

s22


From: s22
Sent: Wednesday, 10 September 2025 1:10 PM
To: TYDD,Liz; PIRANI,Toni
Cc: MCDONALD,Ashleigh; AGO,Rocelle; s22
Subject: [For noting] Executive brief: FOI complaints - NDIA cohort investigation timelines
Attachments: 250910 Executive brief - NDIA cohort investigation timelines.docx

Dear Commissioners,

Please find **attached** an executive brief for noting that sets out the proposed timelines for investigating a cohort of FOI complaints made about the National Disability Insurance Agency (the NDIA).

Snapshot	
Due date	Nil but we propose issuing the s 75 notice of investigation to the NDIA on Monday, 15 September 2025.
Topic	For noting: Timelines for cohort investigation into NDIA timeliness complaints
Product	Executive brief
Scope/ exemptions	The cohort of FOI complaints relate to timeliness compliance issues.
Length / no. of pages	9 pages including draft s 75 notice
External parties	Complainants = 6 complainants outlined in attachment A of the brief Respondent = NDIA Third parties = Nil
Clearance & consultation	s22 Assistant Director s22 Director Rocelle Ago, General Manager – FOI Case Management
Responsible director	s22 Director
Final Clearance by	Rocelle Ago, General Manager – FOI Case Management

Kind regards,

 s22
 Assistant Director
 Office of the Australian Information Commissioner
 Brisbane | GPO Box 5288 Sydney NSW 2001
 P s22 E s22 oaic.gov.au

The OAIC acknowledges Traditional Custodians of Country across Australia and their continuing connection to land, waters and communities. We pay our respect to First Nations people, cultures and Elders past and present.

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Executive brief

Responsible Executive Member:	Rocelle Ago, General Manager, FOI Case Management				
Prepared by:	s22	Director Reviews and Investigations			
	s22	Assistant Director Reviews and Investigations			
Through:	Rocelle Ago, General Manager, FOI Case Management				
To:	Liz Tydd, Australian Information Commissioner Toni Pirani, Acting FOI Commissioner				
Copies:	Ashleigh McDonald, Executive General Manager Information Rights Division				
File refs:	s22	s22	s22	s22	s22
Date:	10 September 2025				
Subject:	For noting: Timelines for cohort investigation into NDIA timeliness complaints				

Background

The OAIC will be commencing an investigation into a cohort of FOI complaints made about the National Disability Insurance Agency (the NDIA) that raise NDIA timeliness compliance issues,¹ where they cannot otherwise be appropriately declined under s 73 of the FOI Act. This approach was approved at a recent FOI Commissioner casework meeting,² and also recently noted by the Regulatory Board.³

The complaints each raise concerns about the NDIA's failure to comply with statutory processing timeframes under s 15(5) of the FOI Act, or its failure to publish information on its disclosure log in accordance with s 11C(3) of the FOI Act.

¹ See **Attachment A** for the current cohort of suitable complaints.

² On 14 August 2025.

³ See the Regulatory Board Meeting paper of 26 August 2025: Investigations into compliance with timeframes.

For your noting, we intend to:

- undertake the investigation in accordance with the timeframes outlined below
- issue the NDIA with the s 75 notice included at **Attachment B**⁴
- expand the investigation cohort to capture any new relevant complaints received by the OAIC which are received ahead of the investigation findings.⁵

Proposed investigation timeline

Action	Timeframe
Issue notice of investigation to the NDIA under s 75 of the FOI Act	15 September 2025
NDIA's response to RFI in s 75 notice due	27 October 2025
Draft investigation findings submitted to GM for clearance	17 November 2025
Draft investigation findings submitted to FOI Commissioner for clearance	24 November 2025
Finalisation of investigation	1 December 2025

While the notice on completion of investigation will be finalised and provided to the NDIA on 1 December 2025, the compliance timeframes will be extended to recognise the operational impact of the December and January period.

Previous engagement on the issues

Previous investigations

The NDIA's compliance with statutory timeframes has been the subject of 2 previous investigations, which each found that the NDIA had failed to comply with the processing timeframes under 15(5).⁶ Recommendations were made to the NDIA in respect to one of those investigations, which the OAIC recently accepted had been implemented.⁷

In our acquittal letter to the NDIA dated 13 June 2025, the General Manager FOI Case Management noted that while the OAIC does not intend to take any further action in relation to that particular matter, the OAIC would continue to monitor the NDIA's timeliness compliance, stating:

Having regard to the information provided by the NDIA on 2 December 2024 and the NDIA's rate of compliance with statutory timeframes in 2023-24 (49%) and 2024-25 financial year to 31 March 2025 (34%), the OAIC will be continuing to monitor the NDIA's broader compliance with statutory timeframes through its public facing Australian Government FOI statistics dashboard, to

⁴ This notice is consistent with the previous cohort investigation notices issued, but seeks some additional information relevant to the disclosure log complaint.

⁵ We have addressed this in the draft s 75 letter to the NDIA at **Attachment B**.

⁶ See [FOI Investigation Outcomes Summary Table](#), Notice on Completion dated 15 June 2022 and 4 March 2024.

⁷ See Recommendation file REC24/00013. In summary, the recommendations made included staff training, the assessment of requests for personal information, and reporting to the OAIC on the outcome of its assessment.

determine whether further regulatory action may be required to improve the NDIA's ongoing ability to comply with statutory timeframes as set out in the FOI Act.⁸

The NDIA's notice of initiatives to the OAIC

On 25 July 2025, the NDIA wrote to Rocelle Ago, General Manager FOI Case Management, to provide additional context for its quarterly FOI statistical report, and to outline its ongoing efforts to improve its processing capacity, staff capability, and FOI statutory compliance.⁹

In this letter, the NDIA highlighted the ongoing challenges it is experiencing in managing an increasing volume of FOI and admin access requests, which it submits is impacting on its ability to provide timely responses to applicants.

On 29 July 2025, the OAIC acknowledged the NDIA's efforts to improve its information access operations, noting that as part of the OAIC's review of the NDIA's FOI statistics for the annual report, we may reach out for further information regarding the trends that the NDIA have experienced, also including our [Self-assessment tool for agencies](#) and the OAIC's [FOI agency resource for Managing increased volume of FOI requests](#) to assist the NDIA.

Current regulatory environment

Based on the data outlined in the table below, and informing our decision to investigate these matters, the OAIC has observed:

- an increasing rate of non-compliance by the NDIA with statutory processing timeframes, despite receiving fewer FOI requests since the 2022-23 FY
- an increase in deemed refusal IC review applications before the OAIC
- a substantive number of FOI complaints raising concerns about the NDIA's failure to comply with statutory timeframes, that cannot otherwise be appropriately dealt with under a s 73 decline power, and
- reduced reliance by the NDIA on extension of time provisions to support compliance with processing timeframes.

Agency statistical returns	<p>Timeliness rate:</p> <ul style="list-style-type: none"> • 71% in 2022-23 (1752 requests received) • 49% in 2023-24 (1,381 requests received) • 33% in 2024-25 (1,579 requests received) <p>NDIA comments in 2024-25 annual statistical return:</p> <p>'The NDIA received a substantial increase in the total volume of incoming information requests across both its FOI and its administrative release schemes this financial year. In response to this increased demand, the NDIA processed more information requests across both streams'.</p>
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⁸ Letter from Rocelle Ago to Daniel Flowers, Acting General Manager, Reviews and Information Release, NDIA.

⁹ Email to Rocelle Ago from Daniel Flowers, Acting General Manager, Reviews and Information Release, NDIA.

	The NDIA declined to comment further when invited to do so by the OAIC. ¹⁰
IC reviews	Deemed refusal applications: <ul style="list-style-type: none"> • 65 in 2022-23 • 60 in 2023-24 • 100 in 2024-25
FOI complaints	14 FOI complaints on hand currently that raise concerns about NDIA's FOI timeliness (although only 6 are currently suitable to investigate) ¹¹ Previous complaints declined under s 73(b) that have raised NDIA processing delays: <ul style="list-style-type: none"> • 7 in 2022-23 • 5 in 2023-24 • 16 in 2024-25 Note: Prior investigations relating to timelines finalised in 2022 and 2024 (2024 recommendations focused on staff training, the assessment of requests for personal information, and reporting to the OAIC on the outcome of its assessment; accepted. No recommendations made in 2022).
EOT applications requested	Decrease in OAIC EOT applications: <ul style="list-style-type: none"> • 216 in 2022-23 • 31 in 2023-24 • 16 in 2024-25

¹⁰ In response to the NDIA's annual statistical return of 2024-25 the OAIC sent an email to NDIA asking if they would like to make comments on increases in requests received, practical refusal notices issued, and timeliness, but they did not provide any further commentary, instead advising that they would welcome a meeting with the OAIC to discuss statistics further.

¹¹ As at 10 September 2025, including 4 matters in the Intake & Eligibility Branch.

Attachment A: Cohort of NDIA Complaints¹²

Reference	Complainant	Issue	Outcome sought
s22	s22	Processing delay/ deemed refusal decision	Investigation of delay, enforcement of compliance, and access to documents.
s22	s22	Failure to comply with Disclosure log publication requirements – access only available through formal FOI requests	Action taken to ensure documents referred to in the NDIA FOI Disclosure Log are accessible to the public via a download link included in the relevant entries.
s22	s22	Processing delay/ deemed refusal decision	Investigate the NDIA's handling of this FOI request and consider whether internal practices are systematically breaching FOI obligations and misusing the extension process. ¹³
s22	s22	Processing delay and pressure to provide s 15AA EOT	Wants OAIC to determine appropriate outcome, noting 'threatening people to comply is not acceptable'.
s22 ¹⁴	s22	Processing delays	Access to documents and compliance with timeframes.
s22	s22	Delayed decision (provided 6 months late)	Investigate delays involved in handling their request.

¹² Current as at 10 September 2025. Excludes matters in Triage.

¹³ This Complainant has separately applied for IC review of the deemed decision to seek response to FOI request.

¹⁴ This matter may potentially fall within the cohort depending on the outcome of ongoing enquiries with the parties.

Attachment B: Draft s 75 notice to NDIA

Our references: s22

Agency references: s22

Mr Daniel Flowers

Acting General Manager, Reviews and Information Release
National Disability Insurance Agency

By email: s22@ndis.gov.au

Copied to: foi@ndis.gov.au

Notice of investigation into FOI complaints

Dear Mr Flowers

The Office of the Australian Information Commissioner (the OAIC) has received complaints¹⁵ about the National Disability Insurance Agency (the NDIA) made under s 70 of the *Freedom of Information Act 1982* (the FOI Act) relating to:

- the NDIA's non-compliance with statutory timeframes under s 15(5) of the FOI Act, and
- the NDIA's non-compliance with its disclosure log requirements under s 11C(3) of the FOI Act.

The OAIC is commencing an investigation into this cohort of complaints. The relevant complaints are outlined in **Annexure A**. However please note that this investigation will also extend to relevant complaints received after the date of this notice (but before the finalisation of this investigation) that relate to the two issues outlined above. We will notify the NDIA via email where a complaint has been added to this cohort investigation and will seek information from NDIA where relevant.

FOI complaint allegations

The FOI complaints raise the following issues regarding the NDIA:

- its failure to comply with the statutory timeframe requirements for providing an applicant with a decision under s 15(5)(b) of the FOI Act
- its failure to communicate with FOI applicants about progress delays included anticipated finalisation dates, and
- its failure to comply with disclosure log publication requirements by requiring applicants to make a formal FOI request to access material on the NDIA's disclosure log.¹⁶

¹⁵ Set out in **Annexure A**.

¹⁶ FOI Act s 11C(3) of the FOI Act.

OAIC investigation

The OAIC has previously made preliminary inquiries with the NDIA under s 72 of the FOI Act in relation to the complaints. The OAIC confirms receipt of the NDIA's responses in five of these matters.

Request for information

To assist us in assessing the NDIA's rate of compliance with statutory processing timeframes s 15(5)(b) of the FOI Act, please provide us with the following information:

1. Submissions in response to each of the respective complaints and the outcomes requested, including reasons for the delays or disclosure log accessibility limitations involved,¹⁷ and a chronology of the processing steps involved in relation to each of the complaints.
2. An explanation as to what drivers are causing the non-compliance with processing timeframes and disclosure log accessibility issues, as raised by the respective complainants.
3. For the past 2 years, data and graphs depicting the NDIA's compliance with processing timeframes including:
 - (i) the number of requests processed and finalised under FOI, privacy, and administrative access
 - (ii) its performance in terms of the time taken to respond to FOI requests, and
 - (iii) the percentage of decisions that were made within the statutory processing timeframe.
4. For the past 2 years, the number of extension of time request the NDIA has:
 - (i) sought, and been granted, under s 15AA of the FOI Act
 - (ii) sought, and been granted, under s 15AB of the FOI Act, and
 - (iii) sought, and been granted, under s 15AC of the FOI Act.
5. The number of resources allocated to FOI processing in the NDIA.
6. The NDIA's action plan to address the non-compliance with processing timeframes, including specific measures to ensure future FOI requests are responded to within the statutory processing timeframe.
7. Completion of the OAIC's self-assessment tool for agencies, which is designed to assist agencies in assessing the effectiveness of their information access systems and

¹⁷ Please address the [FOI Guidelines](#) at [14.7] which provide that Information Commissioner's view 'is that consistent with better practice, agencies and ministers should seek to make all documents released in response to FOI requests available for download from the disclosure log or another website (s 11C(3)(a) or (b)) subject to applicable exceptions, unless it is not possible to upload documents due to a technical impediment, such as file size, the requirement for specialist software to view the information, or for any other reason of this nature. This approach is consistent with the objects of the FOI Act.'

identifying any areas for improvement. A copy of this tool is attached (it can also be downloaded from our website here: [Self-assessment tool for agencies](#)). Instructions about how to use the self-assessment tool are set out in its 'Overview' tab.

To ensure productive engagement on this issue, this information is to be provided by **27 October 2025**.

Next steps

On completing an investigation, the Information Commissioner will provide a 'Notice on completion' to the NDIA and to the respective complainants pursuant to s 86 of the FOI Act.

The Information Commissioner's notice must include the investigation results, the investigation recommendations (if any), the reasons for those results and any recommendations (s 86(2)). The 'investigation results' under s 87 of the FOI Act are:

- the matters that the Information Commissioner has investigated
- any opinion that the Information Commissioner has formed in relation to those matters
- any conclusions that the Information Commissioner has reached
- any suggestions that the Information Commissioner believes might improve the NDIA's processes, and
- any other information of which the Information Commissioner believes the NDIA should be aware of.

The NDIA's submissions may be provided to the complainants for their review and comment or referred to in the Notice on completion.

The outcome of the investigation will be published on the OAIC's website with any comments that the NDIA wishes to give under s 86(3) of the FOI Act.

Further information about the process in a FOI complaint can be found in Part 11 of the FOI Guidelines. The OAIC may seek further information once the NDIA's response to this notice is received.

If you would like to discuss this matter, please contact me on 02 9942 4165 or email foidr@oaic.gov.au. Please quote the reference number above.

