

5 November 2021

Karen Reynolds

By email: foi+request-7876-14d93316@righttoknow.org.au

Dear Karen Reynolds

Freedom of Information request — Notification of Decision

Thank you for your correspondence of 19 September 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).

On 15 October 2021 you agreed to provide the NDIA with an additional 17 days to process your request for information, making 5 November 2021 the new due date to provide you with a decision on access.

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 would like to know the number of NDIS participants who have died of Covid to the last date of advice. This involves any advice to external or internal parties that results from cross matched data from the ndis database with the mortality database.

I would also like to know the participant mortality figures from jan [sic] 2020 to today's date and the comparative data from jan [sic] 2018 to September 17, 2019."

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.

Part 1 of your request for information sought access to information relating to NDIS participants who have passed away due to COVID-19.

I note that the NDIS Quality and Safeguards Commission is responsible updating and reporting on such information.

This information is also updated and published daily by the Department of Health and is accessible to the public at the following link:

- [Coronavirus \(COVID-19\) case numbers and statistics | Australian Government Department of Health](https://www.health.gov.au/our-work/coronavirus-covid-19/covid-19-data-and-statistics)

As a result, Part 1 of your request for information was not considered as part of this decision.

Delivered by the

National Disability
Insurance Agency

Our consultations with relevant business areas have revealed the information you requested in Part 2 of your request, which relates to comparative statistics regarding NDIS participant mortality rates was not reported by the NDIA within the exact date range you specified.

However, we have been able to produce a document under section 17 of the FOI Act, containing NDIS participant mortality figures on a monthly basis between January 2018 and September 2019; and January 2020 and September 2021.

This information was 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 and create documents containing the information sought, in part.

I have decided to provide access to this document **in full**.

It is imperative to note in relation to the information provided to you within this document that the quantity of participants in the Scheme has grown considerably, meaning the data supplied does not necessarily reflect higher or lower mortality rates proportionately.

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
- the NDIA's operating environment and functions

Release of documents

The document for release, as referred to in the Schedule of Documents at **Attachment A**, is 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



Rafaela

A/g Assistant Director FOI
Parliamentary, Ministerial & FOI Branch
Government Division

Attachment A

Schedule of Documents for FOI 21/22-0295

Document number	Page number	Description	Access Decision
1*	1-2	Monthly statistics relating to NDIS Participant mortality rates between January 2018 and September 2019 and January 2020 and September 2021.	FULL ACCESS

** Document created under section 17 of the FOI Act.*

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.