



Freedom of Information (FOI) Processing Manual

Version	1
Status	Final
Author	Assistant Director, Policy
Endorsed by	Director, Freedom of Information Branch Manager, Information Access and Privacy General Manager, Reviews and Information Release
Approved by	Deputy CEO, Legal, Reviews, Actuarial and Data
Approval date	14 April 2026

The contents of this document are OFFICIAL.

Contents

1. Purpose	6
2. Updates to the FOI Processing Manual	6
2.1 Version control	6
3. Introduction	7
3.1 Freedom of Information Act 1982	7
3.2 Office of the Australian Information Commissioner	7
3.3 Privacy considerations	8
4. Roles and responsibilities	9
4.1 NDIA Information Access Team	9
4.1.1 FOI Triage and Registration Officers	9
4.1.2 FOI Early Resolution Officers	9
4.1.3 FOI Officers	10
4.2 Other NDIA business areas	11
5. Requesting information under the FOI Act	12
5.1 Making a request	12
5.2 Requirements of a valid FOI request	12
6. Statutory timeframes	13
6.1 General principles	13
6.2 Extension of time under section 15AA	13
6.3 Extension of time under section 15AB	14
6.4 Extension of time to undertake consultation	14
6.5 Deemed decisions	14
6.6 Communication with applicants	15
7. Processing requests	16

7.1	Triage	19
7.1.1	Request validity	19
7.1.2	Documents not held by the NDIA	19
7.1.3	Identity and authority of the applicant to access personal information	20
	Proof of identity	21
	Consent or authority to access information about another person	21
7.1.4	Acknowledging receipt of the request	21
7.1.5	Allocating the request to the appropriate work area	22
	Access to information under the FOI Act	22
	Amendment or annotation of personal information	22
	Review of NDIA FOI decisions	22
7.2	Early resolution	23
7.2.1	Alternate pathways for accessing information	23
	Participant Information Access Scheme	23
	Access to personal information under the Privacy Act 1988	23
	Access to documents listed on the NDIA FOI Disclosure Log	24
7.2.2	Initial business area consultation	24
7.2.3	Request consultation process under section 24AB	24
	Request consultation period	25
	Duty to assist the applicant	25
7.2.4	Early assessment of whether an extension of time may be required	26
7.3	Document search and retrieval	26
7.3.1	Complex or voluminous requests	27
7.3.2	Documents held by contracted service providers	27
7.3.3	Documents created for release	28

7.3.4	Documents cannot be found	28
7.4	Consultation with third parties	29
7.4.1	Communication with applicants	29
7.4.2	Communication with third parties	29
7.4.3	Courtesy consultation with other agencies and departments	29
7.4.4	Consultation with third parties under sections 26A, 27, and 27A	30
	Consultation not required if it would be impracticable	30
	Consultation under section 26A – Commonwealth-State relations	31
	Consultation under section 27 – Business documents	31
	Consultation under section 27A – Personal privacy	32
7.4.5	Decision to release documents	33
8.	Charges	34
8.1	Charge notice	34
8.2	Charge waiver or reduction	35
9.	Withdrawal of requests	36
10.	Decision making	36
10.1	Documents exempt from release	38
10.2	Documents conditionally exempt from release	38
10.2.1	The public interest test	39
10.3	Informing relevant internal stakeholders	39
10.4	Notification of decision and statement of reasons	40
10.4.1	Privacy considerations	41
11.	Review of decisions	42
11.1	Internal review	42
11.2	Information Commissioner reviews	43

12. Disclosure log	44
13. Records management	44
14. Further information	44
National Disability Insurance Agency	45

1. Purpose

This FOI Processing Manual (the Manual) establishes a framework for the way in which the National Disability Insurance Agency (NDIA) handles requests for documents under the [Freedom of Information Act 1982](#) (FOI Act).

The purpose of the Manual is to ensure that NDIA staff are aware of, and are supported to comply with, the NDIA’s obligations for the handling of requests. The Manual also provides general information to FOI applicants about making requests, and about how the NDIA will process their request.

The Manual is part of a suite of guidance documents to support NDIA FOI staff in processing requests under the FOI Act. The Manual is to be read and used in conjunction with the [FOI Act](#) and Office of the Australian Information Commissioner [Freedom of Information Guidelines](#) (FOI Guidelines).

2. Updates to the FOI Processing Manual

The Manual will be updated in accordance with legislative and organisational change, and in line with current document control processes.

All updates to the Manual are subject to approval by the Branch Manager, Information Access and Privacy.

2.1 Version control

Version	1
Status	Final
Author	Assistant Director, Policy
Endorsed by	Director, Freedom of Information Branch Manager, Information Access and Privacy General Manager, Reviews and Information Release
Approved by	Deputy CEO, Legal, Reviews, Actuarial and Data
Approval date	14 April 2026

3. Introduction

3.1 Freedom of Information Act 1982

The [FOI Act](#) gives the Australian community a right to access information that is held by most Commonwealth Government agencies and ministers.

The FOI Act recognises that the information held by the Commonwealth Government is a national resource that is managed for public purposes. The FOI Act also promotes public access to that information promptly and at the lowest reasonable cost, wherever possible.

Under the FOI Act, individuals can request access to a wide range of documents, including those that relate to the NDIA's policies, operations, administration, and delivery of the National Disability Insurance Scheme (NDIS). Individuals can also request access to, or amendment of, any personal information that the NDIA holds about them.

Subject to the limitations in the FOI Act, individuals have a right to access documents held by the NDIA, unless the document falls under one or more of:

- the exemptions in division 2 of part IV of the FOI Act; or
- the conditional exemptions in division 3 of part IV of the FOI Act, *and* the release of the document would be contrary to the public interest.

At all times, the NDIA will uphold the underlying principles and stated objectives of the FOI Act to promote public access to information.

3.2 Office of the Australian Information Commissioner

The [Office of the Australian Information Commissioner](#) (OAIC) is an independent statutory agency with oversight of the operation of the FOI Act.

The OAIC is responsible for:

- granting extensions of time to process FOI requests, where ordinary statutory timeframes may not be met;
- providing advice to the Australian public, the Commonwealth Government, and businesses on the application of the FOI Act;
- reviewing decisions made by the NDIA under the FOI Act; and

- handling complaints about, and conducting investigations into, the way in which a request was handled by the NDIA.

As a complement to the FOI Act, the OAIC issues [FOI Guidelines](#) on the interpretation, operation, and administration of the FOI Act. Section 93A of the FOI Act requires that the NDIA have regard to the FOI Guidelines when performing a function or exercising a power under the FOI Act.

The NDIA must also comply with any request from the OAIC to provide information, as set out in section 93 of the [FOI Act](#).