Yours sincerely,

[signature]

s22

Director

Freedom of Information Case Management Branch

15 September 2025

Annexure A: List of FOI complaints to be investigated

OAIC reference and Agency reference	Complainant	Preliminary inquiries issued	Response from Agency received
s22 [redacted] [redacted]	s22 [redacted]	16 July 2025	25 July 2025
s22 [redacted] N/A	s22 [redacted]	11 August 2025	27 August 2025
s22 [redacted] [redacted]	s22 [redacted]	18 August 2025	1 September 2025
s22 [redacted] [redacted]	s22 [redacted]	28 August 2025	4 September 2025
s22 [redacted] [redacted]	s22 [redacted]	3 June 2025	4 July 2025
s22 [redacted] [redacted]	s22 [redacted]	8 July 2025	14 July 2025

OAIC - FOI DR

From: OAIC - FOI DR
Sent: Monday, 15 September 2025 12:08 PM
To: s22 @ndis.gov.au'
Cc: foi
Subject: FOI complaints - Notice of investigation under s 75 of the FOI Act - Response due 27 October 2025
Attachments: s22 - Webform s22 .pdf; s22 - Concerns regarding NDIA FOI request taking (6) six months to deliver a handful of papers..pdf; s22 - Fw_ s22 - Your request for information - Acknowledgement [SEC=OFFICIAL].pdf; s22 - Webform s22 pdf; s22 - Webform s22 pdf; s22 - FOI Complaint – Breach of Statutory Deadline and Administrative Misconduct by the NDIA.pdf; Self-Assessment-Tool.xlsx; 250915 s75 Notice of investigation (NDIA).pdf

Our references: s22

Agency references: s22

Mr Daniel Flowers

Acting General Manager, Reviews and Information Release
 National Disability Insurance Agency

By email: s22 @ndis.gov.au

Copied to: foi@ndis.gov.au

Notice of investigation into FOI complaints

Dear Mr Flowers,

Please find attached the following documents notifying the National Disability Insurance Agency (the NDIA) of the commencement of an investigation into a cohort of complaints, including:

1. a notice under s 75 of the *Freedom of Information Act 1982* (Cth)
2. copies of the 6 complaints under investigation as per Annexure A of our notice, and
3. a copy of our self-assessment notice tool, as relevant to question 7 of our notice.

The NDIA's response is required by **27 October 2025**.

Please don't hesitate to contact me if there are any questions in the interim.

Yours sincerely,

s22

Acting Director, Reviews and Investigations
 Office of the Australian Information Commissioner
 GPO Box 5288 Sydney NSW 2001
 P 1300 363 992 E foidr@oaic.gov.au

OAIC

The OAIC acknowledges Traditional Custodians of Country across Australia and their continuing connection to land, waters and communities. We pay our respect to First Nations people, cultures and Elders past and present.

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Our references: s22

Agency references: s22

Mr Daniel Flowers

Acting General Manager, Reviews and Information Release
 National Disability Insurance Agency

By email: s22@ndis.gov.au

Copied to: foi@ndis.gov.au

Notice of investigation into FOI complaints

Dear Mr Flowers,

The Office of the Australian Information Commissioner (the OAIC) has received complaints¹ about the National Disability Insurance Agency (the NDIA) made under s 70 of the *Freedom of Information Act 1982* (the FOI Act) relating to:

- the NDIA's non-compliance with statutory timeframes under s 15(5) of the FOI Act, and
- the NDIA's non-compliance with its disclosure log requirements under s 11C(3) of the FOI Act.

The OAIC is commencing an investigation into this cohort of complaints. The relevant complaints are outlined in **Annexure A**. However please note that the OAIC may also contact you regarding complaints received after the date of this notice (but before the finalisation of this investigation) that relate to the two issues outlined above. We will notify the NDIA via email where a complaint has been added to this cohort of complaints and will seek information from NDIA where relevant.

FOI complaint allegations

The FOI complaints raise the following issues regarding the NDIA:

- its failure to comply with the statutory timeframe requirements for providing an applicant with a decision under s 15(5)(b) of the FOI Act
- its failure to communicate with FOI applicants about progress delays included anticipated finalisation dates, and

¹ Set out in **Annexure A**.

- its failure to comply with disclosure log publication requirements by requiring applicants to make a formal FOI request to access material on the NDIA's disclosure log.²

OAIC investigation

The OAIC has previously made preliminary inquiries with the NDIA under s 72 of the FOI Act in relation to the complaints. The OAIC confirms receipt of the NDIA's responses in all of these matters.

Request for information

To assist us in assessing the NDIA's rate of compliance with statutory processing timeframes s 15(5)(b) of the FOI Act, please provide us with the following information:

1. Submissions in response to each of the respective complaints and the outcomes requested, including reasons for the delays or disclosure log accessibility limitations involved,³ and a chronology of the processing steps involved in relation to each of the complaints.
2. An explanation as to what drivers are causing the non-compliance with processing timeframes and disclosure log accessibility issues, as raised by the respective complainants.
3. For the past 2 financial years, data and graphs depicting the NDIA's compliance with processing timeframes including:
 - (i) the number of requests processed and finalised under FOI, privacy, and administrative access
 - (ii) its performance in terms of the time taken to respond to FOI requests, and
 - (iii) the percentage of decisions that were made within the statutory processing timeframe.
4. For the past 2 financial years, the number of extension of time request the NDIA has:
 - (i) sought and been granted under s 15AA of the FOI Act

² FOI Act s 11C(3) of the FOI Act.

³ Please address the [FOI Guidelines](#) at [14.7] which provide that Information Commissioner's view 'is that consistent with better practice, agencies and ministers should seek to make all documents released in response to FOI requests available for download from the disclosure log or another website (s 11C(3)(a) or (b)) subject to applicable exceptions, unless it is not possible to upload documents due to a technical impediment, such as file size, the requirement for specialist software to view the information, or for any other reason of this nature. This approach is consistent with the objects of the FOI Act.'

- (ii) sought and been granted under s 15AB of the FOI Act, and
 - (iii) sought and been granted under s 15AC of the FOI Act.
5. The number of resources allocated to FOI processing in the NDIA.
 6. The NDIA's action plan to address the non-compliance with processing timeframes, including specific measures to ensure future FOI requests are responded to within the statutory processing timeframe.
 7. Completion of the OAIC's self-assessment tool for agencies, which is designed to assist agencies in assessing the effectiveness of their information access systems and identifying any areas for improvement. A copy of this tool is attached (it can also be downloaded from our website here: [Self-assessment tool for agencies](#)). Instructions about how to use the self-assessment tool are set out in its 'Overview' tab.

To ensure productive engagement on this issue, the OAIC requests this information to be provided by **27 October 2025**.

Next steps

On completing an investigation, the Information Commissioner will provide a 'Notice on completion' to the NDIA and to the respective complainants pursuant to s 86 of the FOI Act.

The Information Commissioner's notice must include the investigation results, the investigation recommendations (if any), the reasons for those results and any recommendations (s 86(2)). The 'investigation results' under s 87 of the FOI Act are:

- the matters that the Information Commissioner has investigated
- any opinion that the Information Commissioner has formed in relation to those matters
- any conclusions that the Information Commissioner has reached
- any suggestions that the Information Commissioner believes might improve the NDIA's processes, and
- any other information of which the Information Commissioner believes the NDIA should be aware of.

The NDIA's submissions may be provided to the complainants for their review and comment or referred to in the Notice on completion.

The outcome of the investigation will be published on the OAIC's website with any comments that the NDIA wishes to give under s 86(3) of the FOI Act.

Further information about the process in a FOI complaint can be found in [Part 11 of the FOI Guidelines](#). The OAIC may seek further information once the NDIA's response to this notice is received.

If you would like to discuss this matter, please contact me on 02 9942 4263 or email foidr@oaic.gov.au. Please quote the reference number above.

Yours sincerely,

s22



s22

Acting Director, Reviews and Investigations
Freedom of Information Case Management Branch

15 September 2025

Annexure A: List of FOI complaints to be investigated

OAIC reference and Agency reference	Complainant	Preliminary inquiries issued	Response from Agency received
s22 [redacted] [redacted]	s22 [redacted]	16 July 2025	25 July 2025
s22 [redacted] N/A	s22 [redacted]	11 August 2025	27 August 2025
s22 [redacted] [redacted]	s22 [redacted]	18 August 2025	1 September 2025
s22 [redacted] [redacted]	s22 [redacted]	28 August 2025	4 September 2025
s22 [redacted] [redacted]	s22 [redacted]	3 June 2025	4 July 2025
s22 [redacted] [redacted]	s22 [redacted]	8 July 2025	14 July 2025

OAIC - FOI DR

From: CASTLES, Fiona <s22@ndis.gov.au>
Sent: Wednesday, 22 October 2025 3:23 PM
To: OAIC - FOI DR; s22 AGO,Rocelle
Cc: foi; Flowers, Daniel
Subject: Notice of investigation under s 75 of the FOI Act - Response due 27 October 2025 [SEC=OFFICIAL]
Attachments: 75 Notice Agency response to OAIC (21 Oct).pdf; Submissions, Timelines and Self-Assessment.zip
Follow Up Flag: Follow up
Flag Status: Flagged

CAUTION: This email originated from outside of the organisation. Do not click links or open attachments unless you recognise the sender and know the content is safe.

OAIC ref: s22

NDIA ref: s22

Dear s22 Rocelle,

I refer to the Notice of Investigation in relation to the above listed FOI Complaints.

The Agency's response is provided attached, along with a zip file of attachments referred to within the response.

Please feel most welcome to contact me if you would like to discuss any aspect of the response further, or would like to discuss the Agency's FOI practices further.

Kind regards, Fiona

Fiona Castles
 A/g Branch Manager
 Information Release, Privacy and Legal Operations
 Reviews & Information Release Division
National Disability Insurance Agency

Phone: s22

Email s22@ndis.gov.au

EA: s4/r s22@ndis.gov.au



Delivered by the
 National Disability
 Insurance Agency



Notice of investigation into FOI complaints

Background

On Monday 15th September, the Office Australian Information Commission (OAIC) advised the National Disability Insurance Agency (the NDIA) of the commencement of an investigation into a cohort of complaints in a notice under s 75 of the Freedom of Information Act 1982 (Cth). These relate to the NDIA's non-compliance with statutory timeframes under s 15(5) of the FOI Act, and the NDIA's non-compliance with its disclosure log requirements under s 11C(3) of the FOI Act.

The NDIA's response is required by **27 October 2025**.

- its failure to comply with the statutory timeframe requirements for providing an applicant with a decision under s 15(5)(b) of the FOI Act
- its failure to communicate with FOI applicants about progress delays included anticipated finalisation dates, and
- its failure to comply with disclosure log publication requirements by requiring applicants to make a formal FOI request to access material on the NDIA's disclosure log

The outcome of the investigation will be published on the OAIC's website with any comments that the NDIA wishes to give under s 86(3) of the FOI Act.

This document provides the Agency's formal response to the OAIC request for information.

OFFICIAL**Agency overarching commentary and response**

The National Disability Insurance Agency (the Agency) currently supports approximately 740,000 people living with disability. At its commencement the National Disability Insurance Scheme (NDIS) was intended to support an estimate 410,000 people.

Over the life of the Agency, the growth in NDIS applications and participants has increased the holding of personal information. However, corresponding growth in access actions from individuals seeking their information, has not grown at the same rate. In the last five years the Agency has experienced significant growth in access actions, for personal and non personal information.

Administrative access

The Agency does not require individuals to use the FOI process for access to their personal information. The Agency endeavors to support a simple and responsive approach to participant requests. There is an online participant portal which enables direct access to limited information and the Agency's National Contact Centre (NCC), which is primary point of contact for all participants (and applicants).

In 2024/25, the NCC responded to 3,058,431 requests or queries across the three interfaces administered. They include: phone calls (1,521,843), email (1,284,707) and webchat (183,0250). Data for this administrative access is provided alongside the FOI and PIA information requested by the OAIC.

Participant Information Access

The establishment of the Participant Information Access (PIA) scheme in 2020, aimed to simplify and expedite the processing of routine requests arising as FOI requests. In the Agency's Action plan, to further enhance our Information Access Framework, progressing PIA to a direct form of access is a priority.

In addition, the Agency hopes to implement a Privacy Act based personal information access scheme, broadening the scope of admin release currently available under the PIA. Additional agency training promoting understanding of our Privacy obligations will also be developed, encouraging the release of information wherever appropriate, promoting a no wrong door approach.

FOI Compliance

The Agency recognises that its current performance, particularly compliance with statutory timeframes, needs attention. Over the two years considered by the OAIC's investigation the Agency has been in regular communication with the OAIC about its challenges, which include:

1. Progressing through the transition from a majority labour hire workforce to a majority permanent staffing
2. Implementation of a dedicated case management ICT system, and

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3. the continued growth of information access requests.

In 2024, following Complaint outcome recommendations issued by the OAIC, the Agency has implemented processes and training targeting the identification and processing of personal information requests. The Agency undertakes a review of all OAIC's Complaint closure notices and aims to implement recommendations around practice, such as the use of extension of time provisions.

In response to OAIC complaint closures, the Information Access team review outcomes and assess observations and guidance made by the Commission. This includes recent closures that remind the Agency to utilise extension of time provisions and maintain communication with the applicant. This feedback continues to inform our approach to process improvement.

Further information detailing underlying causes of non-compliance are provided below.

Improvement initiatives

The Agency has commenced an FOI practice build that includes extensive capability and capacity building of the work remit. The practice build initiatives includes expanding the capacity of the Information Access team, building the capability with extensive training packages to the FOI team and various Agency staff, improving and streamlining FOI processes, producing and updating a new suite of standard operating procedures and guidance materials, remodeling staff roles and responsibilities to have more decision makers in the Agency and improved early resolution and triage functions and improving reporting functions with a dedicated ICT platform.

Staffing

The Agency recently completed the biggest recruitment exercise in the history of the NDIA's FOI team, onboarding 35 full-time APS staff to the team at the APS4, APS5 and APS6 levels. This has doubled the size of our FOI team. In June 2025, the FOI team's full-time equivalent increased from 38 to 73. This initiative included using merit based processes to convert a proportion of labour hire staff to APS employment arrangements to assist with staff stability and retention.

All these staff members have been inducted, given introductory training and are currently operational. However, it should be noted that of the 35 successful candidates, only 2 had prior experience as information access practitioners. This means most new staff have needed a higher level of ongoing training and support to build up their legislative knowledge and individual output to keep pace with incoming requests. The Agency has had difficulty attracting suitably qualified information access practitioners but is committed to building a capable workforce.

Training

The Agency contracted Australian Government Solicitor (AGS) to deliver focused FOI training to our staff in June 2025, ensuring that the majority of our new staff received quality training upon commencement. This was supplemented with internal NDIS Business Systems training to assist new staff navigate various ICT platforms that the Agency utilises, and

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'buddy' set ups to ensure new staff were supported. There are specific Job Skills training packages being developed, with a new dedicated FOI training page being launched early next calendar year.

Process improvements

To prepare for the new starters and to prioritise the Agency's FOI practice build strategy, the Agency has redeployed an experienced Executive Level 1 staff member to focus exclusively on updating and creating governance materials, SOPs, process flows charts and training resources to support building capability across the team and Agency. At the present time the Agency has 12 new SOPs being prepared.

The Agency has implemented several other initiatives to increase the overall capacity of our Agency without reliance on experienced practitioners. In 2025, we partnered with the NCC, engaging additional resources to extract documents to fulfil our simplest PIA requests. These staff required minimal training, as they were already familiar with our Agency's internal case management systems. This increased the Agency's overall output and freed up staff in our FOI team to focus on more complex matters. This initiative was so successful, we have extended it into the 2025-26 financial year.

