



Ace Chapman (via Right to Know)

By email: [foi+request-9409-360207d1@righttoknow.org.au](mailto:foi+request-9409-360207d1@righttoknow.org.au)

Dear Ace Chapman

### Freedom of Information Request No. (11) 22/23-1 – Notice of Decision on Access

I refer to your email received by the NDIS Quality and Safeguards Commission (**the Commission**) on 28 September 2022.

You requested access under the *Freedom of Information Act 1982* (Cth) (**FOI Act**) to:

*[...] all SES conflict of interest registers held by the commission since it's opening on July 2018 until today.*

*Included in the scope of my request please include individual conflict of interest declarations or statements submitted by all SES officers whether ongoing or in their role on a temporary basis.*

### Decision

The Commission has identified documents relating to your Freedom of Information (**FOI**) request. I have decided to **refuse access** to those documents (**the documents at issue**). I have found that material in the documents at issue are exempt under section 47F (personal privacy) of the FOI Act. I consider that disclosure of the documents would be, on balance, contrary to the public interest under section 11A(5).

I also consider that it would be futile to grant you access to redacted copies of the documents under section 22 of the FOI Act.

A schedule of these documents is at **Attachment A** (to follow shortly).

### Reasons for Decision

The reasons for my decision are set out in the Statement of Reasons at **Attachment B** (to follow shortly).

## FOI Disclosure Log

In accordance with the requirements of section 11C of the FOI Act, the Commission is required to publish details of information released under the FOI Act, subject to certain exemptions.

I have considered those exemptions and have decided that the following exemptions apply in this case:

- The exemption at section 11C(1)(a) - personal information about any person if publication of that information would be 'unreasonable'

Accordingly, as access is refused in response to your request, this decision will not be published on the Commission's FOI disclosure log.

For further information about the Commission's FOI disclosure log please refer to our website:

<https://www.ndiscommission.gov.au/about/freedom-information/foi-disclosure-log>.

## Review rights and complaints

If you are unhappy with my decision, information about your rights of review, and how you can make a complaint about the handling of your request, is at **Attachment C**.

## Contact

If you wish to discuss my decision, please contact Fernando Espinosa, Lawyer, on email [FOI@ndiscommission.gov.au](mailto:FOI@ndiscommission.gov.au).

Yours sincerely



**Andrew Corradin**

A/Assistant Commissioner, Legal and Integrity  
Legal Services and Internal Integrity Division  
31 October 2022



## ATTACHMENT C

### INFORMATION ON REVIEW RIGHTS

The *Freedom of Information Act 1982 (the FOI Act)* gives you the right to apply for a review of this decision. Under sections 54 and 54L of the FOI Act, you can apply for a review of this decision by:

- (a) an internal review officer in the NDIS Quality and Safeguards Commission; or
- (b) the Australian Information Commissioner (**Information Commissioner**).

#### Internal Review

If you apply for internal review, it will be carried out by a different decision-maker who will make a fresh decision on your application. An application for review must be:

- (a) made in writing;
- (b) made within 30 days of receiving this letter; and
- (c) sent to [FOI@ndiscommission.gov.au](mailto:FOI@ndiscommission.gov.au).

No particular form is required, but it is desirable to set out in the application the grounds upon which you consider the decision should be reviewed.

If the internal review officer decides not to grant you access to all of the documents to which you have requested access, you have the right to seek a review of that decision by the Information Commissioner. You will be further notified of your rights of review at the time you are notified of the internal review decision.

Please note that if you apply for an internal review and a decision is not made by an internal review officer within 30 days of receiving the application, you have the right to seek review by the Information Commissioner for a review of the original FOI decision on the basis of a 'deemed refusal' decision. An application for Information Commissioner review in this situation must be made within 60 days of the date when the internal review decision should have been made (provided an extension of time has not been granted or agreed).

#### Information Commissioner Review

If you want to seek direct review by the Information Commissioner (and not internal review), you must apply in writing within 60 days of the receipt of the decision letter and you can lodge your application in one of the following ways:

Online: <a href="http://www.oaic.gov.au">www.oaic.gov.au</a> Post: GPO Box 2999, Canberra ACT 2601 Fax: +61 2 9284 9666 Email: <a href="mailto:enquiries@oaic.gov.au">enquiries@oaic.gov.au</a>	In person: Level 10, 175 Pitt Street, Sydney NSW 2000
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An application form is available on the website at [www.oaic.gov.au](http://www.oaic.gov.au). Your application should include a copy of the notice of the decision that you are objecting to (if one was provided), and your contact details. You should also set out why you are objecting to the decision.

### **Complaints to the Commonwealth Ombudsman and Information Commissioner**

#### ***Commonwealth Ombudsman***

You may complain to the Ombudsman concerning action taken by an agency in the exercise of powers or the performance of functions under the FOI Act. There is no fee for making a complaint. A complaint to the Ombudsman may be made in person, by telephone or in writing. The Ombudsman's contact details are:

Phone: 1300 362 072

Website: [www.ombudsman.gov.au](http://www.ombudsman.gov.au)

The Commonwealth Ombudsman generally prefers applicants to seek review before complaining about a decision.

#### ***Information Commissioner***

You may also complain to the Information Commissioner concerning action taken by an agency in the exercise of powers or the performance of functions under the FOI Act. There is no fee for making a complaint. A complaint to the Information Commissioner must be made in writing. The Information Commissioner's contact details are:

Telephone: 1300 363 992

Website: [www.oaic.gov.au](http://www.oaic.gov.au)

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