3.3 Privacy considerations

The NDIA is committed to handling all personal and protected Agency information in accordance with our legal obligations under the [Privacy Act 1988](#) (Privacy Act) and the [Australian Privacy Principles](#), and the [National Disability Insurance Scheme Act 2013](#) (NDIS Act).

Authorised decision makers must be conscious of these privacy obligations when handling and deciding requests for information under the FOI Act. This includes taking reasonable steps to confirm that any personal information which is used or disclosed in connection with a request is accurate, current, complete, and relevant to the purpose for which it is being used or disclosed.

The [NDIA Privacy Policy](#) sets out in detail how the NDIA will handle personal information, including the collection, use, and disclosure of that information.

4. Roles and responsibilities

4.1 NDIA Information Access Team

All requests under the FOI Act for access to information held by the NDIA are processed by the Information Access and Privacy Branch.

NDIA FOI personnel share an overarching responsibility to support applicants to exercise their right to access information, and to ensure that applicants remain informed as to the progression of their request. This includes by responding to queries promptly and respectfully, and by providing updates on expected processing timeframes as soon as practicable.

4.1.1 FOI Triage and Registration Officers

FOI Triage and Registration Officers are primarily responsible for triaging and registering inbound requests in the NDIA LEX business system.

They are additionally responsible for:

- acknowledging receipt of inbound requests;
- considering the validity of inbound requests;
- offering support and assistance to applicants to make a valid request;
- working with applicants to clarify the information which they seek to access under the FOI Act, where required
- verifying the authority of the applicant to access information (where their request relates to personal information); and
- ensuring that requests are directed to the most appropriate work area for further processing.

FOI Triage and Registration Officers are not authorised to make decisions on the release of information under the FOI Act.

4.1.2 FOI Early Resolution Officers

FOI Early Resolution Officers are primarily responsible for:

- undertaking initial consultation with NDIA business areas;

- working with applicants to clarify the information which they seek to access under the FOI Act, where required;
- making an early assessment of whether the NDIA is likely to require an extension of time to process a voluminous or complex request, and seeking any such where appropriate; and
- ensuring that requests are directed to the most appropriate work area for further processing.

Where the scope of a request is unclear or captures a very large number of documents, FOI Early Resolution Officers will work with the applicant to better understand and clarify the information which they seek to access.

An early assessment of whether an extension of time may be required ensures that the NDIA complies with the statutory timeframe for deciding the request. When making their assessment, FOI Early Resolution Officers will consider the overall scope, volume, and complexity of the request.

FOI Early Resolution Officers are authorised by the CEO to make decisions under the FOI Act, in accordance with the *NDIA Freedom of Information Authorisation Instrument 2025*.

4.1.3 FOI Officers

FOI Officers are responsible for processing and deciding FOI requests within statutory timeframes. They are authorised by the CEO to make decisions under the FOI Act, in accordance with the *NDIA Freedom of Information Authorisation Instrument 2025*.

FOI Officers will work with NDIA business areas to retrieve documents relevant to the request, and to understand any potential risks or sensitivities that may relate to the release of those documents under the FOI Act.

Nothing in this allocation of responsibilities is to detract from the independence of the FOI Officer in deciding the request in accordance with the [FOI Act](#) and [FOI Guidelines](#). At all times, FOI Officers will exercise their own discretion and employ an evidence-based approach to decision making, without direction from any other person.

FOI Officers are additionally responsible for continually considering whether an extension of time may be required to process the request. Where necessary, FOI Officers are responsible for seeking the appropriate extension under section 15AA, 15AB, or 15AC of the [FOI Act](#) (part 6 of this Manual).

4.2 Other NDIA business areas

Business areas are subject matter experts on the information requested by an applicant. Business areas are responsible for providing advice to FOI Early Resolution Officers and FOI Officers on the existence and volume of documents relevant to the request. Business areas are also responsible for identifying potential risks or sensitivities associated with the potential release of information under the FOI Act.

Business areas are additionally responsible for retrieving all relevant documents that the NDIA FOI Team is unable to access independently (for example, Standard Operating Procedures specific to the business area).

Business areas are not authorised to make decisions on the release of information under the FOI Act.

5. Requesting information under the FOI Act

5.1 Making a request

Individuals may make a request under the FOI Act for access to documents held by the NDIA by completing the online request webform which is available on the [NDIS website](#).

Alternatively, individuals may make a request under the FOI Act by sending an email to foi@ndis.gov.au, or by post to:

Freedom of Information Section
Information Access and Privacy Branch
Reviews and Information Release Division
National Disability Insurance Agency
GPO Box 700
CANBERRA ACT 2601

Individuals may also request support and assistance to make a request under the FOI Act, by calling 1800 100 110.

5.2 Requirements of a valid FOI request

Under section 15(2) of the [FOI Act](#), a valid request for information must:

- be made in writing;
- state or indicate that the request is for the purposes of the FOI Act;
- provide sufficient information to enable the NDIA to reasonably identify the document(s) which the applicant seeks to access; and
- provide a contact address for reply, such as an email or postal address.

Applicants do not need to give reasons why they seek access to information.

6. Statutory timeframes

6.1 General principles

Under section 15(5)(b) of the [FOI Act](#), a request must be decided within 30 calendar days of the date on which the NDIA receives a valid request. This timeframe is referred to as the processing period.

The processing period can be extended in some circumstances, including:

- with the written agreement of the applicant (section 15AA);
- with the written approval of the OAIC, to process requests which are complex or voluminous (section 15AB); and
- to undertake consultation with a third party (sections 26A, 27, or 27A).

The processing period can also be paused:

- during a request consultation process with the applicant under section 24AB of the FOI Act on a practical refusal reason; or
- when the applicant is issued a charge notice under section 29.

If a decision on a request falls due on a weekend or public holiday, the processing period is extended to the next working day under section 32(2) of the [Acts Interpretation Act 1901](#).

6.2 Extension of time under section 15AA

The NDIA may seek an applicant's written agreement to extend the period in which to process a request under section 15AA of the [FOI Act](#).

With the applicant's agreement, the processing period can be extended up to a further 30 calendar days. This may occur either as a single extension, or as a series of shorter extensions.

The applicant must agree to the extension in writing. The NDIA must also notify the OAIC of the agreed extension as soon as possible, by completing [the OAIC's online webform](#). The extension of time must be agreed to, and the OAIC must be notified, before the expiry of the processing period.

6.3 Extension of time under section 15AB

The NDIA may also apply to the OAIC to extend the period in which to process complex or voluminous requests under section 15AB of the [FOI Act](#).

