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Freedom of Information (FOI) and your rights

The Freedom of Information Act 1982 (Cth) (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- ask for information we hold about you to be changed or annotated if it is incomplete, out of date, incorrect or misleading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 many documents, including personal information we hold about you, without following a formal process under the FOI Act.

It is usually faster to access documents through other mechanisms. Please read the details on our access to information page for more information about the many other ways we release information to applicants.

- If you want to access participant information, please see the list of documents available through the participant information access (PIA) scheme. Documents listed may be easily requested through the online PIA webform.
- If you would like to access data and statistics about the NDIS, you can download many datasets from our website.
- If you would like to read our operating guidelines, you can download them all on the Our Guidelines page.

If you would like to access documents that have already been released through FOI you can request them through our disclosure log. This includes many commonly requested documents like research papers, standard operating procedures and practice guides.

- You should also check the information we have published on our website under the Information Publication Scheme to see if what you are seeking is already available. We publish our organisational structure, information about senior staff, our monthly summary, our quarterly and annual reports, and our annual financial sustainability report.

If the documents you seek are not available through another information release mechanism, 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.

There is more helpful information on our consent forms page.

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 enough information for an officer of the agency to identify the documents you are requesting
- provide an address for reply. This can be an email address or a postal address.

Please describe the documents you want access to as clearly as possible. It is helpful if you can provide:

- The specific types of documents you are seeking (for example, emails, reports, data, or meeting minutes)
- The subject matter of the documents (for example, related to a specific participant recent plan, or a particular policy change)
- The date range for the documents
- The parameters of the request (for example, documents held on the participant's official PACE record, or documents created by the Scheme Actuary)

Please avoid using non-specific language like "all records including but not limited to..." If your request is not sufficiently clear, we will contact you to get more information. This may result in longer processing times.

Where to send your request

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

Information Access Section
Information Release, Privacy and Legal Operations Branch
Reviews and Information Release 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 application.

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 required, 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

Due to a large increase in FOI requests over recent months, we are currently experiencing delays in processing matters. We are sorry for the inconvenience, and we are working hard to reduce processing times.

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 the legislated timeframe. This timeframe starts at 30 calendar days, but it is often extended for many reasons. For large or complex FOI requests, you should expect that the legislated timeframe will be extended to 60 or 90 days.

If your request is large or complex, we will automatically ask you for an additional 30 days to process your request. If you do not agree to this extension of time, we will apply to the Australian Information Commissioner to seek their agreement to extend the processing time.

If documents relevant to your request contain the personal or business information of another party, it may be necessary for the agency to consult with the individual and/or organisation concerned to obtain their views about the potential release of their information. If we are required to do this, the legislated timeframe will automatically be extended by another 30 days. We will tell you if this happens.

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 .

Complaints about FOI requests

If you are unhappy with the way we have handled your request, you can contact us via foi@ndis.gov.au or send us your feedback.

You can also complain to the Australian Information Commissioner who may investigate our actions. More information is available on the OAIC's website .

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.

Helping someone make a 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 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.

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.

More information

For more information about how the NDIA handles requests for documents, you can read the Freedom of Information Processing Manual (DOCX).

The manual gives general information to FOI applicants about making requests, and about how the NDIA will process their request.

It should be read and used along with the FOI Act and Office of the Australian Information Commissioner Freedom of Information Guidelines (FOI Guidelines).

Contact us about FOI

After reading the information on the FOI webpage, if you still have questions about requesting information or need assistance making an FOI request, please email us via foi@ndis.gov.au or call us on 1800 800 110.

If you would like to get an update about an FOI request you have already 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.

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