The Agency has prioritised staffing resources to the early resolution team, in an effort to appropriately resolve queries and complaints outside the formal FOI process. The early resolution team were responsible for resolving 30% of the FOI requests the Agency closed in the 2024-25 FY. In June 2025, we expanded the size of this team to increase its efficacy.

The Agency recently updated the FOI Authorisation Instrument 2025 to further increase the number of delegates able to make decisions. Increasing the span of decisions makers within existing staffing has the potential for an additional 12 decision makers. Within this reporting year, the additional capability will assist significantly to address existing caseload, increasing output and decision making within statutory timeframes. The expected increase in decision makers, along with other measures will improve compliance with the FOI Act and responsiveness to Participant requests.

The Agency also invested in a new purpose-built case management ICT system (LEX) which has created more efficient reporting systems, and advocated for more proactive disclosure of operational documents with public interest. The deployment to the ICT platform was finalised in June 2025.

2025/26 Quarter one

The above outlines the actions implemented and forecast to improve the Agency's performance. In this reporting year we have seen already the impacts of these actions. The below table illustrates key data points and commentary.

2025/26	Received	Closed	Comment
FOI	838	752	<ul style="list-style-type: none"> 44% of matters in time, up from 33% in the previous year.

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			<ul style="list-style-type: none"> • Increase closures of approx. 70% or 309 matters more than previous quarter.
PIA	3,264	3,719	<ul style="list-style-type: none"> • Output exceeding incoming • Partnership with the NCC extended to address on hand.

The Agency recognises the need to ensure career pathways for FOI practitioners and information access officers more broadly. Including by meeting with the OAIC to contribute to the scoping of an APSC training program/pathway. The Agency's recent restructure in March 2025 has paired the Information Access team with Information Releases and Privacy. The Information Releases function being responsible for the processing of requests under the NDIS Act.

The Agency presents on its FOI work volumes and challenges to its Senior Leadership Team's Operations Committee monthly to share its process and seek support across the Agency. The Agency has also recently briefed its Board and Minister on its FOI workload, low statutory compliance and the Branch's various initiatives to urgently and fundamentally improve its capacity and capability to improve output. The Branch is pleased that early investments are starting to show progress in statutory compliance.

The NDIA remains committed to improving its information access practices by acting on feedback from the Commission and the people who use our services.

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Response to the OAIC's investigation questions

1. List of FOI Complaints under investigation

- 1.1 The below table summarises the complaints that are under investigation. Five of the six complaints relate to delay in processing, the sixth to the disclosure log.
- 1.2 Submissions in response to each of the respective complaints and the outcomes requested are provided as separate attachments, along with a chronology of the processing steps involved in relation to each of the complaints.

Complaint reference	Issue and outcome sought:
s22 s22	<p>Applicant is seeking OAIC to investigate the delay in response, ensure that the Agency complies with the Act and full access to records their records are provided.</p> <p>Once the matter was allocated, the decision was processed within several working days, releasing the requested information (withheld names of junior officers) and apologised for the delay. The Agency's apology included an acknowledgement and explanation of the backlog and delays.</p>
s22 s22	<p>This complaint was submitted to the Agency and the OAIC in the same email. The Complainant outlines their view that documents listed on the Agency's disclosure log should be available by direct download.</p> <p>The Agency responded to the complaint:</p> <ul style="list-style-type: none"> acknowledging their preference, advised that the Agency does hope to progress to having documents published in the future, and that while this is the case, the current arrangement does comply with the Act.
s22	<p>Applicant alleges deliberate and systemic neglect, requesting investigation of delay.</p> <p>Request received 4 July 2025.</p> <p>On 17 July, s 15AA EOT requested, applicant denied, and applicant advised documents that would be available through T-Docs.</p> <p>Complaint lodged 3 August.</p> <p>Decision and documents sent 22 August.</p>

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Complaint reference	Issue and outcome sought:
<p>s22 [REDACTED]</p> <p>[REDACTED]</p> <p>s22 [REDACTED]</p>	<p>The applicant states that the Agency's communications were forceful and they felt the extension of time request was attempt railroaded them into a process.</p> <p>The Agency provided advice to the applicant, was open about backlog and need for further time to process this request.</p> <p>The Agency made this decision within the time that was requested and apologised for the manner that communication was received and the delay.</p>
<p>s22 [REDACTED]</p> <p>[REDACTED]</p> <p>s22 [REDACTED]</p>	<p>This complaint is a duplicate of the matter OAIC ref: s22 [REDACTED], which was closed under section 73(b).</p> <p>An IC Review was opened for this matter, OAIC ref s22 [REDACTED].</p> <p>The applicant's complaint seeks access to documents requested.</p> <p>A revised decision was issued on 15 August 2025.</p>
<p>s22 [REDACTED]</p> <p>[REDACTED]</p>	<p>This complaint requests that OAIC investigate the cause for delay in the handling of this request.</p> <p>The complexities associated with this matter were explained to the applicant in multiple correspondence.</p>

2. Drivers of non-compliance

Delay Complaints

- 2.1 In 2024–25, the Agency had the highest volume of both received and closed FOI matters in the history of the Agency, reflecting both the increased work volumes and increased output to date. Data provided below in response to the investigation notice questions 3 and 5, provide an analysis of the workflow and available resources in the Information Access team.
- 2.2 Over 2023/24 and 24/25, the attraction and retention of staff has been a continuous challenge, contributing to workforce instability and the burden of increased time required for recruitment, onboarding and training.
- 2.3 The attached resource information details the transformation that the Information Access team has gone through over the last two reporting cycles. Following the APSC's Strategic Commissioning Framework and significant investment in the Agency budget, the Agency's transition from a majority labour hire team of 33 FTE (4 APS) in July 2023, to the current staffing level of 66 FTE (7 labour hire).

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- 2.4 The data provided below in response to the investigation notice question 4, illustrates that there has been comparatively low numbers of extensions requested under sections 15AB and 15AC. The Agency notes that the success of those applications as an indicator why requests were not made more frequently.
- 2.5 It remains our commitment to address requests made to the best of our ability even once a deemed refusal decision exists, whilst still working towards improvement in statutory compliance. This is shown in the reduction of average handling time from 78 days in 2023/24 to 68 days in 2024/25.
- 2.6 The specific complaints OAIC have chosen to investigate include matters that the Agency has sought to engage the applicant, seeking an agreement to extension of time and agreement was not given.
- 2.7 It is acknowledged that in these instances the Agency may have benefited from extensions under 15AB. Negating the grounds for perceived delay or the statutory deeming or complaint.
- 2.8 The volume of matters generating the backlog, have created barriers to keeping matters “in time”. As a matter of practical prioritisation of resources, decisions have been progressed without seeking further time under s 15AC, when doing so would likely cause further delay.
- 2.9 While acknowledging that recent experience has been more successful with respect to obtaining OAIC’s approval of extensions, obtaining these approvals has traditionally been challenging.
- 2.10 In summary, it observed that OAIC’s decisions are made with primary weight given to:
- 2.10.1 Judgement on the manner the matter has been handled from receipt until the extension of time is requested. This judgement carries a perception that every matter should be actioned equally, quickly and without consideration to volume and resources.
 - 2.10.2 A judgment of the reasons a matter might be deemed in the first instance, without reference to terms or conditions that might be acceptable, and
 - 2.10.3 Propose that the allowance of *further time* would have the effect of extending the original timeframe. As though the allowance of time infers a validation of the entire processing time and might displace a valid complaint about delay or processing.
- 2.11 While acknowledging that the OAIC must respect the applicant’s rights and promote the use of the FOI Act effectively, this approach has displaced the value of the provisions. Making the allowance of further time as a remedy unattainable in backlog scenarios.
- 2.12 IC reviews of Agency decision are predominantly initiated because of deemed refusal decision. In most instances it would appear that these reviews are discontinued by agreement or because the applicant no longer wishes to be engaged to progress the matter.
- 2.13 In the reporting period, OAIC has initiated 182 IC reviews and discontinued 123 matters. Within the closed matters, 43 were withdrawn and 63 under section 54W(a)

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or (c), indicating that the review lacked substance or the applicant was disinterested once the Agency's decision was made.

Disclosure log

- 2.14 The Agency notes that the Information Commissioner's preference, as expressed through the Guidelines, is that Agencies comply with subsections 11C(3) (a) or (b). The Agency does comply with subsection 11C(3)(c).
- 2.15 The Agency notes that historically the Agency has been resistant to publication of documents that were inaccessible. Released documents, often redacted PDFs are difficult to make accessible. This is an issue that we propose to address over the next financial year as we try to make the resources more available for handling FOI requests, rather than disclosure requests.
- 2.16 At this time, the Agency's resources are prioritised towards processing FOI requests as over 78% of matters are for personal information and would not be suitable for disclosure log release.
- 2.17 The Agency's submission in response to this complaint covers the complaint and further correspondence.
- 2.18 It is observed that in this instance, both agencies received the initial complaint the Agency responded and OAIC have initiated its investigation. All before an actual request for documents was submitted. While the complainant has raised concern about the timeliness of the response, to the eventual request, the documents were provided within the recommended 5 working days. Noting that the request was submitted the day before a long weekend.

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3. Timeframe data

3.1 For the past 2 financial years, data and graphs depicting the NDIA's response to information requests, including FOI compliance with processing timeframes including: the number of requests processed and finalised under FOI (1), PIA (2) and administrative access (3), FOI performance in terms of the time taken to respond to requests (4), and (5) the percentage of decisions that were made within the statutory processing timeframe.

Table 1. The number of requests processed and finalised under FOI

	FOI received	FOI closed	Average processing days	Full, partial or refusal outcome	Transferral or withdrawal outcome	Within statutory timeframe	Outside statutory timeframe	% within statutory timeframe (excludes withdrawal/transfer)	On hand at end of period
FY 2023-24									
Q1: July - September 2023	385	438	92.4	408	30	192	216	47.10%	298
Q2: October - December 2023	348	420	72.3	382	38	204	178	53.40%	221
Q3: January - March 2024	314	354	64.1	326	28	158	168	48.50%	185
Q4: April - June 2024	335	256	74.3	230	26	101	129	43.90%	264
FY 2024-25									
Q1: July - September 2024	418	351	61.9	319	32	137	182	42.90%	331
Q2: October - December 2024	587	489	72.8	319	170	125	194	39.20%	429
Q3: January - March 2025	607	491	92.2	291	200	54	237	18.60%	545
Q4: April - June 2025	719	432	96.6	381	51	117	264	30.70%	832

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Table 2 – PIA received, processed and average process times

	PIA received	PIA closed	Average processing days	30 days or less	31 days or more	% within 30 days or less
FY 2023-24						
Q1: July - September 2023	1891	1899	35.5	693	1206	36.50%
Q2: October - December 2023	1775	1799	37.8	355	1444	19.70%
Q3: January - March 2024	1965	2144	24.7	1416	728	66.00%
Q4: April - June 2024	2031	2016	22.7	1775	241	88.00%
FY 2024-25						
Q1: July - September 2024	2609	2206	25.4	1656	550	75.10%
Q2: October - December 2024	3356	2836	26.1	2233	603	78.70%
Q3: January - March 2025	4031	2973	45.7	756	2217	25.40%
Q4: April - June 2025	3128	2977	70.4	183	2794	6.10%

Table 3 – Administrative access responses through the NCC

3.1 - 2023/24

Channel	Q1 - 23-24	Q2 - 23-24	Q3 - 23-24	Q4 - 23-24	FY - 23-24
<i>Voice</i>	315,808	311,295	353,188	361,585	1,341,876
<i>Webchat</i>	34,831	35,254	38,626	39,634	148,345
<i>Email</i>	276,597	189,592	210,424	301,100	977,713
Total Handled	640,753	555,009	634,070	724,174	2,554,006

3.2 – 2024/25

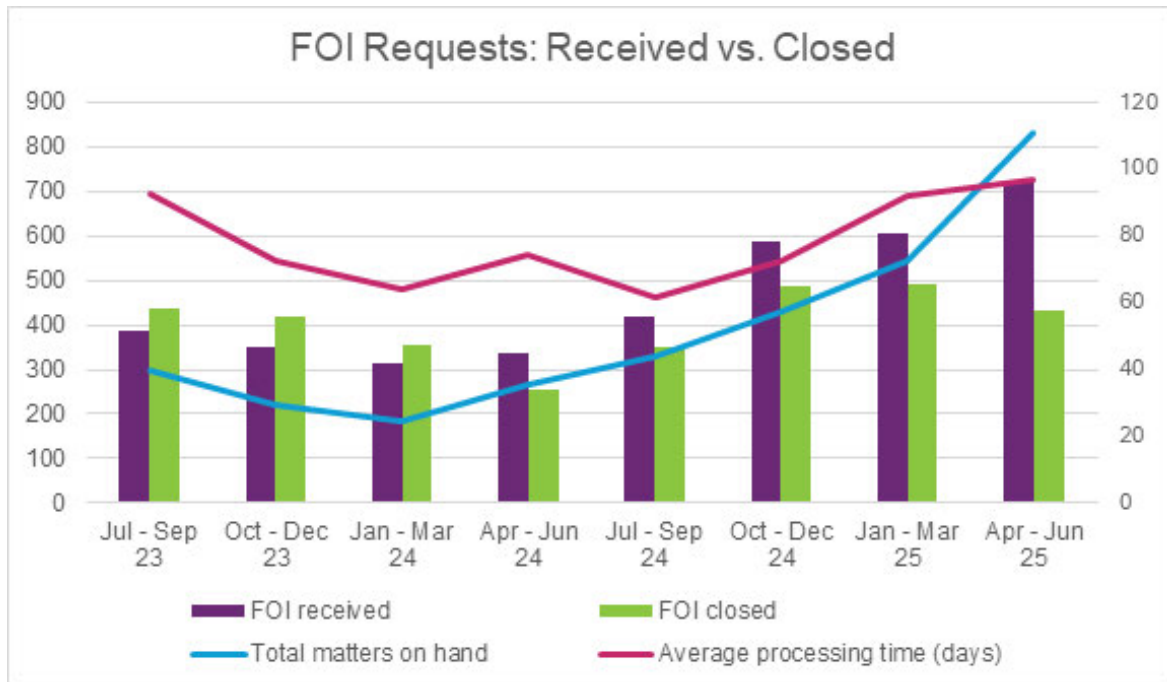
Channel	Q1 - 24-25	Q2 - 24-25	Q3 - 24-25	Q4 - 24-25	FY - 24-25
<i>Voice</i>	391,096	375,810	379,170	375,767	1,521,843
<i>Webchat</i>	38,884	46,576	46,792	50,773	183,025
<i>Email</i>	318,931	295,507	304,844	375,425	1,294,707
Total Handled	765,399	732,914	747,787	812,431	3,058,531

