

Our reference: FOI 20/21-0877



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Canberra ACT 2601  
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[ndis.gov.au](http://ndis.gov.au)

10 September 2021

Shirley

By email: [foi+request-7464-22bd75fa@righttoknow.org.au](mailto:foi+request-7464-22bd75fa@righttoknow.org.au)

Dear Shirley

### Freedom of Information request — Notification of Decision

Thank you for your requests of 12 June 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

As per previous correspondence, under section 24(2) of the FOI Act an agency may treat 2 or more requests as a single request if the subject matter is substantially the same; therefore, as previously advised, we have combined your 7 requests into one request.

The scope of your combined request was:

*“...Please provide a copy of all NDIA attestation reports for the financial year 2013-14...  
...Please provide a copy of all NDIA attestation reports for the financial year 2014-15...  
...Please provide a copy of all NDIA attestation reports for the financial year 2015-16...  
...Please provide a copy of all NDIA attestation reports for the financial year 2016-17...  
[sic]...  
...Please provide a copy of all NDIA attestation reports for the financial year 2017-18...  
...Please provide a copy of all NDIA attestation reports for the financial year 2018-19...  
...Please provide a copy of all NDIA attestation reports for the financial year 2019-20...”*

On 3 August 2021 the FOI team issued a 24AB request for consultation due to the broad scope of the request.

On 11 August 2021 you revised the scope of the request to be for the following documents:

*“...Please revise the request to a constrained search for all attestation reporting related to 'risk'...”*

#### 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 seven documents, 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 7 document in part.

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;
- 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**

#### 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.

#### *Public interest considerations – section 47F*

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; and
- disclosure of the information would not enhance Australia's representative democracy in the ways described in section 11B(3) of the FOI Act.

While there is limited public interest in the disclosure of information conditionally exempt under section 47F, the harm that would result from disclosure is that it could reasonably be expected to affect an individual's right to privacy by having their personal information in the public domain.

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](mailto:foi@ndis.gov.au).

Yours sincerely

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

**Ausilia**

Assistant Director  
Parliamentary, Ministerial & FOI Branch  
Government Division

## Schedule of Documents for FOI 20/21-0877

Document number	Page number	Description	Access Decision
1	1-2	Risk Management Declaration 2013-14	<b>PARTIAL ACCESS</b> Exemption claimed: s47F – personal privacy
2	3	Risk Management Declaration 2014-15	<b>PARTIAL ACCESS</b> Exemption claimed: s47F – personal privacy
3	4-5	Risk Management Declaration 2015-16	<b>PARTIAL ACCESS</b> Exemption claimed: s47F – personal privacy
4	6	Risk Management Declaration 2016-17	<b>PARTIAL ACCESS</b> Exemption claimed: s47F – personal privacy
5	7	Risk Management Declaration 2017-18	<b>PARTIAL ACCESS</b> Exemption claimed: s47F – personal privacy
6	8	Risk Management Declaration 2018-19	<b>PARTIAL ACCESS</b> Exemption claimed: s47F – personal privacy
7	9	Risk Management Declaration 2019-20	<b>PARTIAL ACCESS</b> Exemption claimed: 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](mailto: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](http://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](http://www.oaic.gov.au)  
Post: GPO Box 5218, Sydney NSW 2001  
Email: [enquiries@oaic.gov.au](mailto: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](mailto: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