With the written approval of the OAIC, the processing period can be extended by a further 30 calendar days, or as otherwise determined by the OAIC.

Applications must be made by completing [the OAIC's online webform](#), before the expiry of the processing period. When applying for an extension, the NDIA must explain why the request is considered complex or voluminous, and why an extension of time is required.

FOI Officers should only seek an extension of time under section 15AB after they have attempted to obtain the applicant's agreement to an extension of time under section 15AA of the FOI Act.

6.4 Extension of time to undertake consultation

Under section 15(6) of the [FOI Act](#), the period in which to process a request is extended by 30 calendar days if the NDIA is required to undertake consultation with a third party under section 26A, 27, or 27A.

The NDIA will need to apply to the OAIC for any further extension, if required.

6.5 Deemed decisions

If a decision is not made within the statutory timeframe, the request is taken to have been refused. This is referred to as a deemed refusal under section 15AC of the [FOI Act](#).

Where this happens, the NDIA may apply to the OAIC for an extension of time under section 15AC(4). If the OAIC approves the extension and a decision is made within the extended timeframe, the deemed refusal is taken to have never occurred. If a decision is not made within the extended timeframe, the NDIA is taken to have refused the request, and no further extension is permissible.

The NDIA will continue to process requests and make a decision on the release of information outside of the statutory timeframe. However, applicants are unable to request internal review of these decisions. This does not affect their right to [apply to the OAIC for external review](#).

6.6 Communication with applicants

In addition to making early and ongoing assessments of whether an extension of time is likely to be required, the NDIA will communicate clearly and proactively with applicants regarding expected processing timeframes.

The period in which to process a request may vary on multiple occasions. The NDIA will inform applicants as soon as possible when the processing period of a request changes. The NDIA will also explain the reason for the change, and the relevant mechanism of the FOI Act under which the change was made.

7. Processing requests

Table 1 – Overview of the way in which the NDIA processes requests¹

Task	Responsible	Details
Days 1–15		
1. Triage	FOI Triage Officers	Consider the validity of the request, and the identity and authority of the applicant to access personal information. Consider whether the request should be transferred to another Commonwealth Government agency or department.
2. Register	FOI Triage Officers	Register the request in the NDIA LEX business system.
3. Acknowledge	FOI Triage Officers	Write to the applicant to acknowledge receipt of their request.
4. Allocate	FOI Triage Officers	Allocate the request to the appropriate work area for further processing.

¹ The indicative timeframes outlined in Table 1 are provided for illustrative purposes only. Actual processing timeframes may vary depending on the complexity or sensitivity of the request, and the internal or external stakeholders to be consulted on the release of information.

Task	Responsible	Details
5. Alternate pathways for accessing information	FOI Early Resolution Officers	Where appropriate, work with applicants to enable access to information as efficiently as possible through alternate pathways.
6. Initial business area consultation	FOI Early Resolution Officers	Where necessary, undertake initial consultation with relevant NDIA business areas to identify documents relevant to the request.
7. Request consultation process	FOI Early Resolution Officers	Where necessary, undertake informal and formal consultation with an applicant on the scope of their request.
8. Consider expected processing timeframes	FOI Early Resolution Officers	Make an early assessment of whether an extension of time is likely to be required due to the scope, volume, or complexity of the request.
9. Document search and retrieval	NDIA business areas	<p>Locate and send the documents relevant to the request to the FOI Officer.</p> <p>Provide advice on any potential risks or sensitivities that may relate to the release of those documents.</p>

Task	Responsible	Details
Days 16–23		
10. Consultation with third parties	FOI Officers	Where necessary, undertake appropriate consultation with affected third parties or other Commonwealth Government agencies or departments.
11. Consider processing charges	FOI Officers	Decide whether to impose a charge for processing the request, due to the volume or complexity of the request.
12. Formulate a decision on release	FOI Officers	Draft the decision notice and statement of reasons, and prepare the documents for release with redactions applied to irrelevant or exempt material.
Days 24–30		
13. Inform relevant internal stakeholders	FOI Officers	Inform relevant internal stakeholders for visibility, and to enable appropriate consideration of any residual risks or sensitivities that may relate to the release of the documents.
14. Conduct a privacy check	FOI Officers	Seek to have the decision and documents for release peer-reviewed, to ensure that correspondence is sent to the intended applicant.

Task	Responsible	Details
15. Notification of decision and release of documents	FOI Officers	Send the final decision notice and documents for release to the applicant, at the contact address provided with their request.
Days 31–40		
16. NDIA FOI disclosure log	FOI Officers	If appropriate, publish the documents released to the NDIA FOI disclosure log.
17. Close the request	FOI Officers	Close the request in the NDIA LEX business system.

7.1 Triage

7.1.1 Request validity

The NDIA maintains a person-centred approach which promotes public access to information when considering the validity of an FOI request.

Where a request does not meet the requirements in section 15(2) of the [FOI Act](#), the NDIA will support applicants to make a valid request. This is consistent with our obligations under section 15(3)(b), and may include:

- contacting the applicant and confirming the document(s) which they seek to access; or
- where appropriate, suggesting a revision to the scope of the applicant’s request, for consideration and agreement by the applicant.

7.1.2 Documents not held by the NDIA

The NDIA may transfer a request to another Commonwealth Government agency or department under section 16 of the [FOI Act](#) if the request relates to:

- a document that is not held by the NDIA and is, to our knowledge, held by another agency or department; or

- subject matter that more closely relates to the functions of another agency or department.

The NDIA will contact the other agency or department as soon as possible to seek their agreement to transfer the request. Requests may be transferred to another agency or department at any time within the processing period.

If the other agency or department accepts the transfer, they are required to process the request in accordance with the [FOI Act](#) and the [FOI Guidelines](#). The processing period for the request begins on the date that the request was first received by the NDIA, not on the date that the request was transferred.

The NDIA will notify an applicant if their request has been partially or fully transferred to another agency or department under section 16 of the FOI Act.

If the other agency or department does not accept the transfer, the NDIA will continue to process the request in accordance with the [FOI Act](#), the [FOI Guidelines](#), and this Manual.

7.1.3 Identity and authority of the applicant to access personal information

The [FOI Act](#) does not require an applicant to disclose or prove their identity.

However, an applicant's identity and authority to access personal information may be relevant in deciding a request. The relevance of an applicant's identity in deciding a request is outlined in part 3 of the [FOI Guidelines](#).

The NDIA will seek to verify the identity of an applicant who requests access to personal information, including participant information. This includes requests made by a participant or prospective participant to access their own information.

Additionally, where an applicant requests access to personal information about another person or participant, the NDIA may seek to verify that the applicant has the consent or authority of that other person or participant, to access their personal information. This includes requests made by a participant's or prospective participant's representative or nominee.