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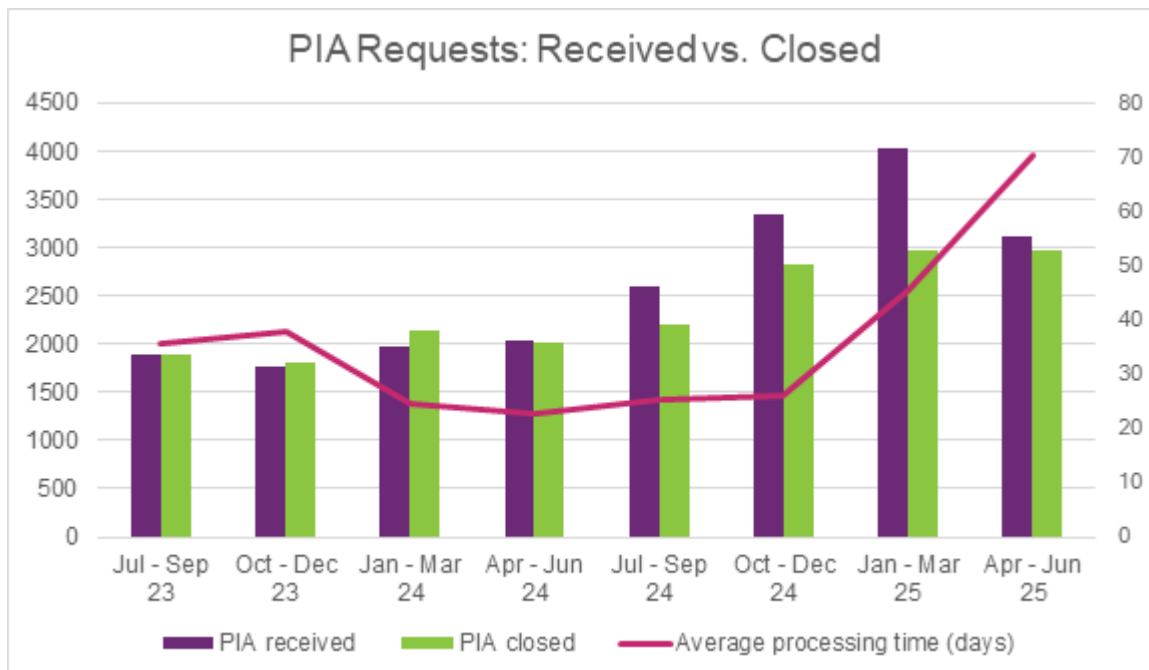
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Table 4 - performance in terms of the time taken to respond

4.1 - FOI requests



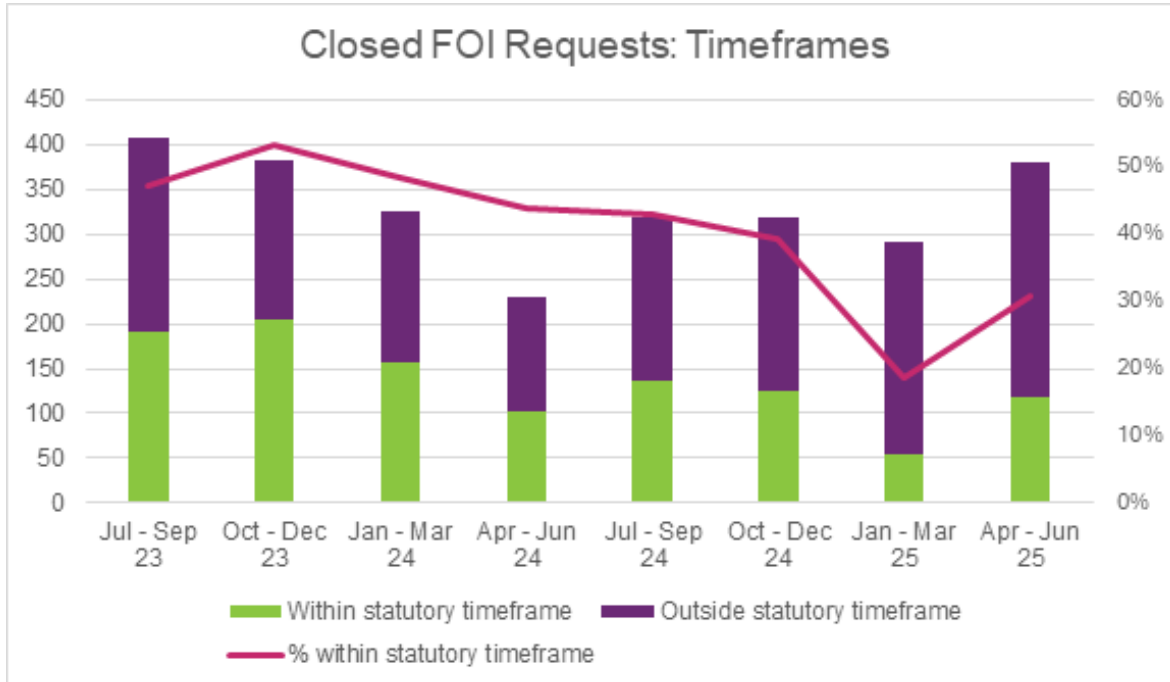
4.2 – PIA requests



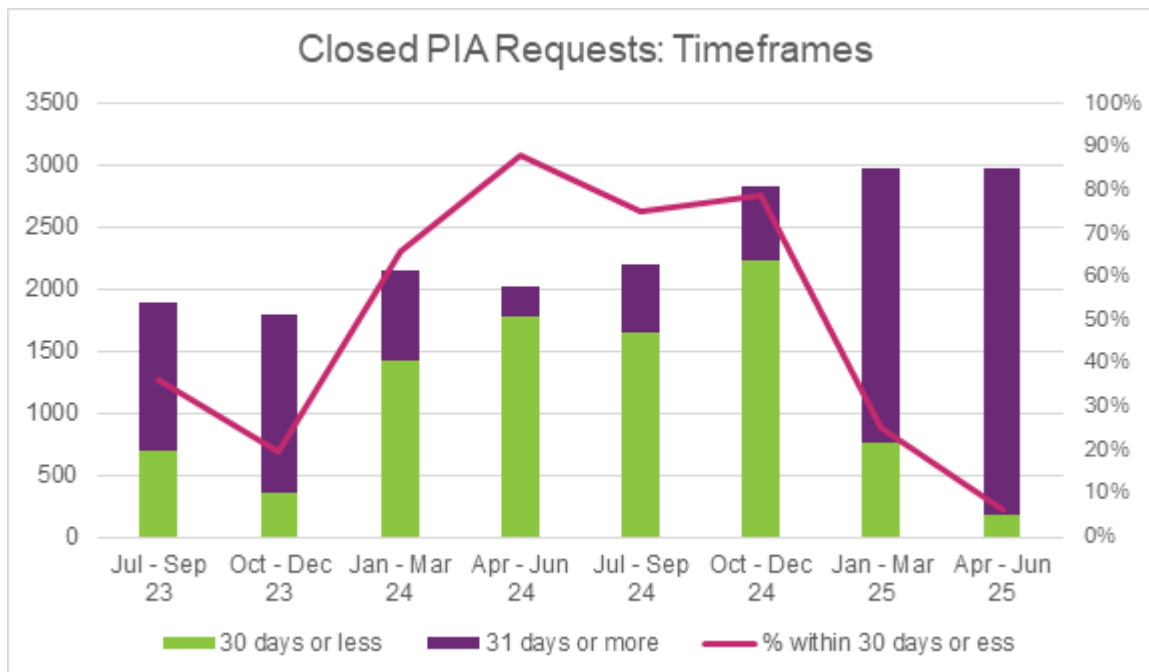
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Table 5 - percentage of responses against processing timeframe.

5.1 FOI decisions



5.2 PIA requests



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4. Extension of Time data

Table 6 below provides the available data for extensions of time. It is noted that this information has not been comprehensively tracked and the OAIC will have through it's own case management system more reliable data for the purpose of this response.

Table 6 - Extension sought and been granted under s 15AA, 15AB, 15AC of the FOI Act

	Full, partial or refusal outcome	15AA used for FOI matter finalised in this quarter	15AB used for FOI matter finalised in this quarter	15AC used for FOI matter finalised in this quarter	TOTAL	% of matters closed
FY 2023-24						
Q1: July - September 2023	408	59	8	0	67	16.4%
Q2: October - December 2023	382	30	1	3	34	8.9%
Q3: January - March 2024	326	11	1	3	15	4.6%
Q4: April - June 2024	230	51	2	0	53	23.0%
FY 2024-25						
Q1: July - September 2024	319	47	2	0	49	15.4%
Q2: October - December 2024	319	73	2	0	75	23.5%
Q3: January - March 2025	291	51	1	0	52	17.9%
Q4: April - June 2025	381	74	3	0	77	20.2%

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5. Freedom of Information Resourcing

5.1 In June 2025, the FOI team's full-time equivalent increased from 38 to 73, which is the biggest investment the Agency FOI and Participant Information Access function has had to date.

Table 7.1 – Staffing 2023 – July-Dec broken down by level

Classification	July		August		September		October		November		December	
	APS	LH	APS	LH	APS	LH	APS	LH	APS	LH	APS	LH
APS4		11		12		13		12		14		15
APS5		2		4		5		5		5		5
APS6	1	15	1	14	1	14	1	13		12	1	11
EL1	2	1	2	1	2	1	3	1	2	1	2	1
EL2	1		1		1		1		1		1	
Sub-Total	4	29	4	31	4	33	5	31	3	32	4	32
Total ASL	33		35		37		36		35		36	

Table 7.2 – Staffing 2024 – Jan-June broken down by level

Classification	January		February		March		April		May		June	
	APS	LH	APS	LH	APS	LH	APS	LH	APS	LH	APS	LH
APS4		15		11		13		13		13		15
APS5		5		9		9		9		8		11
APS6	1	13	1	13	1	12	1	12	1	12	1	12
EL1	2	1	3	1	3	1	3		3		3	
EL2	2		1		1		1		1		1	
Sub-Total	5	34	5	34	5	35	5	34	5	33	5	38
Total ASL	39		39		40		39		38		43	

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Table 7.3 – Staffing 2024 – July-Dec broken down by level

Classification	July		August		September		October		November		December	
	APS	LH	APS	LH	APS	LH	APS	LH	APS	LH	APS	LH
APS4		15		15		13		13		11		11
APS5		10		10		13		12		12		12
APS6	1	15	1	14	1	16		14	1	14	1	13
EL1	3		3		2		4		4		4	
EL2	1		2		2		2		2		2	
Sub-Total	5	40	6	39	5	42	6	39	7	37	7	36
Total ASL	45		45		47		45		44		43	

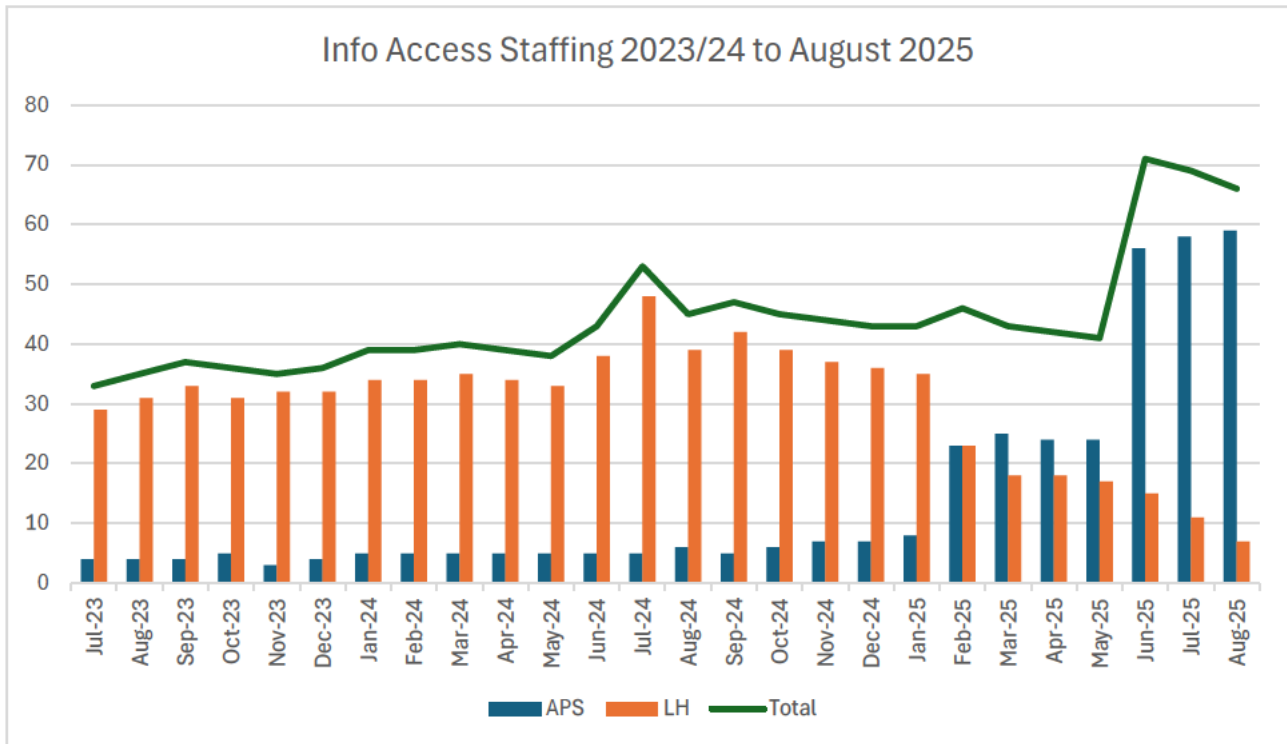
Table 7.4 – Staffing 2025 – Jan-June broken down by level

Classification	January		February		March		April		May		June	
	APS	LH	APS	LH	APS	LH	APS	LH	APS	LH	APS	LH
APS4		8	4	4	3	4	3	4	2	4	13	4
APS5		14	3	10	4	7	4	7	5	7	19	7
APS6	2	13	8	9	10	7	10	7	10	6	17	4
EL1	4		5		5		5		5		5	
EL2	2		3		3		2		2		2	
Sub-Total	8	35	23	23	25	18	24	18	24	17	56	15
Total ASL	43		46		43		42		41		71	

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Table 7.5 – Staffing FTE over 2023/24-August 2025

This table includes staffing as per actual levels and does not reflect vacancies or approved FTE staffing levels.



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6. Agency Capability and Capacity Action Plan

Freedom of Information - Strategic Plan 2026-2027 - Capability & Capacity uplift - ACTION PLAN							
ACTION:	ACTION ITEM/S	EL2 LEAD	RESOURCE	START	END	PROGRESS	UPDATE / COMMENTS
PEOPLE AND CAPABILITY: Build staff capability and leadership confidence.							
Priority 1: Invest in staff development through competency-based training and broader job skills programs, delivering a tailored FOI training plan to support learning and Agency FOI capability.	AGS FOI training, introduction to FOI and FOI redactions training for New Starter Cohort NDIA Business Systems Navigation Training for New Starter Cohort Hardcopy FOI Act printed for New Starters (and existing team)	Workforce & Capability (s47F)	Deep Dive	Jun-25	Aug-25	COMPLETE	FOI – Navigating NDIS Business Systems - Complete AGS Training – Managing FOI Requests Effectively - Complete AGS Training – FOI Exemptions - Complete Hard copy Acts, ordered, printed and being posted
	Develop FOI and PIA Competency & Training (Jobskills) for all new and existing staff	Workforce & Capability (s47F)	Practice Build	Aug-25	Mar-26	IN PROGRESS	Training outline commenced, will be aligned to the new SOPs and Guidance material that is currently being prepared by the Performance, Policy and Quality team.
	Create a dedicated FOI Training SharePoint Page (for training videos and process materials)		Deep Dive	Jul-25		IN PROGRESS	SharePoint page developed (linked to the Reviews and Information Release Division page).
	Agency training for executive support staff and other Agency staff who often interact with FOI, Agency SES FOI training	Workforce & Capability (s47F)	Practice Build	Mar-26	Aug-26	NOT STARTED	Dedicated FOI training resource starting in late 2025 (approx November)

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Priority 2: Strengthen leadership through capability uplift programs and the use of leadership dashboards.	Design and implement dedicated training for APS5 FOI Officers (decision makers)	Workforce & Capability (s47F)	Practice Build	Nov-25	Mar-26	NOT STARTED	Dedicated FOI training resource starting in late 2025 (approx November)
	Invest in leadership training for EL2, EL1			Apr-25		COMPLETE	16 EL1 and EL2 staff in Information Access completed the 'Learning to Lead' dedicated leadership program. APS5 and APS6 tailored program will be designing in 2026
Priority 3: Build workforce stability by attracting, developing and retaining capable people and assertively build a team	Improve stability and retention with bulk merits based conversion of Labour Hire to APS	Workforce & Capability (s47F)	Practice Build	Jun-25	Sep-25	COMPLETE	15 labour hire staff transitioned to APS arrangements via merits based recruitment processes
	Ongoing prioritised recruitment to fill vacancies	Workforce & Capability (s47F)		Jun-25	Jun-26	ON TRACK	33 new staff onboarded since June 2025, 7 vacancies to be recruited

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Freedom of Information - Strategic Plan 2026-2027 - Capability & Capacity uplift - ACTION PLAN

ACTION: **ACTION ITEM/S** **EL2 LEAD** **RESOURCE** **START** **END** **PROGRESS** **UPDATE / COMMENTS**

PROCESS AND SYSTEM PRACTICE BUILD: Design and embed efficient, transparent FOI processes.

