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14 July 2021

Karen Reynolds

By email: foi+request-7262-8fa4b6b6@righttoknow.org.au

Dear Karen Reynolds

Freedom of Information request — Request consultation process

Thank you for your correspondence of 16 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).

Scope of your request

You have requested access to documents about the National Disability Insurance Scheme (NDIS). Specifically, you requested access to:

“...a copy of the following documents:

- Correspondence relating to the tender process that resulted in Konekt becoming an independent ATHM Assessor organisation*
- Documents, emails, notes and reports relating to the evaluation of the ATHM of the trial*
- The total cost of the trial*
- The rationale or business case for the trial”*

On 29 April 2021, we formally consulted with you under section 24AA of the FOI Act, on the basis that your request for information did not provide enough information about the documents you sought access to, and would likely to result in a substantial and unreasonable diversion of resources.

On 7 May 2021, you revised the scope of your request to be for the following documents:

*“I request a copy of any confirmation of tender between Konekt and the NDIA in relation to appointments as independent ATHM assessors;
I request a copy of any reports relating to the evaluation of the ATHM trial
I request a copy of the evaluation itself (that was sent to participants) as well as details of the numbers of participants who a) completed the trial and b) provided feedback
I request the total cost of the trial; and the tender documentation between Konekt and NDIA in relation to the ATHM trial.”*

On 1 June 2021, the Office of the Australian Information Commissioner granted the NDIA an additional 30 days to process your request, due to its complex and voluminous nature.

As our team continued to conduct searches and receive documents from relevant business areas in relation to your request, it was identified that the business information of a third party was contained in the documents you requested. As a result, on 24 June 2021, we advised you that we would be consulting with the third party regarding the release of such information.

Practical refusal

I am authorised to make decisions under the FOI Act.

I am writing to advise that the work involved in processing your request in its current form would continue to substantially and unreasonably divert the resources of the NDIA from its other operations due to its size. 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 –

We have conducted preliminary searches for documents which are likely to be relevant to your request, based on the revised scope provided. These search has revealed that the NDIA is in possession of more than 290 individual documents matching the scope of your request, not including any attachments which may be contained within those documents.

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.

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; or
- 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 **5:00pm 28 July 2021**, 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 read 'AW', written in a cursive style.

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