCESS	
37.2	-	Attachment to Document 37 Intranet copy with Telephony IVR updates 2020.docx	REFUSED ACCESS Exemption claimed: s47C – deliberative processes	
38	-	Email Subject: Routing of CRM Related MySupport Calls to Serco Staff Date: 13/02/2020	REFUSED ACCESS Exemptions claimed: s47C – deliberative processes	

Document number	Page number	Description	Access Decision	Comments
39	-	Email Subject: RE: Routing of CRM Related MySupport Calls to Serco Staff Date: 13/02/2020	REFUSED ACCESS Exemptions claimed: s47C – deliberative processes s47F – personal privacy s47G – business information	
40	-	Email Subject: Email on IVR Restructure Date: 13/02/2020	REFUSED ACCESS Exemptions claimed: s47C – deliberative processes s47F – personal privacy	
41	-	Email Subject: RE: Email on IVR Restructure Date: 13/02/2020	REFUSED ACCESS Exemptions claimed: s47C – deliberative processes s47F – personal privacy	
42	-	Email Subject: RE: Email on IVR Restructure Date: 13/02/2020	REFUSED ACCESS Exemptions claimed: s47C – deliberative processes s47F – personal privacy	
43	-	Email Subject: Re: Email on IVR Restructure Date: 13/02/2020	REFUSED ACCESS Exemptions claimed: s47C – deliberative processes s47F – personal privacy	
44	-	Email Subject: RE: Email on IVR Restructure Date: 13/02/2020	REFUSED ACCESS Exemptions claimed: s47C – deliberative processes s47F – personal privacy	

Document number	Page number	Description	Access Decision	Comments
45	-	Email Subject: RE: Email on IVR Restructure Date: 13/02/2020	REFUSED ACCESS Exemptions claimed: s47C – deliberative processes s47F – personal privacy	
46	-	Email Subject: Draft work to date and actions needed on Tel Queue & IVR intranet and doc updates Date: 13/02/2020	REFUSED ACCESS Exemption claimed: s47C – deliberative processes	
47	-	Email Subject: RE: Finals Updated IVR doc and Intranet content Date: 12/02/2020	REFUSED ACCESS Exemption claimed: s47C – deliberative processes	
48	-	Email Subject: RE: Routing of CRM Related MySupport Calls to Serco Staff Date: 13/02/2020	REFUSED ACCESS Exemptions claimed: s47C – deliberative processes s47F – personal privacy s47G – business information	
49	-	Email Subject: Quality Tip of the Day: Updates to NCC CSO Manual with New IVR details	REFUSED ACCESS Exemption claimed: s47C – deliberative processes	
50	5-10	Email Subject: Quality Tip of the Day: Updates to NCC CSO Manual with New IVR details Date: 18/02/2020	FULL ACCESS	Irrelevant material removed under section 22 of the FOI Act.

Document number	Page number	Description	Access Decision	Comments
51	-	Email Subject: IVR Restructure Date: 12/11/2019	REFUSED ACCESS Exemptions claimed: s47C – deliberative processes s47F – personal privacy	

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