Consistent with the [FOI Guidelines](#) and the [Australian Privacy Principle 3](#), the NDIA will only ask the applicant to provide personal information that is reasonably necessary to verify their identity and authority to access information, and for the purpose of deciding their request.

The purpose of verifying an applicant's identity and authority to access information is to protect the privacy and security of all personal and protected Agency information held by the NDIA, by ensuring that information is only shared with those who are appropriately authorised to access it. This also ensures compliance with our privacy obligations under the [Privacy Act](#) and [Australian Privacy Principles](#), and the [NDIS Act](#).

If the NDIA is unable to verify the identity of an applicant who requests access to personal or participant information, we may decide that release of the information would be unreasonable and contrary to the public interest in all the circumstances, in accordance with section 47F of the [FOI Act](#).

Proof of identity

To verify the identity of an applicant, the NDIA will ask the applicant to provide at least three of the following four pieces of information, and will verify the information provided against the information which is held by the NDIA:

- full name;
- date of birth;
- residential address; or
- NDIS number or AGS/PID number

Where contact is made with an applicant by telephone, the NDIA will conduct an identity security check on each occasion that contact is made.

Consent or authority to access information about another person

The NDIA requires the written consent or authority of a person to share their personal information. Consent or authority must be informed, voluntary, current, and related to the request.

When an applicant requests access to personal information about another person, the NDIA will review our records to verify whether the other person has consented to the sharing of their personal information with the applicant.

If the NDIA has no record of the other person's consent or authority to share their personal information with the applicant, the NDIA will ask that the applicant provide the other person's written consent or authority.

7.1.4 Acknowledging receipt of the request

The NDIA will write to the applicant under section 15(5)(a) of the [FOI Act](#) to acknowledge receipt of their request as soon as possible, and no later than 14 calendar days after the date on which the request was received.

The acknowledgement letter confirms the scope of the applicant's request, provides information about processing timeframes, and seeks the applicant's agreement that NDIA staff names are not relevant to their request.

7.1.5 Allocating the request to the appropriate work area

Access to information under the FOI Act

Requests for access to information which meet the requirements of section 15(2) of the [FOI Act](#) are processed by the FOI Team in the Information Access and Privacy Branch.

Requests will first be allocated to an FOI Early Resolution Officer to undertake initial consultation with relevant NDIA business areas, and to make an early assessment of whether the NDIA is likely to require an extension of time in which to process the request. The request will then be allocated to an FOI Officer to process and decide the request within the statutory timeframe.

Amendment or annotation of personal information

Individuals have a right under section 48 of the [FOI Act](#) to seek amendment or annotation of the records which the NDIA holds about them.

Requests for amendment or annotation of personal information are processed by the FOI Team in the Information Access and Privacy Branch.

Review of NDIA FOI decisions

Applicants are able to apply to the NDIA for internal review or to the OAIC for external review of NDIA FOI decisions, under Parts VI and VII of the [FOI Act](#).

Requests for internal review will be decided by an FOI Officer other than the original decision maker, usually at a higher classification.

Applications for internal or external review are processed by a dedicated FOI Reviews Team in the Information Access and Privacy Branch.

7.2 Early resolution

7.2.1 Alternate pathways for accessing information

Individuals are able to access certain kinds of information held by the NDIA in a number of ways, without the need to make an FOI request. Depending on the nature of the information which an individual seeks to access, it may be faster or more beneficial to obtain that information through other mechanisms.

For example, we regularly publish data about participants, NDIS funding and disabilities on the [NDIS Data and Research website](#). Anyone can download the datasets or use the interactive dashboard.

The NDIA will work with applicants to ensure that their request is allocated to the most appropriate work area and handled appropriately. This includes informing applicants if the information which they seek to access under the FOI Act could be obtained through another mechanism more efficiently, or at a lesser cost. An FOI request can only be allocated to another work area if the applicant formally withdraws their FOI request.

Applicants are always able to exercise their right to access information under the FOI Act, even if that information may be available to them by other means.

Participant Information Access Scheme

Participants and their authorised representatives can access certain documents through the [Participant Information Access](#) (PIA) scheme.

The PIA scheme is designed to give participants faster access to some of the most commonly requested documents. This includes access decision letters, listed disabilities, approved NDIS plans, and planner justifications.

Requests for access to information through the PIA scheme are processed by the PIA Team in the Information Access and Privacy Branch.

Access to personal information under the Privacy Act 1988

All individuals have a right to access the personal information which the NDIA holds about them. This right is codified in the [Australian Privacy Principle 12](#), as set out in schedule 1 of the [Privacy Act](#).

Requests for access to personal information under the Privacy Act are processed by the PIA Team in the Information Access and Privacy Branch.

Access to documents listed on the NDIA FOI Disclosure Log

Section 11C(3) of the [FOI Act](#) requires the NDIA to publish information which we have previously released under the FOI Act. This information is to be made available to all members of the Australian public.

Requests for assistance to access the information that is published on the [NDIA FOI disclosure log](#) are processed by the FOI Early Resolution Team in the Information Access and Privacy Branch.

7.2.2 Initial business area consultation

If the request is for information which the FOI Team is unable to access independently (for example, transcripts of call recordings), an FOI Early Resolution Officer will consult the relevant NDIA business area.

Requests for initial consultation will be sent to the appropriate Executive Officer or Divisional Support Officer with SES responsibility for the business area. The request will then be allocated to an appropriate officer within the business area for consideration and advice.

The purpose of initial consultation is to:

- determine whether the scope of the request is clear and processable;
- determine the volume of documents relevant to the request;
- identify other business areas which may also hold documents relevant to the request; and
- identify any potential risks or sensitivities which may relate to the release of information under the FOI Act.

7.2.3 Request consultation process under section 24AB

Under section 24AA of the [FOI Act](#), a practical refusal reason exists in relation to a request if either of the following applies:

- the work involved in processing the request would substantially and unreasonably divert NDIA resources from our other operations; or
- the request does not meet the requirements in section 15(2)(b), because it does not provide sufficient information to locate the documents relevant to the request.

FOI Early Resolution Officers will have regard to the advice of the relevant NDIA business area in considering whether a practical refusal reason exists. This may include advice from the business area that the document(s) referred to in the request could not be identified, or that the time needed to identify, locate, collate, examine, and consult on the documents would be substantial and unreasonable.

If a practical refusal reason exists in relation to a request, the NDIA will issue a practical refusal notice (PRN) to the applicant and undertake a 14-day request consultation process under section 24AB of the [FOI Act](#).

The PRN will explain the practical refusal reason and the NDIA's intention to refuse the request, and will provide details of how the applicant may contact the NDIA during the consultation period.