Priority 1: Develop, review, and publish clear SOPs, guidance, and FOI process flow charts to ensure consistent and best practice.	Triage & Early Assessment Process/Flow chart SOPs & Process Page published with all current FOI SOPs and guidance SOPs and Guide audit and review	Performance, Policy & Quality (s47F)	Deep Dive	Jul-25	Aug-25	COMPLETE	Flow chart - Complete Dedicated FOI SOPs and Guides page - Complete Audit of 51 SOPs and Guides review, all incorrect or dated materials archived - Complete
	Refine, develop and publish SOPs (and FOI Framework)		Practice Build	Aug-25	Dec-25	IN PROGRESS	4 SOPs in progress, 8 being planned/scoped
	Set up FOI SOPs and Guides Working Group		Practice Build	Oct-25	Nov-25	NOT STARTED	
Priority 3: Strengthen governance and authorisation instrument and finalising service agreements.	Instrument of authorisation updated to aligned with the Agency's structure and to extend decision making for personal matters to improve participant experience	Information Access (s47F)	Practice Build	Jun-25	Aug-25	COMPLETE	CEO signed the updated Authorisation in August 2025
	Service Level Agreement with Legal	Information Access (s47F)	Practice Build	Mar-25	Nov-25	IN PROGRESS	First draft received and under review

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Priority 4: Procure and implement a dedicated FOI ICT Platform and design and implement improved reporting mechanisms	Transition from an Excel Database to dedicated ICT platform (LEX)	Information Access s47F)	Practice Build	Mar-25	Jul-25	COMPLETE	Transition and implementation finalised 1 July 2025. Reporting Dashboard to follow
	Design and implement FOI and PIA dashboards	Strategy, Reporting & Governance s47F)	Deep Dive			NOT STARTED	Dedicated FOI data officer commencing in Feb 2026
Priority 5: Improve accountability by implementing exception reporting and stronger oversight of information handling.	Review accessibility processes (align with ART) Exception reporting (develop & implement) Case Management Dashboard	Strategy, Reporting & Governance	Deep Dive			NOT STARTED	Dedicated FOI data officer commencing in Feb 2026

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Freedom of Information - Strategic Plan 2026-2027 - Capability & Capacity uplift - ACTION PLAN							
ACTION:	ACTION ITEM/S	EL2 LEAD	RESOURCE	START	END	PROGRESS	UPDATE / COMMENTS
PRACTICE AND PERFORMANCE: Measure and improve FOI delivery outcomes.							
Priority 1: Develop and implement a Freedom of Information strategy and governance.	Finalise FOI Agency Strategy document and give visibility SLT, Board and Minister	Strategy, Reporting & Governance (s47F)	Practice Build	Sep-25	Dec-25	IN PROGRESS	Combine existing 'Deep Dive Action' and 'FOI Practice Build' workplans into one Action Plan and one page strategy. SLT, Board and Minister have been briefed about FOI compliance and aware of the strategy.
	Implement and embed governance and project management of the FOI capability and capacity strategy	Strategy, Reporting & Governance (s47F)		Sep-25	Dec-25	IN PROGRESS	Action Plan and Work Plan in Draft for EL2 review. Working Group being established. Fortnightly meetings to be established.
Priority 2: Adherence to and compliance with relevant statutory and regulatory obligations	Improvement of overall FOI Statutory Compliance	Branch Manager, Information Access & Privacy (Fiona Castles)	Practice Build	Mar-25	Mar-26	IN PROGRESS	Statutory compliance improvement from 19% to 43%. Q1 Reporting due 21st October 2025
Priority 3: Rollout of Frontline Performance Model to drive consistent, high-quality FOI service delivery.	Roll out Frontline Performance Model Design performance measures for Information Access staff (FOI and PIA)	Performance, Policy & Quality (s47F)	Practice Build	Apr-26	Jul-26	NOT STARTED	Will commence following suite of SOPs and Guides being finalised and training commenced.

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<p>Priority 4: Introduce a leadership dashboard and case management dashboard to monitor performance and decision-making.</p>	<p>Leadership dashboard scoping and first draft & Case Management Dashboard</p>	<p>Strategy, Reporting & Governance (s47F)</p>	<p>Deep Dive</p>	<p>Feb-23</p>	<p>Jun-26</p>	<p>NOT STARTED</p>	<p>Dedicated FOI Data and Reporting resource will commence in February 2026</p>
<p>Priority 5: Benchmark FOI practices against external best practice guidance to raise overall service standards.</p>	<p>External process and guidance review (benchmark best practice)</p>	<p>TBC</p>	<p>Practice Build</p>			<p>NOT STARTED</p>	<p>TBC</p>
<p>Priority: Reduce all work on hand</p>	<p>Reduce work on hand (backlog of matters, in FOI and PIA)</p>	<p>Information Access (s47F)</p>	<p>Practice Build</p>	<p>Jun-25</p>	<p>Jun-26</p>	<p>IN PROGRESS</p>	<p>NDIA National Call Centre assisting with PIA backlog from April 2025. Aged FOI matter review commenced in April 2025.</p>
<p>Priority 6: Support strategic direction by finalising the FOI Agency Strategy and completing the OAIC self- assessment.</p>	<p>Complete OAIC Self-Assessment Tool</p>	<p>Information Access (s47F)</p>	<p>Practice Build</p>	<p>Aug-25</p>	<p>Sep-25</p>	<p>COMPLETE</p>	<p>Assessment tool completed and will be sent to OAIC in October, results will inform 2026-28 Information Access Strategy and Work Plan (to be finalised in December 2025)</p>

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Freedom of Information - Strategic Plan 2026-2027 - Capability & Capacity uplift - ACTION PLAN							
ACTION:	ACTION ITEM/S	EL2 LEAD	RESOURCE	START	END	PROGRESS	UPDATE / COMMENTS
BEST PRACTICE: Enhance trust through resolution and proactive disclosure.							
Priority 1: Improve Information Access Resources, internally and externally to Promote early resolution of FOI matters through awareness campaign and alternative resolution pathways.	Deliver an FOI awareness campaign to increase understanding of frontline staff to ensure first contact resolution of appropriate requests is applied.	Strategy, Reporting & Governance (s47F)	Practice Build	Mar-26	Jun-26	NOT STARTED	(Link to the Agency training). Strategy & Communication staff being recruited to support Information Access and Privacy Branch
	Improve internal resources for Agency staff (intranet page, FAQs, Guides etc) and Externally			Mar-26	Jun-26	NOT STARTED	Strategy & Communication staff being recruited to support Information Access and Privacy Branch - (Working Group to be established across branch).
	Improve external resources (internet page, how to submit a request, information for alternative processes). Design and implement new online web form for requesting FOI applications			Sep-25	Jun-26	IN PROGRESS	Stage 1 website updates providing more information about information access has been prepared signed off and updated. New web form has been designed, seeking legal review to progress
Priority 2: Increase transparency and improve information release standards.	Review of Agency information that could be published externally to reduce FOI requests	Performance, Policy & Quality (s47F)	Practice Build	Mar-26	Ongoing	NOT STARTED	Ongoing activity
Priority 3: Strengthen communication with staff and stakeholders	Processes to identify, engage with and address requests that can be resolved through alternative, target actions will increase productivity.	Information Access (s47F)	Deep Dive	Mar-25	Jun-25	COMPLETE	The Information Access Early Resolution team has developed stronger processes for resolving requests for documents via alternate pathways. Three core approaches are applied to facilitate the stronger results centring on education initiatives and contact to discuss the scope of the request.

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<p>Priority 4: Utilise, improve and expand PIA Scheme for Participant Information release to improve experience and reduce FOI</p>	<p>Review and expand the scope of PIA Scheme (APP12) to improve participant experience and reduce FOI volumes</p>	<p>Information Release & Privacy (s47F [redacted])</p>	<p>Deep Dive</p>	<p>Nov-25</p>	<p>Jan-26</p>	<p>NOT STARTED</p>	
<p>Priority 5: Enhance governance around PIAs</p>	<p>Review APP12 to consider parameters for PIA Check documentation around validity of PIA requests Review FOI/PIA processes with Contact Centre</p>	<p>Information Release & Privacy (s47F [redacted])</p>	<p>Deep Dive</p>	<p>Nov-25</p>	<p>Jan-26</p>	<p>NOT STARTED</p>	
<p>Priority 6: Enhance the Agency's Disclosure Log</p>	<p>Review the Agency's FOI Disclosure Log to include packages of information to align with best practice</p>	<p>Information Access (s47F [redacted])</p>	<p>Practice Build</p>	<p>Jan-26</p>	<p>Jun-26</p>	<p>NOT STARTED</p>	

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7. Self assessment tool

- 7.1 The OAIC's self assessment tool had been completed and is provided as a separate document.
- 7.2 The assessment has informed the development of the Agency action plan and next steps.
- 7.3 It is intended that this assessment will be reviewed again in 6 months. This will inform assessment of our progress and further build strategies for further success.

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s22 Submissions

Original request: s22

Background

On 14 April 2025 s22 lodged an FOI request for documents relating to the Agency's legal fees and documents relating to his daughter, s22. In his request, s22 agreed to a 14-day extension of time under section 15AA of the FOI Act. The due date for our decision became 28 May 2025.

On 21 May 2025 the NDIA provided the applicant with a list of their 14 current FOI matters.

On 28 May 2025 the applicant's request that is subject to the complaint became deemed.

On 2 June 2025 the Agency emailed the applicant noting that:

- work was progressing on the request, and
- due to the complexity of the scope, advice was being obtained from several different line areas.

The applicant responded the same day requesting an estimated date for the decision. No response is recorded to this email.

On 25 July 2025 the Agency issued its decision and apologised for the delay.

Outcomes Sought

The applicant's formal complaint noted that "there has now been an effluxion of time; however, no documents have been provided".

The applicant requested the documents be provided and all fees and charges waived.

Submissions

The NDIA acknowledge that we failed to process this FOI request within statutory timeframes, to provide regular communication and updates prior to the applicant's complaint. We regret that no response was provided to the applicant's 2 June email.

The attached timeline shows the ongoing and regular work which was undertaken in relation to this request. This involved consultations with various NDIA line areas including the Administrative Review Tribunal Branch, Legal Operations, Chief Counsel, Scheme Eligibility and Internal Reviews.

The wide scope of the applicant's request and the various consultations required greatly contributed to the delay in finalising this request. However, the timeline shows that from the date of the initial preliminary search consult, work continually progressed on the matter.

The Agency notes that this matter was subject to a duplicate complaint, OAIC ref: s22 [REDACTED]. On 25 July 2025 OAIC decided not to investigate that complaint under section 73(b) on the basis the complaint was more appropriately considered through the open IC Review, OAIC ref: s22 [REDACTED]

Following the release of our revised decision, on 15 August 2025, the IC review was also closed under section 54W(c).

Given the applicant sought the provision of documents, the initial iteration of this complaint being closed under s 73(b), seems the sensible outcome. This outcome has been facilitated and the corresponding IC review closed.

The Agency submits that this matter appears resolved under the Complaint and IC review function.

s22

TIMELINE

Date	Action	Notes
14/04/2025	Original FOI Request received	As part of the original request applicant agrees to 14 day extension of time making the due date for decision 28 May 2025.
17/04/2025	Email from applicant	Noted no acknowledgement had yet been received
12/05/2025	Preliminary Search Consult with Administrative Reviews Tribunal (ART) Branch	
13/05/2025	Email from ART	Sought clarification on the scope of the request
16/05/2025	Email from ART	Following up previous email
21/05/2025	Email to ART	Provided clarification on request
21/05/2025	Email to applicant	Summary of FOI requests and registration numbers
23/05/2025	Email from ART	Send search consult to Legal Operations for part of the applicant's request
26/05/2025	Preliminary Search Consult sent to Legal Operations	
28/05/2025	Email from Legal Operations	Forwarded consult to ART
29/05/2025	Email to Legal Operations	Advised they are required to respond regarding part of the applicant's request and ART addressing a separate part
29/05/2025	Email from Legal Operations	Send search consult to Chief Counsel
29/05/2025	Response from ART to preliminary consult	
2/06/2025	Preliminary Search Consult sent to Chief Counsel	
2/06/2025	Email to applicant	Advised we are working on request. Noted that the scope is quite complex and seeking advice from several different line areas
2/06/2025	Email from applicant	Sought estimated completion date
3/06/2025	Notice of Complaint from OAIC s22	
3/06/2025	Notice of Complaint from OAIC s22	Did not provide FOI reference number.
4/06/2025	Email to OAIC s22	Requested further information regarding the FOI request related to the complaint.
5/06/2025	Conversation with Legal Operations	Discussed information already available
10/06/2025	Email to Legal Operations	Following discussion re publicly available information
11/06/2025	Response from Legal Operations to preliminary consult	
12/06/2025	Formal search consults sent to: <ul style="list-style-type: none"> Scheme Eligibility 	

	<ul style="list-style-type: none"> • Internal Reviews • ART 	
12/06/2025	Email from ART	Seeking extension of time to respond to search consult to 27 June 2025. Extension granted but requested priority given OAIC complaint.
13/06/2025	Response from Scheme Eligibility	No documents
16/06/2025	Response from Internal Reviews	No documents
17/06/2025	Response to OAIC's preliminary inquiries s22	
18/06/2025	Notice of Information Commissioner review application and preliminary inquiries s22	
25/06/2025	Response from ART	Ongoing ART matter. To process FOI would cause an unreasonable diversion of resources away from the dispute resolution process.
25/06/2025	Response to OAIC's preliminary inquiries s22	
27/06/2025	Response from ART	Provided information regarding costs
4/07/2025	Email from OAIC s22	Advised complaint relates to s22
4/07/2025	Email to OAIC s22	Advised s22 is already subject to complaint s22
9/07/2025	Notice of Information Commissioner Review s22	
21/07/2025	For Comment email sent to relevant line areas	Decision and documents attached. Final opportunity for line areas to comment and provide advice before decision is released.
25/07/2025	Email from s22	Decision not to investigate a FOI complaint under s73
25/07/2025	Notice of Revised Decision under s55G	
30/07/2025	Response to OAIC's request for documents s22	
15/08/2025	Email from s22	Finalisation of Information Commissioner Review Application under s54W(c)

FOI Request	Complaint	Decision
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s22 Submissions

Original request: s22

Background

On 1 November 2024, s22 lodged a FOI request seeking access to the personal records he made on his NDIA OneNote Account. The request did not provide enough information for the NDIA to identify documents and was not a valid FOI request.

