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Freedom of Information (FOI) and your rights

The [Freedom of Information Act 1982 \(Cth\) \(external\)](#) (the FOI Act) gives you the right to:

- access copies of documents (except exempt documents) we hold
- ask for information we hold about you to be changed or annotated if it is incomplete, out of date, incorrect or misleading
- seek a review of our decision not to allow you access to a document or not to amend your personal record.

You can ask to see any document that we hold.

We can refuse access to some documents, or parts of documents that are exempt.

Exempt documents may include those relating to national security, documents containing material obtained in confidence and other matters set out in the FOI Act.

Accessing information without an FOI request

You can get certain information, including personal information we hold about you, without following a formal process under the FOI Act.

If you want to access personal information please see the list of documents available through the Participant Information Access (PIA) Scheme set out on our [Participant Information Access](#) page. Documents listed may be easily requested through the online form which can also be found on the Participant Information Access page.

You should also check the information we have published under the [Information Publication Scheme](#) and [FOI Disclosure Log](#) to see if what you are seeking is already available.

If the documents you seek are not available through the PIA Scheme and have not been released previously, you may contact the FOI team by email at foi@ndis.gov.au to find out whether the information you seek can be provided to you outside the FOI Act.

Evidence of identity for requests to access personal information

If you are seeking access to documents that contain your personal information, we will require proof of your identity with your application.

If you are seeking documents that contain someone else's personal information, and you are not their Authorised Representative (including, but not limited to, NDIS plan nominee, NDIS payment nominee, or Child Representative) you must provide evidence of the person's consent to provide you with the information you are requesting. That may be a letter signed by the person whose information you are seeking. The letter must be dated within the last 12 months and must specifically provide consent for you to receive the documents you are requesting.

How to make a request

Your request must:

- be in writing
- state that the request is an application for the purposes of the FOI Act
- provide information about the document(s) to assist us to process your request
- provide an address for reply.

You can email your request to foi@ndis.gov.au or send a letter to:

Freedom of Information Section
Parliamentary, Ministerial & FOI Branch
Government Division
National Disability Insurance Agency
GPO Box 700
Canberra ACT 2601

If you need assistance lodging a request, please call us on 1800 800 110.

Fees and charges

There is no fee for making an FOI request.

There are no processing charges for requests for access to documents containing only personal information about you. However, processing charges may apply to other requests.

If charges are considered we will provide an estimate of costs that may be applicable. These may include:

- Search and retrieval of documents: \$15.00 per hour
- Photocopying: \$0.10 per page
- Decision making including time spent deciding to refuse or grant a request, examining documents and consulting with other parties: free for first 5 hours and \$20.00 for subsequent hours.
- Supervision of your inspection of documents, audio or visual recording at our premises: \$6.25 per half hour (or part thereof).
- Cost of postage or delivery. We may ask you to pay a deposit if the estimated cost of delivery is over \$20.00.

Timeline for FOIs

We will tell you within 14 days that we have received your request.

We will also give you an estimate of any charges that apply to your request.

We will endeavour to give you our decision within 30 days, unless that time has been extended. If a document contains information about a third party, we will need to consult them and may need to extend the time as the FOI legislation allows to give you our decision by another 30 days as allowed by FOI legislation.

We may also seek your agreement to extend the time by up to 30 days if your request is complex.

Due to a large increase in FOI requests over recent months, together with the impact on staff and Agency operations of the COVID-19 pandemic, we are currently experiencing delays in processing matters. As a result, whilst we will endeavour to process your matter within the legislative deadlines, we may need to ask for an extension of time, and appreciate your understanding if this is required.

Reviews of FOI decisions

When we have made a decision about your FOI request, we will send you a letter explaining our decision and your review and appeal rights.

You can ask for one of the following decisions to be reviewed:

- if we refuse to give you access to all or part of a document or if we defer giving you access
- if we impose a charge
- if we refuse to charge or annotate information about you that you claim is incomplete, incorrect, out of date or misleading.

If we decide to give you documents that contain information about other people, they can also ask for our decision to be reviewed.

Internal review

You can request in writing an internal review of our decision. An internal review will be conducted by another officer in our agency, usually senior to the original decision-maker. We will advise you of our new decision within 30 days of receiving your request.

Information Commissioner review

You can ask the Australian Information Commissioner to review our original decision or our decision on internal review within 60 days of the date of decision (or 30 days after you are notified if you are an affected third party).

The Information Commissioner can affirm or vary the decision or substitute a new decision. The Information Commissioner may decide not to conduct a review in certain circumstances. More information is available at the [Office of the Australian Information Commissioner \(OAIC\) website \(external\)](#) .

Complaints about FOI requests

If you are unhappy with the way we have handled your request, you can complain to the Australian Information Commissioner who may investigate our actions. More information is available on the [OAIC's website \(external\)](#) .

The Commonwealth Ombudsman can also investigate complaints about our actions. However, the Commonwealth Ombudsman and the Information Commissioner will consult to avoid the same matter being investigated twice.

Contact us about FOI

If you require more information, please contact us.

Certain documents that we have released under the FOI Act can be obtained from the [FOI Disclosure Log](#). Further information is published on our [Information Publication Scheme](#) page.

Who can I talk to about FOI requests?

After reading the information on the FOI webpage, if you still have questions about requesting information or need assistance making an FOI request, please call 1800 800 110.

Where can I get an update about an FOI request I have made?

Please email us at foi@ndis.gov.au with your FOI reference number. In your email, please provide the specific questions you want answered as well as your contact details so that an FOI officer can contact you directly. Alternatively you can call 1800 800 110 for assistance.

Can I help someone else lodge an FOI request?

Some participants may need help with lodging an FOI request. If you are helping someone lodge their FOI request, please read the following information carefully.

If you are helping a participant to lodge an FOI request for personal information (for example, get a copy of their plan) and the participant would like the NDIA to provide the information directly to them, you must give us the participant's contact details in your written request, so that we can get in touch with them to confirm their identity and the request.

If you are helping a participant to lodge an FOI request for personal information and the participant would like to receive the information through you, you will need to provide us with your contact details as well as a signed authority for you to receive the information. This authority must be less than 12 months old.

If you are helping someone to lodge an FOI request that is for non-personal information, please provide the relevant contact details to send the decision letter and information to in your written request.

If you still have questions about requesting information or need assistance making an FOI request, please call 1800 800 110.

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