Request consultation period

The 14-day request consultation period may be extended with the applicant's agreement. The consultation period is not counted in the statutory timeframe in which to process and decide the request.

By the end of the consultation period, the applicant must:

- withdraw their request;
- make a revised request; or
- advise the NDIA that they do not wish to revise their request.

If the applicant does not do one of the three things listed above or consult with the NDIA during the consultation period, the request will be taken to have been withdrawn under section 24AB(7) of the [FOI Act](#).

If the applicant agrees to revise their request in a way that the practical refusal reason no longer exists, the NDIA will continue to process the request in accordance with the [FOI Act](#), the [FOI Guidelines](#), and this Manual.

Duty to assist the applicant

The purpose of the request consultation process is to assist the applicant to resolve any practical refusal reason that exists in relation to their request.

Under section 24AB(3) of the [FOI Act](#), if the applicant contacts the NDIA during the request consultation period, the NDIA must take all reasonable

steps to assist an applicant to revise their request so that the practical refusal reason no longer exists. This may include:

- granting the applicant a reasonable opportunity to consult with the NDIA on the practical refusal reason; and
- providing information to the applicant that may assist them to revise their request.

As part of our commitment to a person-centred approach to processing FOI requests, the NDIA will first seek to engage in informal consultation with an applicant before issuing a PRN under section 24AB(2). The purpose of informal consultation is to promote public access to information as efficiently as possible, and within statutory timeframes.

7.2.4 Early assessment of whether an extension of time may be required

FOI Early Resolution Officers will make an early assessment of whether the NDIA is likely to require an extension of time to process the request.

The importance of making an early assessment is to proactively manage compliance with statutory processing timeframes, and to ensure that applicants remain informed as to the progression of their request.

When making their assessment, FOI Early Resolution Officers will consider the overall scope, volume, and complexity of the request, as well as the advice of the relevant NDIA business area. This may include advice from the business area that the documents, while identifiable, will take a substantial amount of time to locate, collate, examine, and consult on.

7.3 Document search and retrieval

The NDIA will take all reasonable steps to search for, and retrieve, all documents relevant to the request, in accordance with the [FOI Guidelines](#).

In undertaking searches, the NDIA will adopt a flexible and common-sense interpretation of the request. The NDIA will have regard to:

- the subject matter of the documents;
- current and past record management systems, as well as practices for the destruction or removal of documents where appropriate;

- the individuals and business areas within the NDIA who may be able to assist in locating the documents; and
- the age of the documents.

In most cases, NDIA business areas are responsible for conducting searches for, and retrieval of, relevant documents. FOI Officers will contact the appropriate Executive Officer or Divisional Support Officer with SES responsibility for the business area, and request retrieval of documents relevant to the request. The request will then be allocated to an appropriate officer within the business area for search and retrieval.

Business areas must certify that they have taken all reasonable steps to locate the requested documents, and must provide evidence of the searches undertaken. Business areas are also responsible for providing advice about any potential risks or sensitivities that may relate to the release of the documents under the FOI Act, for consideration by an FOI Officer.

The business area's response must be reviewed and cleared by an officer of the business area, usually at the EL2 classification or above.

7.3.1 Complex or voluminous requests

Business areas must notify the FOI Officer as soon as it becomes apparent that the request is complex or voluminous in size.

This enables the FOI Officer to consider:

- whether an extension of time may be required under section 15AB of the [FOI Act](#) (part 6.3 of this Manual); or
- opportunities for informal and formal consultation with the applicant, including under section 24AB of the [FOI Act](#) (part 7.2.2 of this Manual).

7.3.2 Documents held by contracted service providers

Section 6C of the [FOI Act](#) requires the NDIA to take contractual measures to obtain documents from contracted or subcontracted service providers, if:

- the NDIA receives a request for access to a document;
- the document is created by or in the possession of a Commonwealth contracted or subcontracted service provider;

- the document relates to the performance of a Commonwealth contract (and not to the entry into that contract); and
- the contract relates to the performance of the functions or exercise of the powers of the NDIA.

7.3.3 Documents created for release

The NDIA may create or produce a document under section 17 of the [FOI Act](#) for the purpose of releasing information that is not available in discrete form in the written documents held by the NDIA – unless doing so would substantially and unreasonably divert NDIA resources from our other operations.

This includes by creating transcripts of call recordings, and by producing documents which contain information that is stored in the NDIA PACE business system, such as plan-related information and justifications.

When creating a document under section 17, the NDIA will ensure that the document accurately and completely records the information held by the NDIA, for the purpose of promoting public access to that information.

7.3.4 Documents cannot be found

An FOI Officer may refuse a request under section 24A of the [FOI Act](#) if all reasonable steps have been taken to locate a document, and the FOI Officer is satisfied that the document either cannot be found or does not exist.

Although the FOI Act is silent on what constitutes ‘all reasonable steps’, the NDIA will not simply assert that a document cannot be found or does not exist without first undertaking thorough, systematic, and demonstrable searches to locate all documents relevant to a request – in accordance with part 7.3 of this Manual, and in accordance with the [FOI Guidelines](#).

If a request is refused because an FOI Officer is satisfied that a document cannot be found or does not exist, the FOI Officer must explain the steps taken to locate the document in their decision, in accordance with the [FOI Guidelines](#). This may include the dates on which searches were conducted, the parameters used, the time taken to conduct the searches, and relevant information about the NDIA’s recordkeeping systems and environment.

An FOI Officer may also refuse a request if, after taking all reasonable contractual measures to obtain a document under section 6C of the [FOI Act](#) (part 7.3.2 of this Manual), the NDIA does not receive the document.

7.4 Consultation with third parties

The [FOI Act](#) requires that FOI Officers undertake consultation with third parties prior to the release of:

- documents affecting Commonwealth-State relations (section 26A);
- business documents (section 27); or
- documents affecting personal privacy (section 27A).

FOI Officers may also undertake courtesy consultation prior to the release of a document which was created by, or relates to, another Commonwealth Government agency or department.

Consultation gives third parties the opportunity to comment on, or object to, the potential release of documents under the FOI Act. The FOI Officer must consider all submissions made by third parties on the release of information. However, this does not detract from the independence of the FOI Officer in deciding the request, without direction from any other person.

7.4.1 Communication with applicants

FOI Officers will notify applicants if it becomes necessary to consult one or more third parties, and explain the impact of any such consultation on the expected timeframe in which to process and decide their request.

7.4.2 Communication with third parties

When undertaking consultation with a third party, FOI Officers must take care not to disclose personal information about the applicant without their consent.