On 26 November 2024, the NDIA phoned s22 seeking clarification on the documents sought. s22 revised the scope of his request to meet the requirements under section 15(2)(b). The request was then considered to be a valid FOI request.

On 17 December 2024 s22 agreed to a 30-day extension of time under section 15AA of the FOI Act. The due date for our decision became 26 January 2025.

On 26 January 2025 the applicant's FOI request became deemed to have been refused.

On 7 April 2025, the Agency issued its decision.

Between the date the request became deemed and the date of the decision, the NDIA provided the applicant with regular updates on their request. This included:

- An email on 31 January 2025
- A phone call on 5 February 2025
- An email on 21 February 2025
- An email notifying them of the requirement for a third-party consultation on 6 March 2025.
- An email on 31 March 2025

On 6 July 2025 the applicant lodged a formal complaint with OAIC regarding the NDIA's failure to provide a decision within the statutory timeframe.

Outcomes Sought

The complaint states the applicant is dissatisfied with the delay in processing this matter. The applicant believes that information in this matter was intentionally withheld until after their AAT hearing had concluded. The applicant requested the following outcomes from OAIC:

- the delay be investigated
- to know the circumstances under which the information was delayed

Response

The NDIA acknowledge that we failed to process this FOI request within statutory timeframes but considers that communication with the applicant in this instance was clear and transparent.

The attached timeline shows the ongoing and regular work which was undertaken in relation to this request after the scope was revised on 26 November 2024.

The FOI officer had difficulties locating the appropriate information as the OneNote document to which the applicant was seeking access had formerly been saved to an R Drive. The R Drive was decommissioned in 2023. This required the Decision Maker to consult with the Cyber Security team to recover documents within the applicant's scope. This complicating factor significantly contributed to the delay in processing this request.

The Decision Maker explained these complications to the applicant on 5 February 2025 and 21 February 2025 and also outlined this correspondence in the decision on 7 April 2025.

The NDIA acknowledges its failure to meet timeframes in this matter and has expressed regret for these delays to the applicant. The circumstances which led to the delay have been provided above and explained to the applicant. They show that the delay in the processing the matter was due to technical difficulties and was not to intentionally withhold information until after the applicant's AAT matter.

s22

TIMELINE

Date	Action	Notes
01/11/2024	Original FOI request received	Not a valid request as did not provide enough information to locate documents.
26/11/2024	Phone call to applicant	Sought clarification and revision of scope.
26/11/2024	Email to Applicant following phone call	Sought confirmation of revision of scope as discussed.
26/11/2024	Email from Applicant	Confirmed revised scope.
26/11/2024	FOI request taken to be a valid request on this day	
27/11/2024	FOI request allocated to Decision Maker	
13/12/2024	Search consults sent to: <ul style="list-style-type: none"> • Data Team • Service Delivery 	
17/12/2024	Email to Applicant	Acknowledgement and request for extension of time.
17/12/2024	Email from Applicant	Agreed to extension of time. Due date for decision becomes 26 January 2025.
17/12/2025	Email from Reviews Branch	Requested additional information
18/12/2025	Phone call between FOI Team and Director of Reviews Branch	Discussed issues raised in email regarding access to documents.
20/12/2024	Response from Data with search results	
10/01/2025	Teams meeting with FOI Team and Director of Reviews Branch	Discussed issues regarding access to documents.

10/01/2025	Teams meeting with FOI Decision Maker and Acting Director	Discussed issues regarding access to documents and reaching out to ICT.
28/01/2025	Email from Applicant	Seeking update on FOI request.
30/01/2025	Search consult sent to Chief Information Officer Division (CIO)	Sought advice on recovering documents.
31/01/2025	Email to Applicant	Provided update and apologised for delays.
31/01/2025	Email from Applicant	Sought confirmation on when documents will be provided. Also requested phone call.
03/02/2025	Phone call from CIO to Decision Maker	Doubted whether the documents could be recovered. CIO working with Cyber Team.
03/02/2025	CIO sends consult to Cyber Operations	
04/02/2025	Email from Cyber Operations	Exploring ways to access historical SharePoint user data.
04/02/2025	Search consult sent to Records Management	Sought advice on whether they can recover documents from the R Drive.
04/02/2025	Email from Records Management	Sought further information regarding request. Further information provided by FOI Team.
05/02/2025	Phone call to Applicant	Clarified scope of request and advised difficulties in retrieving documents.
05/02/2025	Teams Meeting with FOI Team, CIO and Cyber Operations.	
06/02/2025	Response from Cyber Operations with search results	
07/02/2025	Email from CIO	Will get Cyber Operations search results cleared through CIO.
20/02/2025	Email from applicant	Sought update on request.

21/02/2025	Email to Applicant	Requested information on whether documents located by Cyber Operations are those he is seeking.
21/02/2025	Email from Applicant	Widened scope of request for access to training records.
06/03/2025	Third Party Consult notice issued to Applicant	
06/03/2025	Email from Applicant	Gave consent to provide name to third party.
07/03/2025	Third Party Consult notice issued to Third Party	
11/03/2025	Phone call with Third Party	
12/03/2025	Email to Cyber Operations	Sought additional explanation on the documents. Explanation received.
12/03/2025	Email to Third Party	Provided additional information.
12/03/2025	Email from Third Party	Authorised disclosure of documents.
19/03/2025	For Comment email sent to relevant line areas	Decision and documents attached. Final opportunity for line areas to comment and provide advice before decision is released.
21/03/2025	Phone Call from Reviews	Provided additional notes on documents which FOI Team would address.
25/03/2025	Email from Applicant	Sought update on when documents will be provided.
31/03/2025	Decision Alert email sent to relevant Senior Executive Staff	
31/03/2025	Email to Applicant	Provided update on request.
07/04/2025	Notice of Decision	
08/07/2025	Notice of Complaint from s22	
14/07/2025	Email from Applicant to FOI and People, Culture & Wellbeing	Sought clarification on documents provided.

14/07/2025	Email to People, Culture & Wellbeing	Provided draft response to Applicant.
14/07/2025	Response to OAIC's preliminary inquiries s22 [REDACTED]	
15/07/2025	Email from People, Culture & Wellbeing	Advised to send response to Applicant.
15/07/2025	Response provided to Applicant.	
15/07/2025	Email from Applicant	Requested urgent escalation regarding the documents provided. Also sought access to additional documents.
25/07/2025	Email from Decision Maker to Triage Team	Requested new FOI request be registered following applicant's email.

FOI Request	Complaint	Decision
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s22 Submissions

Original request: s22

Background

On 31 January 2025, s22 lodged a FOI request seeking access to NDIA case notes regarding her daughter, s22.

On 2 March 2025 the applicant's FOI request became deemed to have been refused.

On 4 June 2025 the Information Access team received an email from the Executive Complaints Team regarding correspondence directed to the CEO and other Senior Executive Staff. Executive Complaints sought information regarding s22 FOI request.

On 9 July 2025 the NDIA emailed s22. This email included acknowledgement of the FOI request and apologised for the delays experienced. It also confirmed that the matter was now assigned to a decision maker and was being processed as a priority.

On 9 July 2025, s22 responded, seeking an immediate further update on the matter. The Decision Maker replied to s22 on the same date, again apologising for the delay and confirming a decision would be provided within the next 7 days. Later that day the Agency issued its decision.

On 9 July 2025, the applicant lodged a formal complaint with OAIC regarding the NDIA's failure to provide a decision within the statutory timeframe.

Outcomes Sought

The applicant stated the delay was causing unnecessary stress and obstruction to access personal information. The applicant requested the following outcomes from OAIC:

- the delay be investigated
- ensuring the NDIA complies with FOI obligations
- be provided with full and lawful access to their records.

Response

The NDIA acknowledge that we failed to process this FOI request within statutory timeframes and to provide regular communication and updates to the applicant.

Once the matter was assigned to a decision maker, a decision was released within 2 days.

On 9 July 2025 the NDIA emailed the applicant explaining the delay was a result of a high volume of FOI requests which was impacting our ability to process matters within statutory timeframes. The decision was provided to the applicant later that day.

The Agency acknowledges the significant delay and notes that OAI is aware of the challenges the NDIA has faced in addressing its backlog. The delay in this instance was a result of that backlog and processing FOI requests sequentially. The short time between a decision maker being assigned and a decision being released demonstrate the NDIA's commitment to processing applicants' FOI requests in a timely manner.

Date	Action	Notes
31 January 2025	Original FOI Request received	
4 June 2025	Email from NDIA Executive Complaints	Advised complaints team addressing correspondence sent to CEO and other senior executive staff. Requested information regarding the FOI request.
7 July 2025	FOI request assigned to a decision maker	
9 July 2025	Email to Applicant	Acknowledged request and apologised for delays.
9 July 2025	Email from applicant	Seeking immediate update including estimated date of completion and number of documents identified.
9 July 2025	Email to Applicant.	Apologised for delay and confirmed the matter is being actioned as a priority. Decision estimated to be released within 7 days.
9 July 2025	Notice of Decision	
16 July 2025	Notice of Complaint from OAIC	
25 July 2025	Response to OAIC's preliminary inquiries	

FOI Request	Complaint	Decision
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s22 **Submissions**
Original request: N/A

Background

On 10 July 2025, s22 emailed the NDIA and OAIC regarding her concerns with the NDIA's FOI Disclosure Log. s22 noted that in her view, the Disclosure Log does not align with best practice and expectations of the Information Commissioner, nor is it consistent with the objects of the FOI Act. s22 requested that documents referred to in the Disclosure Log become available via a download link on the webpage.

On 18 July 2025 an Information Access Assistant Director responded to s22 acknowledging that while the Disclosure Log currently complies with statutory obligations, improvements could be made. At this time, the Agency had no record of a request being received for access to items on the disclosure log.

On 24 July 2025, s22 submitted a further complaint regarding her concerns to OAIC. The complainant contended that the NDIA Disclosure log does not meet statutory compliance under Section 11C of the FOI Act and Part 14 of the FOI Guidelines.

On 11 August 2025, the NDIA received notice from OAIC of their preliminary inquiries regarding s22 complaint.

On 25 September 2025, s22 submitted a request for document listed on the disclosure log. This request was allocated to an Action Officer the following working day, 29 September and released to s22 on 3 October 2025.

Relevant Legislation/Guidelines

Section 11C(3) of the FOI Act

- (3) The agency, or the Minister, must publish the information to members of the public generally on a website by:
- (a) making the information available for downloading from the website; or
 - (b) publishing on the website a link to another website, from which the information can be downloaded; or
 - (c) publishing on the website other details of how the information may be obtained.

OAIC Guideline 14.6

The Explanatory Memorandum to the Freedom of Information Amendment (Reform) Bill 2009, states:

Like the proposed publication scheme in Schedule 2, proposed subsection 11C(3) provides that the information is to be published to the public generally on a website.

If the information cannot readily be published on a website, the website should give details of how the information may be obtained.

OAIC Guideline 14.7

The Information Commissioner is of the view that consistent with better practice, agencies and ministers should seek to make all documents released in response to FOI requests available for download from the Disclosure Log or another website (s 11C(3)(a) or (b)) subject to applicable exceptions, unless it is not possible to upload documents due to a technical impediment, such as file size, the requirement for specialist software to view the information, or for any other reason of this nature. This approach is consistent with the objects of the FOI Act.

Submissions

The NDIA acknowledges and agrees that a Disclosure Log with entries that can be directly downloaded is consistent with better practice as outlined by OAIC Guideline 14.7.

While the NDIA recognise this as preferred practice, it is not a legislative obligation outlined in the FOI Act. Section 11C(3)(c) gives Agencies the option to publish information to members of the public on a website by publishing details of how the information may be obtained.

The NDIA's online Disclosure Log reads the following: "Information that is not available on the National Disability Insurance Agency website may be obtained by emailing foi@ndis.gov.au."

The NDIA submits that the above statement provides clear directions which allow the public to obtain information released by the NDIA. By publishing details on how information can be obtained, the NDIA submits that the legislative requirements outlined by Section 11C(3)(c) of the FOI Act have been met.

Furthermore, OAIC Guideline 14.6 states that '*If the information cannot readily be published on a website, the website should give details of how the information may be obtained.*' OAIC Guideline 14.7 makes similar allowances in situations where there is a technical obstacle to the upload of documents to the website.

The NDIA cannot readily publish downloadable information on the Disclosure Log as the necessary administrative and IT processes are not in place. The increasing number of FOI requests received by the NDIA, the sizable FOI backlog and our ongoing commitment to improving statutory compliance mean that resources cannot currently be diverted to create these processes. OAIC Guidelines 14.6 and 14.7 suggest that in these circumstance providing details on how documents can be obtained is sufficient.

Conclusion

The Agency accepts that direct download may be preferred, but continue to meet the obligations of the Act. This complainant submitted two complaints to the Agency and the OAIC, and the OAIC has commenced an investigation, before an actual request for documents off the disclosure log was made.

The Agency responded to the first complaint and provided access to the requested documents in a timely manner.

The Information Commissioner's preference for the documents to be available by direct download is noted.

s22 **TIMELINE**

Date	Action	Notes
10 July 2025	Complaint email received in FOI inbox.	First communication the Agency received from the Complainant
11 July 2025	Email forwarded to Assistant Director, Information Access	
18 July 2025	Email to Complainant.	Acknowledgement of complaint, advising the Disclosure Log currently meets statutory requirements.
24 July 2025	Complainant submitted written complaint to OAIC.	
11 August 2025	Preliminary Inquiries received from OAIC.	
12 August 2025	OAIC email forwarded to FOI Allocations Team.	Complaint established on internal NDIS systems for actioning.
27 August 2025	Response to OAIC's preliminary inquiries submitted.	
25 September 2025	Disclosure Log Request received from Complainant	
26 September 2025	Victorian Public Holiday	
27 -28 September 2025	Weekend	
29 September 2025	Disclosure Log Request assigned to Action Officer	
2 October 2025	Email from Complainant	Following up Disclosure Log Request
2 October 2025	Email to Complainant	Advising matter received and registered
2 October 2025	Email from Complainant	Noting Part 14.45 of the OAIC FOI Guidelines
2 October 2025	Complainant emails OAIC	Noting dissatisfaction with timeframe for Disclosure Log Request
3 October 2025	Disclosure Log Request Completed	Disclosure Log documents provided to Complainant
15 October 2025	Email from OAIC	Providing additional submissions from Complainant regarding timeframe for processing Disclosure Log Request

Complaint	Disclosure Log Request	Provision of Disclosure Log Documents
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s22 Submissions

Original request: s22

Background

On 24 July 2025, s22 lodged a FOI request seeking access to all documents relating to a complaint they had made about their Local Area Coordinator.