At all times, FOI Officers must also take care not to disclose information to a third party that is not relevant to the consultation. FOI Officers may be required to prepare alternate copies of the document for the purposes of consultation, with redactions applied to any irrelevant material.

7.4.3 Courtesy consultation with other agencies and departments

Although not a formal requirement under the FOI Act, the NDIA may consult with other Commonwealth Government agencies or departments if a request relates to documents created by, or related to, another agency or department.

FOI Officers will contact the appropriate team or business area within the other agency or department with responsibility for processing requests under the FOI Act, for the purpose of undertaking courtesy consultation.

The FOI Act does not specifically provide for an extension of the processing period to undertake courtesy consultation. FOI Officers will need to consider whether it would be necessary and appropriate to seek an extension under either section 15AA or 15AB of the [FOI Act](#) (part 6 of this Manual).

7.4.4 Consultation with third parties under sections 26A, 27, and 27A

Consistent with the [FOI Guidelines](#), consultation is only required under sections 26A, 27, and 27A where an FOI Officer is inclined to release a document which a third party might reasonably wish to contend is exempt or conditionally exempt from release. Consultation is not required if the FOI Officer independently forms the view that a document is exempt or conditionally exempt from release.

In considering whether a third party may reasonably wish to contend that a document is exempt or conditionally exempt from release under the [FOI Act](#), the FOI Officer will consider:

- the extent to which the information in the document is well known;
- whether the third party is known to be associated with the matters referred to or described in the document;
- the availability of information from publicly accessible sources; and
- any other matters the FOI Officer considers relevant.

Consultation not required if it would be impracticable

Under sections 27(5) and 27A(4) of the [FOI Act](#), FOI Officers are not required to consult with affected third parties where it would be impracticable to do so.

This may include where:

- the NDIA does not have current contact details for the third party;
- contacting the third party would, or could reasonably be expected to, disclose the identity of the applicant without their consent;

- third-party information is contained in a document which the third-party is not entitled to access (for example, internal briefs or decision-making documents of the NDIA); or
- there are a very large number of affected third parties.

Consultation under section 26A – Commonwealth-State relations

FOI Officers must undertake consultation with States under section 26A of the [FOI Act](#) prior to the release of information that originated or was received from a State (or authority of a State), which the State might reasonably wish to contend is conditionally exempt from release under section 47B.

Consultation under section 26A is only required where the Commonwealth and a State have entered into arrangements for the purpose of such consultation. FOI Officers will first contact the team within the State Government department or authority with responsibility for processing requests under the FOI Act to discuss those arrangements, before sharing a document or information for the purpose of consultation under section 26A.

States may contend that the release of a document is conditionally exempt under section 47B of the [FOI Act](#) if its disclosure:

- would, or could reasonably be expected to, cause damage to relations between the Commonwealth and a State; or
- would divulge information that was communicated in confidence; and
- would be contrary to the public interest.

Under section 15(6) of the [FOI Act](#), the period in which to process a request is extended by 30 calendar days if the NDIA is required to consult with a third party under section 26A. FOI Officers will need to apply to the OAIC for any further extension, if required (part 6 of this Manual).

Consultation under section 27 – Business documents

FOI Officers must undertake consultation with an affected third party under section 27 of the [FOI Act](#) prior to the release of a document that contains business information about the third party, which they might reasonably wish to contend is exempt or conditionally exempt from release.

A document contains business information if its release would disclose:

- information about an individual's business or professional affairs; or
- information about the business, commercial, or financial affairs of an organisation or undertaking.

Third parties may contend that the release of a document is:

- exempt under section 47 of the [FOI Act](#), if it contains business information that is a trade secret or that is commercially valuable; or
- conditionally exempt under section 47G of the [FOI Act](#), if its disclosure would unreasonably affect the third party's business, professional, commercial, or financial affairs or prejudice the supply of information to the Commonwealth – *and* the release of that information would be contrary to the public interest.

Under section 15(6) of the [FOI Act](#), the period in which to process a request is extended by 30 calendar days if the NDIA is required to consult with a third party under section 27. FOI Officers will need to apply to the OAIC for any further extension, if required (part 6 of this Manual).

Consultation under section 27A – Personal privacy

If a document contains personal information about an individual other than the applicant (a third party), FOI Officers may be required to consult the third party under section 27A of the [FOI Act](#) prior to the release of that document.

Under the [Privacy Act](#), personal information is defined as information or an opinion about a person who is reasonably identifiable.

Consultation is required if the FOI Officer forms the view that the third party might reasonably wish to contend that their personal information is conditionally exempt from release under section 47F.

Third parties may contend that the release of a document is conditionally exempt under section 47F of the [FOI Act](#) if doing so would unreasonably disclose their personal information, *and* the release of that information would be contrary to the public interest.

Under section 15(6) of the [FOI Act](#), the period in which to process a request is extended by 30 calendar days if the NDIA is required to consult with a third party under section 27A. FOI Officers will need to apply to the OAIC for any further extension, if required (part 6 of this Manual).

7.4.5 Decision to release documents

If an FOI Officer decides to release a document which a third party contended should be exempt from release, the FOI Officer must notify the third party of their decision before the document is released to the applicant.

Parts VI and VII of the [FOI Act](#) give third parties (excluding other Commonwealth Government agencies and departments) a right to seek internal and external review of the FOI Officer's decision to release a document which they contended should be exempt from release.

The document cannot be released to the applicant until after:

- the third party has exercised their right to seek review *and* the FOI Officer's decision still stands or is confirmed; or
- the third party's review rights have expired, *and* the third party has not sought internal or external review of the FOI Officer's decision.

8. Charges

The NDIA may impose a charge for processing a request in accordance with the [Freedom of Information \(Charges\) Regulations 2019](#).

In deciding whether to impose a charge for processing a request, the NDIA will uphold the stated objectives in section 3(4) of the [FOI Act](#) to promote public access to information at the lowest reasonable cost.

The amount of any charge imposed by the NDIA for processing a request will be calculated in accordance with schedule 1 and schedule 2 of the [Freedom of Information \(Charges\) Regulations 2019](#), and will never exceed the actual costs incurred by the NDIA in processing the request.

If the NDIA imposes a charge for processing a request, the NDIA will not release documents to the applicant until all outstanding charges are paid.

The NDIA will not impose a charge for:

- making a request under the FOI Act;
- processing requests for access to documents that contain only personal information about the applicant; or
- requests that are not processed within statutory timeframes.

Part 4 of the [FOI Guidelines](#) provides further information and guidance about imposing charges for processing requests under the FOI Act.

8.1 Charge notice

FOI Officers must issue a written notice of any decision to impose a charge for processing a request, in accordance with section 29 of the [FOI Act](#).

The applicant must respond to the notice within 30 calendar days and:

- agree to pay the charge or deposit;
- contend that the charge has been wrongly assessed, or should be reduced or not imposed; or
- withdraw their request.

If the applicant does not do one of the three things listed above within 30 calendar days of the charge notice being issued, the request will be taken to have been withdrawn under section 29(2) of the [FOI Act](#).

The period beginning on the day after the FOI Officer issues a charge notice and ending on the day the applicant does one of the three things listed above, is not counted in the statutory timeframe in which to process the request.

8.2 Charge waiver or reduction

Applicants may request that the NDIA waive or reduce a charge for processing a request under section 29(4) of the [FOI Act](#).

Under section 29(5) of the [FOI Act](#), in deciding whether to waive or reduce a charge for processing a request, FOI Officers will consider:

- financial hardship to the applicant;
- whether release of the document is in the public interest; and
- any other matters the FOI Officer considers relevant.

The FOI Officer may request that the applicant provide additional information in support of their request for a charge waiver or reduction.

The NDIA must decide the applicant's request for a charge waiver or reduction within 30 calendar days of receiving the request. This period is not counted in the statutory timeframe in which to process the request.

9. Withdrawal of requests

Under the [FOI Act](#), a request can only be withdrawn:

- if the applicant requests or agrees in writing to withdraw their request;
- by operation of section 24AB(7), if an applicant does not respond to a practical refusal notice within the request consultation period; or
- by operation of section 29(2), if an applicant does not agree to pay a charge notice, or does not contend that a charge should be reduced or not imposed, within the allocated time period.

Unless a request is withdrawn, the NDIA will process and decide the request in accordance with the [FOI Act](#), the [FOI Guidelines](#), and this Manual.

10. Decision making

The NDIA operates a centralised decision-making model. This means that all decisions under the FOI Act are made by authorised decision makers in the NDIA FOI Team, in the Information Access and Privacy Branch.

Authorised decision makers include FOI Early Resolution Officers and FOI Officers at the APS5 classification and above, in accordance with the *NDIA Freedom of Information Authorisation Instrument 2025*.

Once the documents relevant to the request have been located, and after all third-party consultation has been undertaken, authorised decision makers must review the documents and make a final decision on their release.

Authorised decision makers will act fairly, transparently, and consistently in deciding requests in accordance with the [FOI Act](#) and [FOI Guidelines](#).

The NDIA must release a document unless it:

- is exempt under division 2 of part IV of the FOI Act;
- is conditionally exempt under division 3 of part IV of the FOI Act, *and* the release of the document would be contrary to the public interest; or
- cannot be found, does not exist, or has not been received.

OFFICIAL

If a decision maker determines that a document contains information that is either irrelevant or exempt from release, they must consider whether it would be possible and reasonably practicable to prepare an edited copy of the document with redactions applied to the irrelevant or exempt material, in accordance with section 22 of the [FOI Act](#).

Where a practical refusal reason exists under section 24AA of the [FOI Act](#) (part 7.2.2 of this Manual), or where a document either cannot be found or does not exist, the decision maker will make their decision without reviewing a document and considering any of the exemptions in part IV of the FOI Act.

At all times, the NDIA will employ an evidence-based approach to decision making. This means that evidence is needed to satisfy a decision maker that:

- one or more of the exemptions under the FOI Act are applicable, or that release of certain information would be contrary to the public interest, prior to the redaction of, or refusal to release, that information; or
- all reasonable efforts have been made to locate a document, before concluding that a document either cannot be found or does not exist.

Evidence considered by the decision maker may include:

- records that confirm reasonable searches have been conducted to locate documents relevant to the request;
- the content, subject matter, and sensitivity of any documents located;
- information about relevant NDIA systems and practices;
- advice from NDIA business areas;
- the outcome of third-party consultation and courtesy consultation;
- information that is already available in the public domain; and
- material supplied by the applicant with their request.

10.1 Documents exempt from release

The exemptions set out in division 2 of part IV of the [FOI Act](#) which are most likely to be relevant to documents held by the NDIA include:

- cabinet documents (section 34);
- documents affecting the enforcement of law and the protection of public safety (section 37);
- documents subject to legal professional privilege (section 42); and
- documents containing material obtained in confidence (section 45).

The exemptions in division 2 of part IV of the [FOI Act](#) are not subject to consideration of the public interest.

This means that, if a document (or information contained in a document) satisfies the criteria for exemption, the document (or information) is exempt from release. There is no additional obligation to weigh competing public interests in deciding whether to release the document (or information).

10.2 Documents conditionally exempt from release

The conditional exemptions set out in division 3 of part IV of the [FOI Act](#) which are most likely to be relevant to documents held by the NDIA include:

- documents relating to deliberative processes (section 47C);
- documents which would, or could reasonably be expected to, prejudice or adversely affect certain operations of agencies (section 47E);
- documents the disclosure of which would involve the unreasonable disclosure of personal information (section 47F); and
- documents which could reasonably be expected to affect a third party's business, professional, commercial, or financial affairs or prejudice the supply of information to the Commonwealth (section 47G).

The conditional exemptions in division 3 of part IV of the [FOI Act](#) are subject to consideration of the public interest.

This means that decision makers have an obligation to weigh competing public interests to determine the release of a document. The NDIA must

release a document (or information contained in a document) which is conditionally exempt unless the release of that document (or the information) would be contrary to the public interest.

10.2.1 The public interest test

Consistent with the [FOI Act](#) and [FOI Guidelines](#), decision makers must identify and weigh the relevant public interest factors for and against disclosure of a document. It is only if the factors against disclosure outweigh the factors favouring disclosure, that a document will be exempt from release.

Section 11B(3) of the [FOI Act](#) lists the public interest factors that must be considered, in favour of releasing a document under section 11A. Section 11B(4) also lists the irrelevant factors that must not be taken into account when considering the public interest.

In making their decision, decision makers must weigh the relevant factors and come to a conclusion about where the public interest lies, in relation to the release of the document. It is not enough to simply list the factors considered.

10.3 Informing relevant internal stakeholders

Prior to the release of documents under the FOI Act, decision makers must inform relevant internal stakeholders of their decision.

The purpose of informing internal stakeholders is to enable appropriate visibility of decisions made under the FOI Act, and to ensure that all potential risks or sensitivities that may relate to the release of information have been appropriately considered by the decision maker, prior to release.

NDIA business areas which were previously consulted in relation to a request will be given copies of the relevant documents in the proposed format for release, with redactions applied to all irrelevant and exempt material. Business areas are responsible for providing advice on any residual risks or sensitivities that may relate to the release of those documents, for further consideration by the decision maker.