On 6 August 2025, the NDIA emailed s22. This email provided information about the volume of FOI requests and expected processing times. The NDIA sought the applicant's agreement to a 30-day extension of time until 23 September 2025, in accordance with section 15AA of the FOI Act. The email further explained that:

- the reason for the extension request was to preserve the applicant's internal review rights.
- the applicant was not obligated to agree to the extension request, and
- that they would retain their external review rights with OAIC.

On 6 August 2025 the applicant provided the following response:

'So once again the NDIS can't get anything done in an agreed upon time frame. This has been going on for nearly a year now and you want more time. Absolutely NOT. If you can't (sic) do your job that is not my problem whatsoever'

On 25 August the applicant's FOI request became deemed to have been refused.

On 26 August 2025 the NDIA were notified that the applicant had lodged a formal complaint with OAIC. s22 complaint, which includes that he felt the request for further time was forceful, is summarised below.

On 3 September 2025 the NDIA emailed s22 apologising that the request for an extension had felt forceful. The email also included further explanation regarding the volume of FOI requests, extensions of time and the applicant's review rights. The email confirmed the applicant was not obligated to agree to the request and that it was in no way intended to be forceful, threatening or railroad the applicant in anyway.

On 22 September 2025, the Agency issued its decision.

Outcomes Sought

s22 complaint states their dissatisfaction with the Agency's email dated 6 August 2025. The applicant contests that the email was forceful and attempted to "railroad" them into complying with the extension request. They further note that they felt "threatened into complying with a demand for extra time." The applicant stated they were uncertain what outcome or result they would like from OAIC but "do want it known that threatening people to comply is not acceptable..."

Response

This request was processed within the timeframe expected and as communicated to the applicant in the extension of time request. The Agency notes that the option to request an extension under 15AB may have assisted in this circumstance.

The extension request was not intended to be forceful or threatening in any way. The email provided to the complainant is a standard template used by the Triage and Early Resolution team, which informs FOI applicants about current processing times, their review rights and requests an extension of time.

The Agency notes that to threaten or railroad applicants is unacceptable and inappropriate. The NDIA have apologised to the applicant and explained that they were under no obligation to accept the extension request. We will be considering this complaint in our ongoing continuous improvement program. The FOI Practice Build will be improving and strengthening training, resources, templates and standard operating procedures (SOPs).

We enclose a copy of the extension request dated 6 August 2025 for your reference.

s22

TIMELINE

Date	Action	Notes
24/07/2025	Original FOI request received	
06/08/2025	Email to Applicant	Acknowledgement and request for extension of time
06/08/2025	Email from Applicant	Did not agree to extension of time.
06/08/2025	Search consult sent to Data Team	
07/08/2025	Email from Data	Advise it will take 5 business days to action search consult
08/08/2025	Email from Data	Requested further information to complete search
08/08/2025	Email to Data	Provided additional search parameters
15/08/2025	Email from Data	Requested additional information to complete search
26/08/2025	Notice of Complaint from OAIC s22	
28/08/2025	Email to Data	Further clarified search parameters. T
28/08/2025	Email from Data	Requested a date range to complete searches
29/08/2025	Email to Data	Provided a date range.
01/09/2025	Response from Data with search results	Search 1 and 3 exported. Search 2 estimated 955100 items (769.7GB)
03/09/2025	Email to Applicant	Addressed issues raised in applicant's complaint including forceful extension request and apologised for the delay.
03/09/2025	Decision Maker assigned to FOI matter	
04/09/2025	Email to Applicant	Requested revision of scope as too large to process. Suggested provided relevant complaint number.

04/09/2025	Response to OAIC's preliminary inquiries s22 [REDACTED]	
04/09/2025	Email from Applicant	Cannot provide relevant complaint number.
04/09/2025	Email to Applicant	Suggested additional way to revise scope of request.
08/09/2025	Email from Applicant	Agreed to the proposed revision of scope.
08/09/2025	Search consult sent to Data	
10/09/2025	Email from Data	Search returned 380114 (655.9GB). Suggested "AND" operator.
10/09/2025	Email to Data	Confirming "AND" operator
15/09/2025	Response from Data with search results	
22/09/2025	Notice of Decision	

FOI Request	Complaint	Decision
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s22 Submissions

Original request: s22

Background

On 4 July 2025, s22 lodged a FOI request seeking access to all documents relating to their requests for transport funding.

On 17 July 2025 the NDIA emailed s22. This email included acknowledgment of the FOI request and the applicant's upcoming matter before the Administrative Review Tribunal (ART).

In this email, s22 was advised that they could contact their ART Case Manager about that process and was requested to consider proceeding with their FOI request after receipt of the Tribunal Documents.

s22 was advised about the volume of FOI requests and expected processing times. The NDIA sought the applicant's agreement to a 30-day extension of time until 2 September 2025, in accordance with section 15AA of the FOI Act.

On 21 July 2025 s22 responded, confirming they wished to proceed with their FOI request despite receipt of Tribunal documents. The applicant also stated they were not agreeable to a 30-day extension of time. The applicant asked that the matter be processed by the statutory due date of 3 August 2025.

On 3 August 2025 the applicant's FOI request became deemed to have been refused.

On 4 August 2025 the applicant lodged a formal complaint regarding the NDIA and their failure to provide a decision for their FOI request within the statutory timeframe.

On 22 August 2025, the Agency issued its decision.

Outcomes Sought

s22 complaint states their dissatisfaction with the delay in processing this matter. The applicant also expressed concern that the breach of the statutory deadline was deliberate or systematically negligent. The applicant requested the OAIC investigate the delay.

Response

The Agency considers that communication with the applicant in this instance was clear and transparent.

The applicant was advised by the FOI Team that our processing times were exceeding the 30-day statutory period. The NDIA's request to extend the processing time by a further 30-days under section 15AA to 2 September 2025 accounted for the additional processing time to release the decision on 22 August 2025.

The attached timeline shows the ongoing and regular work undertaken in relation to this request. This included consultations with the Agency's ART and Service Delivery teams initiated by the Early Resolutions team.

The matter was allocated to a case management decision maker on 12 August 2025 and the decision was released to the applicant 8 business days later, on 22 August 2025. The decision letter apologised for the NDIA's failure to comply with the statutory timeframe.

The NDIA acknowledge the delay, however, the regular work on this matter and short time between a decision maker being assigned and a decision being released demonstrate that the delays faced in this matter were not a result of deliberate or systematic neglect.

It is noted that an application to extend time, under section 15AB may have kept the matter technically within time. However, the Agency has prioritised processing matters as expeditiously as possible. Especially in circumstances when seeking further time adds a layer of processing administration, further delaying the outcome.

We note the applicant also sought review from the Information Commissioner of the Agency's deemed refusal decision. The Agency was notified by OAIC of this on 7 August 2025 (s22 [REDACTED]).

The Agency responded to OAIC's preliminary inquiries on 15 August 2025 and following the release of our revised decision, the IC review was closed under section 54W(c) on 17 September 2025.

s22

TIMELINE

Date	Action	Notes
04/07/2025	Original FOI request received	
17/07/2025	Email to Applicant	Acknowledged FOI request, sought Proof of Identity and request for extension of time. Also advised that all documents relevant to tribunal processing will be provided by the Case Manager.
17/07/2025	Email to Administrative Review Team (ART)	Requesting confirmation on whether Tribunal Documents (T-docs) have been provided to the applicant.
18/07/2025	Preliminary search consult sent to Service Delivery	
18/07/2025	Email from ART	Confirmed T-docs were provided to the applicant on 22 January 2025.
21/07/2025	Email from Applicant	Provided Proof of Identity and did not agree to extension of time. Confirmed proceeding with FOI request despite receipt of T-docs.
23/07/2025	Email from Service Delivery	Will review for any items not on NDIA Client Relationship Management Systems (CRM and PACE).
25/07/2025	Response from Service Delivery	All relevant documents located on PACE.
07/08/2025	Notice of Information Commissioner Review application and Preliminary Inquiries s22	
12/08/2025	FOI request assigned to a Decision Maker and Action Officer	
15/08/2025	Decision Maker instructed the Action Officer to start collating documents	
15/08/2025	Response to OAIC's preliminary inquiries s22	

18/08/2025	Notice of Complaint from OAIC s22 [REDACTED]	
22/08/2025	Notice of Revised Decision under s55G	
1/09/2025	Response to OAIC's preliminary inquiries s22 [REDACTED]	
17/09/2025	Finalisation of OAIC's IC review s22 [REDACTED]	OAIC decided not to continue to undertake IC review under s54W(c)

FOI Request	Complaint	Decision
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OAIC Self-Assessment Tool

Overview

The OAIC's self-assessment tool aims to assist agencies understand the effectiveness of their information access systems and the extent to which these comply with the FOI Act. The self-assessment tool helps agencies to identify gaps or areas where attention is needed and helps agencies identify where they are doing well.

A further benefit of the self-assessment tool is that it captures an overview of agencies' FOI compliance and practice that can be used to track improvements over time.

The OAIC has developed the self-assessment tool in accordance with our regulatory powers set out in the *Australian Information Commissioner Act 2010* (AIC Act):

- promoting awareness and understanding of the FOI Act and its objects (s 8(a))
- providing information, advice, assistance and training relevant to the operation of the FOI Act (s 8(d)).

Using the self-assessment tool

The self-assessment tool is an interactive document created in Excel. It is structured in 8 areas, each presented on a different tab.

1. Culture and Leadership
2. Governance arrangements
3. Proactive release
4. Access requests
5. Disclosure log publication
6. FOI statistics
7. Supporting tools and systems
8. Education, training and engagement

For each area, agencies answer a series of questions using drop-down menus. In completing the tool, every question should be answered – please note that unanswered questions will receive a zero score. Agencies can also enter their reflections about areas they are doing well in, and where they can improve, in the free-text spaces provided.

After all questions are completed, the tool will generate a summary report. The tool calculates scores for each of the 8 areas and these are presented on the Results page. In order to obtain accurate results, all questions for each of the 8 areas should be answered. The Results page will automatically list items where your agency is doing well, is currently progressing, or needs improvement.

The self-assessment tool is complemented by a table providing short strategies, including links to OAIC guidance. Each strategy aligns to a question in the tool. We encourage agencies to refer to this resource in planning actions to remediate the gaps identified in completing the self-assessment tool. Agencies can consider and plan these actions in the Results tab's free-text fields.



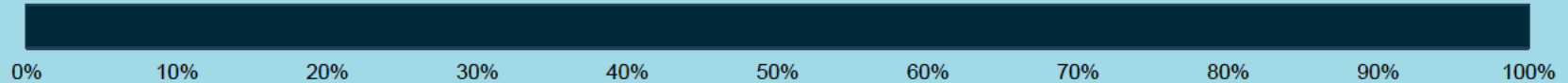
Australian Government

Office of the Australian Information Commissioner



OAIC Self-Assessment Tool

Progress



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Area 1: Culture and Leadership

Q1 Does your agency have an information access strategy that brings together how information can be made available or requested through the Information Publication Scheme, administrative access arrangements or through an access request under the FOI Act?

Response

Q2 Does your agency consider [Open by Design principles](#) in making decisions, including in the creation or publication of documents?

Response

Q3 Does your agency have a nominated Information Champion and/or nominated escalation contact point at SES level?

Response

Reflection: What is your agency doing well at in this area? In what ways could your agency improve, in both the short and long term?



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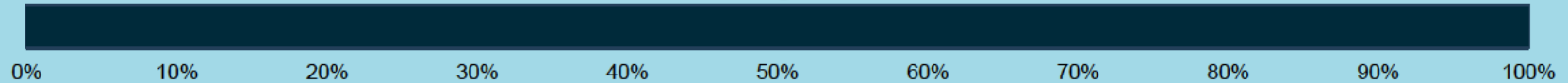
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OAIC Self-Assessment Tool

Progress



Area 2: Governance Arrangements

Q1 Does your agency record its authorisations, under s 23 of the FOI Act, of officers to make decisions about FOI requests?

Response

Q2 Does your agency have a process for ensuring that staff who make decisions under the FOI Act are able to do so independently?

Response

Q3 Does your agency have a process in place to ensure that contractual arrangements with parties delivering a service on behalf of the agency allow for the agency to receive documents held by these contractors or subcontractors, if a person requests access to those documents under the FOI Act? Does your agency use the [model clause](#) as provided by the OAIC?

Response

Reflection: What is your agency doing well at in this area? In what ways could your agency improve, in both the short and long term?

Q2 - review of processes is underway, further training and process development required.

Q3 - The Agency doesn't use the OAIC's model clause. The standard contract has provisions that support the collection of documents from a contractor in order to comply with a FOI request.

The FOI team does not have a current process that would support them to identify and engage with a contractor or business area for this purpose.



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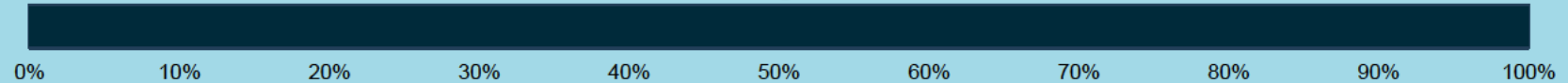
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OAIC Self-Assessment Tool

Progress



Area 3: Proactive Release

Q1 Does your agency have an administrative access scheme?

Response

Q2 Does your agency include information on how to seek access to documents under administrative access, APP 12 and the FOI Act? Does it include an explanation on how each of these systems may work with each other, the limitations of each scheme and the review rights, if any?

Response

Q3 Does your agency have a process in place to identify information routinely requested that can be released administratively (for example, staff seeking their own information from Human Resources, parties seeking access to their case files)?











Response

Q4 Does your agency have a process for identifying updates to the IPS entries on your website?

Response

Reflection: What is your agency doing well at in this area? In what ways could your agency improve, in both the short and long term?

Technical Advisory and Practical Improvement Branch and People and Culture have been consulted, with the prospect of progressing active publication of resources (TABIP) and an administrative access scheme (section 15A)

OAIC Self-Assessment Tool

Progress

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Area 4: Access Requests

Q1 Does your agency engage with applicants over the phone or in writing to clarify the scope of an FOI access request prior to requesting business areas to conduct search and retrieval of the documents?

Response

Q2 Does your agency's internal process for requesting search and retrieval of documents include specific timeframes?

Response

Q3 Does your agency have a process manual setting out how FOI requests are triaged, processed and decided? Is it broadly available to staff across the agency?

Response

Q4 Does your agency use templates for statements of reasons to provide adequate reasons for refusing access?

Response

Q5 Does your agency seek an extension of time by agreement with the applicant under s 15AA prior to seeking an extension of time with the OAIC?

Response

Q6 Does your agency have information on their website that explains how to make an access request under the FOI Act? Is this information clearly accessible from the home page? Does the page include links to the disclosure log, Information Publication Scheme and (if applicable) other information regularly updated?

Response

Q7 Does your agency have internal policies which support the FOI processing manual? How often are the relevant policies reviewed and updated? Do these policies reflect the principles set out in the FOI Guidelines issued by the Information Commissioner under s 93A of the FOI Act?

Response

Q8 How frequently are FOI matters referred to legal advice/management by your agency?

Response

Reflection: What is your agency doing well at in this area? In what ways could your agency improve, in both the short and long term?

Q7 - review of FOI process will consider the incorporation of appropriate references to the FOI guidelines.
 Q8 - process and SLA for engagement with Agency Legal Services is in development.



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OAIC Self-Assessment Tool

Progress

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Area 5: Disclosure Log Publication

Q1 Does your agency have a process or system for ensuring that documents that are released under FOI are published on the disclosure log?