Nothing in this allocation of responsibility is to detract from the independence of the decision maker in deciding the request in accordance with the [FOI Act](#) and [FOI Guidelines](#). At all times, decision makers will exercise their own discretion and employ an evidence-based approach to decision making, without direction from any other person.

10.4 Notification of decision and statement of reasons

The NDIA will notify all applicants in writing of the Agency's decision on their request. This is referred to as the decision notice.

The decision notice will detail:

- the scope of the applicant's request, including any revisions made;
- the time taken to process and decide the request, including whether the processing period was extended under the FOI Act;
- the searches that were conducted to locate relevant documents;
- the decision maker's decision on release;
- the applicant's right to seek review of the decision; and
- the complaint mechanisms available to the applicant.

In addition to the decision notice, section 26 of the [FOI Act](#) requires that the NDIA give an applicant a statement of the reasons for a decision, to redact irrelevant or exempt information from, to not release, or to defer access to a document. A statement of reasons is not required for a decision to release documents to an applicant in full.

The statement of reasons will explain:

- under which sections of the FOI Act the decision was made;
- the decision maker's findings on material questions of fact;
- the evidence upon which they based their findings;
- how a document or information satisfies the criteria for exemption or conditional exemption in part IV of the FOI Act;
- if applicable, the public interest considerations taken into account and the weight given to them in making the decision; and
- if applicable, why deletions or redactions could not be made to enable the release of a modified version of a document.

Under section 26(2) of the [FOI Act](#), decision makers are not required to include in their statement of reasons any information that would also be exempt from release under part IV of the FOI Act.

10.4.1 Privacy considerations

Decision makers must ensure a privacy check is completed before notifying an applicant of their decision and releasing documents under the FOI Act. This involves a peer review of their decision and the documents for release.

The purpose of a privacy check is to verify that the decision notice and the documents for release are sent to the intended recipient, at the contact address which was provided by the applicant in connection with their request.

11. Review of decisions

Parts VI, VII, and VIIA of the [FOI Act](#) give applicants and affected third parties a right to seek review of decisions made under the FOI Act.

11.1 Internal review

Under part VI of the [FOI Act](#), applicants and affected third parties may apply to the NDIA for an internal review of an earlier decision of the NDIA.

Requests for internal review will be decided by an Officer in the FOI Reviews Team, usually at a higher classification than the original decision maker.

Consistent with part 9 of the [FOI Guidelines](#), the internal review decision maker will independently consider the request afresh and make a new decision, taking into account the information that was before the original decision maker and any further submissions made by the applicant.

Under section 54B(1)(a) of the [FOI Act](#), a request for internal review must be made within 30 calendar days of the date on which the applicant or affected third party receives the original decision. Applicants and affected third parties are also only able to apply for an internal review of a decision that was made within the 30-day statutory timeframe, or as otherwise extended.

Section 54C(3) of the [FOI Act](#) requires that the NDIA make a new decision on the request within 30 calendar days of the date on which we receive the request for internal review. This is referred to as the initial decision period.

This timeframe can only be extended by a period determined by the OAIC, if:

- the initial decision period has ended;
- the NDIA has not made a new decision on the request; and
- the NDIA applies to the OAIC for an extension of time under section 54D, by completing [the OAIC's online webform](#).

If the NDIA does not make a new decision on the request within the 30-day statutory timeframe, or as extended under section 54D, the NDIA is taken to have made a decision affirming the original decision. This is referred to as a deemed affirmation under section 54D of the [FOI Act](#).

11.2 Information Commissioner reviews

Under part VII of the [FOI Act](#), applicants and affected third parties may apply to the Information Commissioner for external review of an original or internal review decision made by the NDIA.

A review by the Information Commissioner is a merits-based and non-adversarial process, which is intended to be proportionate, timely, responsive, and as informal and cost-effective as possible.

An [application to the OAIC for review](#) must be made within:

- 60 calendar days of the date on which the applicant or affected third party receives a decision refusing access to documents (access refusal decision), in accordance with section 54S(1) of the [FOI Act](#); or
- 30 calendar days of the date on which the applicant or affected third party receives a decision granting access to documents (access grant decision), in accordance with section 54S(2) of the [FOI Act](#).

The FOI Act does not specify a timeframe for the completion of an external review by the Information Commissioner.

On application for review, the Information Commissioner may decide to:

- not review the decision made by the NDIA;
- affirm the decision made by the NDIA;
- vary the decision made by the NDIA; or
- set aside and substitute the decision made by the NDIA.

During the review process, the NDIA may also:

- enter into an agreement with a review applicant under section 55F of the [FOI Act](#), to process a new request and finalise the review; or
- issue a new decision under section 55G of the [FOI Act](#), giving access to a document in accordance with the request.

At all times, the NDIA will use our best endeavours to assist the Information Commissioner to make the correct or preferable decision, in accordance with section 55DA of the [FOI Act](#) and part 10 of the [FOI Guidelines](#).

This is also consistent with our obligation to act with complete propriety, fairly, and in accordance with the highest professional standards as a model litigant, as set out in division 2 of part 5 of the [Legal Services Directions 2025](#).

12. Disclosure log

Section 11C of the [FOI Act](#) requires that the NDIA publish the documents which have been released under section 11A, within 10 working days of the release of those documents. This publication is referred to as a disclosure log.

The requirement to publish documents on the [NDIA FOI disclosure log](#) only applies to non-personal documents. The NDIA is also not required to publish information if it would be unreasonable or reasonably impracticable to do so, as set out in section 11C(1).

As part of their decision making, FOI Officers are responsible for ensuring that documents are published to the NDIA FOI disclosure log, where appropriate.

13. Records management

Records management is the systematic control of the information that is created, received, and used by the NDIA.

Effective records management is essential to facilitating public access to information promptly and at the lowest reasonable cost, in accordance with the principles and stated objectives of the [FOI Act](#) – by enabling the NDIA to search for, identify, and retrieve relevant information quickly and accurately.

Effective records management is the responsibility of all NDIA staff.

14. Further information

For further advice or assistance, please contact the NDIA FOI team in the Information Access and Privacy Branch by email to foi@ndis.gov.au.

National Disability Insurance Agency

[ndis.gov.au](https://www.ndis.gov.au)

Telephone 1800 800 110

Webchat [ndis.gov.au](https://www.ndis.gov.au)

Follow us on our social channels

[Facebook](#), [Twitter](#), [Instagram](#), [YouTube](#), [LinkedIn](#)

For people who need help with English

TIS: 131 450

For people who are deaf or hard of hearing

TTY: 1800 555 677

Voice relay: 1800 555 727

National Relay Service: relayservice.gov.au