Response

Q2 Does your agency meet the timeframe of 10 days to publish documents on the disclosure log?

Response

Q3 Does your agency publish documents released in response to an FOI request on the disclosure log for direct download?

Response

Q4 Does your agency use the OAIC's [sample disclosure log table](#)?

Response

Q5 Do your agency's publications conform to current accessibility standards?

Response

Reflection: What is your agency doing well at in this area? In what ways could your agency improve, in both the short and long term?



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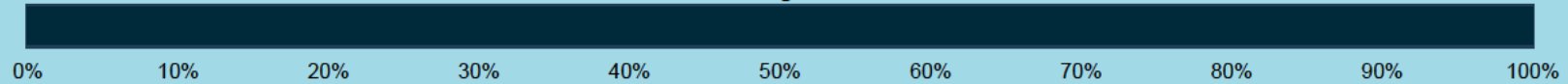
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OAIC Self-Assessment Tool

Progress



Area 6: FOI Statistics

Q1 Does your agency have an SES escalation point for feedback regarding the submission of FOI quarterly statistics?

Response

Q2 Does your agency have a quality assurance process for lodgement of quarterly and annual statistics?

Response

Q3 Does your agency have a process for reviewing statistics to identify trends in non-compliance with timeframes or increases in access refusals, use of exemptions, or issue of practical refusal notices or charges notices?

Response

Q4 Does your agency provide their quarterly or annual statistical returns on time?

Response

Q5 Does your agency routinely identify or analyse any trends on incoming access requests or on original and internal review FOI decisions?

Response

Reflection: What is your agency doing well at in this area? In what ways could your agency improve, in both the short and long term?



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OAIC Self-Assessment Tool

Progress



Area 7: Supporting Tools and Systems

Q1 Does your agency use smartforms to receive FOI requests?

Response

Q2 Does your agency have case management systems which support processing of FOI requests and publication to the disclosure log within relevant timeframes?

Response

Q3 Does your agency have a plan to manage receiving an increased number of FOI requests?

Response

Q4 Does your agency have an existing surge team to assist with incoming FOI matters?

Response

Q5 Does your agency have a process for identifying improvements to be made to FOI processes following relevant IC review decisions or FOI complaint investigation recommendations/suggestions?

Response

Q6 Does your agency have process documentation to support business areas to conduct search and retrieval?

Response

Q7 Does your agency have process documentation to identify documents routinely released in response to an access request and to address how this information should be made available on the IPS?

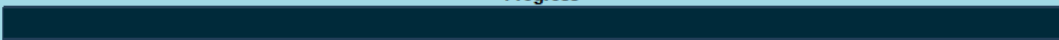
Response

Reflection: What is your agency doing well at in this area? In what ways could your agency improve, in both the short and long term?

Q1 webform in development
Q3 recruitment activites ongoing

OAIC Self-Assessment Tool

Progress



0% 10% 20% 30% 40% 50% 60% 70% 80% 90% 100%

Area 8: Education, Training and Engagement

Q1 Do FOI practitioners in your agency attend decision making training? What is included in the training? How often are training sessions conducted?

Response

Q2 Does your agency have an accreditation or specific training program for its FOI decision makers?

Response

Q3 Does your agency have ongoing training for business areas, for example on general FOI obligations, search and retrieval? How often are training sessions conducted?

Response

Q4 Does your agency have training for new SES staff on general FOI obligations? How often are training sessions conducted?

Response

Q5 Does your agency have ongoing training for SES staff on general FOI obligations? How often are training sessions conducted?

Response

Q6 Does your agency subscribe to the OAIC's Information Contact Officer Network (ICON) alert?

Response

Q7 Does your agency attend the OAIC's webinars for FOI practitioners?

Response

Q8 Does your agency attend other FOI-specific forums?

Response

Q9 Does the relevant SES Band 1 in your agency attend the SES Leadership Group Quarterly Forum?

Response

Q10 Is your agency up to date on recent IC review decisions?

Response

Q11 Is your agency up to date on recent FOI investigation outcomes?

Response

Q12 Is your agency up to date on recent amendments to the FOI Guidelines?

Response

Reflection: What is your agency doing well at in this area? In what ways could your agency improve, in both the short and long term?

Training recently conducted by AGS for all Information Access staff. The package of training will be rolled out for all agency staff and regular Info Access training. The development of accreditation process is underway, with the intention of implementation with the change of FOI authorisation.

OAIC Self-Assessment Tool

Results

Area 1: Culture and Leadership Score: 67%	Area 2: Governance Arrangements Score: 83%	Area 3: Proactive Release Score: 75%	Area 4: Access Requests Score: 94%
Area 5: Disclosure Log Publication Score: 80%	Area 6: FOI Statistics Score: 100%	Area 7: Supporting Tools and Systems Score: 64%	Area 8: Education, Training and Engagement Score: 75%
Overall Score: 80%			

Area	Score (%)
Area 1: Culture and Leadership	67%
Area 2: Governance Arrangements	83%
Area 3: Proactive Release	75%
Area 4: Access Requests	94%
Area 5: Disclosure Log Publication	80%
Area 6: FOI Statistics	100%
Area 7: Supporting Tools and Systems	64%
Area 8: Education, Training and Engagement	75%
Overall	80%

Reflection (4-5 sentences each)

What areas are your agency doing well in? What has enabled your agency to do well in these areas?

Note: in forming your response, you should consider the topics in the automatically-generated list below.

Areas of achievement:

- Q1.1: Overall information access strategy
- Q1.3: Nominated Information Champion and/or escalation contact point
- Q2.1: Record of authorisations under s 23
- Q2.2: Independence of FOI decision-makers
- Q3.1: Existence of an administrative access scheme
- Q3.2: Guidance about accessing documents under various schemes
- Q3.3: Administrative access to routinely requested information
- Q4.1: Engagement with applicants prior to search and retrieval
- Q4.2: Timeframes for internal search and retrieval processes
- Q4.4: Templates for statements of reasons
- Q4.5: Seeking of extensions of time by agreement
- Q4.6: Availability and accessibility of information about FOI on website
- Q4.7: Policies in support of the FOI processing manual
- Q4.8: Reliance on legal advice and management
- Q5.1: Process for publishing documents on the disclosure log
- Q5.2: Compliance with timeframe for disclosure-log publication
- Q5.4: Use of sample disclosure log table
- Q5.5: Compliance with accessibility standards
- Q6.1: Officer responsible for feedback regarding quarterly FOI statistics
- Q6.2: Quality assurance process for FOI statistics
- Q6.3: Review of FOI statistics to identify trends
- Q6.4: Timeliness of quarterly and annual FOI statistics
- Q6.5: Identification or analysis of trends in FOI processing
- Q7.2: Use of case management systems
- Q7.3: Plan for managing an increased FOI caseload
- Q7.5: Identification of improvements for FOI processes
- Q7.6: Process documents to support business areas conducting search and retrieval

Where could your agency make improvements? What actions will be taken to make improvements in these areas, and by when?

Note: in forming your response, you should consider the topics in the automatically-generated lists below.

Areas for improvement:

- Q1.2: Regard to Open by Design principles
- Q3.4: Process for identifying updates to IPS entries
- Q5.3: Availability of documents released under FOI for direct download
- Q7.4: Existence of a surge team
- Q7.7: Identification of documents routinely released to publish on IPS
- Q8.4: FOI training for new SES staff
- Q8.5: Ongoing FOI training for SES staff

Areas in progress:

- Q2.3: Access to documents held by contractors
- Q4.3: Existence and availability of a FOI processing manual
- Q7.1: Use of smartforms for FOI requests
- Q8.2: Accreditation or specific training program for FOI decision-makers
- Q8.3: Ongoing FOI training for business areas

s22

From: s22
Sent: Wednesday, 5 November 2025 6:59 PM
To: LINACRE,Alice
Cc: s22 AGO,Rocelle; s22
Subject: [FOI] Draft NDIA Investigation notices – For clearance by 1 December 2025 [and discussion on 11 November] [SEC=OFFICIAL]
Attachments: NDIA Strategies table - s 86 assessment.xlsx; 75 Notice Agency response to OAIC (21 Oct).pdf

Clearance Request																													
*Due date (of clearance):	1 December 2025																												
Fixed or flexible:	Fixed																												
If fixed, why?:	As per the regulatory board paper dated 10 September 2025, the draft cover letter and investigation findings (s 86 notices of completion) are to be submitted to the FOI Commissioner on 24 November 2025, with an intended goal of finalising this cohort by 1 December 2025.																												
Topic for clearance:	NDIA investigation cohort: Proposed s 86 findings, recommendations and suggestions in relation to a cohort investigation capturing 6 FOI complaints																												
Product (include CM link):	D2025/029183 *This is a zip file containing the 6 draft s 86 notices to the complainants, as well as a covering letter to the NDIA – setting out our proposed findings and recommendations for your consideration and clearance.																												
External parties:	The respondent: National Disability Insurance Agency (NDIA) The 6 complaints captured in this cohort are listed below: <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="text-align: left;">Ref</th> <th style="text-align: left;">Complainant</th> <th style="text-align: left;">S 86 notice ref</th> <th style="text-align: left;">Issue raised</th> </tr> </thead> <tbody> <tr> <td>s22</td> <td>s22</td> <td>Att A-1 [lead case]</td> <td>15(5)</td> </tr> <tr> <td>s22</td> <td>s22</td> <td>Att A-2</td> <td>15(5)</td> </tr> <tr> <td>s22</td> <td>s22</td> <td>Att A-3</td> <td>15(5)</td> </tr> <tr> <td>s22</td> <td>s22</td> <td>Att A-4</td> <td>15(5)</td> </tr> <tr> <td>s22</td> <td>s22</td> <td>Att A-5</td> <td>15(5)</td> </tr> <tr> <td>s22</td> <td>s22</td> <td>Att A-6</td> <td>11C(3)</td> </tr> </tbody> </table>	Ref	Complainant	S 86 notice ref	Issue raised	s22	s22	Att A-1 [lead case]	15(5)	s22	s22	Att A-2	15(5)	s22	s22	Att A-3	15(5)	s22	s22	Att A-4	15(5)	s22	s22	Att A-5	15(5)	s22	s22	Att A-6	11C(3)
Ref	Complainant	S 86 notice ref	Issue raised																										
s22	s22	Att A-1 [lead case]	15(5)																										
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s22	s22	Att A-5	15(5)																										
s22	s22	Att A-6	11C(3)																										
Investigation process	(i) Commencement of investigation We adopted the same approach taken in the recent cohort investigations into the AFP, Defence, and DVA in this matter, whereby we: <ul style="list-style-type: none"> • issued a single investigation notice to the NDIA under s 75, attaching the relevant complaints • requested the NDIA provide us with: <ul style="list-style-type: none"> ○ submissions in response to each of the respective complaints ○ an explanation as to what drivers are causing non-compliance ○ data for the past 2 years demonstrating compliance rates with processing timeframes as well as extensions of time utilised under ss 15AA, 15AB and 15AC 																												

- number of resources allocated to FOI processing
- the NDIA's action plan to address non-compliance
- completion of the OAI's [self-assessment tool](#) for agencies.

The investigation was commenced on 15 September 2025.

The NDIA's response was received on 22 October 2025.

(ii) Agency response

In its response, the NDIA has conceded that:

- it failed to comply with the FOI processing timeframe set out in s [15\(5\)\(b\)](#) of the FOI Act in each of the 5 complaints made, and
- it failed to comply with the statutory acknowledgment timeframe in s [15\(5\)\(a\)](#) of the FOI Act in 3 of those complaints.

The NDIA has not conceded any failure to comply with s 11C(3) as relevant to the 6th complaint. While s [11C\(3\)](#) of the FOI Act enables agencies to publish material on its disclosure log in 1 of 3 ways, [14.7] of the [FOI Guidelines](#) sets out a Commissioner preference for material to be downloadable from a website (s [11C\(3\)\(a\)](#) or [\(b\)](#)). The NDIA acknowledges that its disclosure log material is not directly downloadable due to technical/ administrative capability issues (a relevant exception outlined in the FOI Guidelines) but maintains that it complies with s [11C\(3\)\(c\)](#) of the FOI Act because it publishes details of how its disclosure log material may be obtained. In relation to the timeliness issue, the FOI Act does not specify timeframes for disclosure log requests but [14.13] of the [FOI Guidelines](#) states that a request for material on a disclosure log should be processed within 5 working days. The NDIA maintains that it did process the complainant's disclosure log request within the 5 working days, but this was due to a Victorian public holiday which was disregarded in that timeframe. The NDIA has not explained why that public holiday was relevant in this case, so it does not appear that access was provided in a reasonable timeframe based on the FOI Guidelines and the objects of the FOI Act.

The NDIA's submissions, as well as a summary of their broader responses to the complaints we have prepared (in the NDIA Strategies table), are **attached** to this email.

(iii) Proposed findings, recommendations and suggestions

Our draft findings are informed by the NDIA's submissions and data, the FOI Statistics [dashboard](#)- in particular, the NDIA's significantly and persistently low compliance rate with statutory processing timeframes (33% compliance in 24-25, down from 49% in 23-24), the initiatives already underway by the agency to address its timeliness compliance, the FOI Act and FOI Guidelines. We have also considered that the NDIA's FOI timeliness has been subject to 2 previous investigations, which each found the NDIA had failed to comply with s 15(5). The most recent investigation was finalised on 4 March 2024 with recommendations issued that were accepted and implemented by the NDIA.

In summary, the proposed investigation findings are that:

- the NDIA did not comply with s 15(5)(a) of the FOI Act in 3 of the FOI complaints as the NDIA did not acknowledge the complainants' FOI requests within the statutory processing timeframe
- the NDIA did not comply with s 15(5)(b) of the FOI Act in 5 of the complaints, as the NDIA did not provide the respective complainants with FOI decisions within the relevant statutory processing timeframes

- in relation to the request for access to documents on the NDIA's disclosure log, the NDIA did not respond in a sufficiently timely manner, noting that the documents are not made available for direct download and should therefore be provided within 5 working days
- in relation to the cohort of complaints more broadly, the NDIA did not sufficiently utilise available extension of time provisions to ensure compliance with statutory timeframes in 2024-25, including to manage the influx of FOI requests made during that financial year.

While the extension of time issue is not raised by any of the complainants, it is proposed based on our observations arising from the extension of time statistics reported by the NDIA and our own statistics from Resolve, and is consistent with findings in the recent cohort investigations.

We have proposed 10 recommendations made under s 88 of the FOI Act intended to obtain to the outcomes of the NDIA's initiatives as well as uplift the NDIA's operational policies and procedures, training, and FOI statistics reporting. We have also proposed 6 suggestions under s 87(d) of the FOI Act intended to uplift the NDIA's FOI capability, ongoing learning and review, and its FOI disclosure log.

(iv) Approach to communicating outcomes:

Consistent with the approach taken in the other recent cohort investigations, we have:

1. drafted separate notices on completion for each individual complainant, outlining findings in respect to the individual complaints
2. drafted a cover letter to be sent only to the NDIA, that summarises our findings, and includes the proposed recommendations and suggestions.

The notices will be provided to the NDIA in a consolidated manner with a covering letter.

We propose settling the draft findings and recommendations before updating each of the individual notices to include those details.

Clearance & consultation by:	Rocelle Ago, General Manager
Responsible Director:	s22
Final clearance by:	Alice Linacre, FOI Commissioner

Dear Commissioner

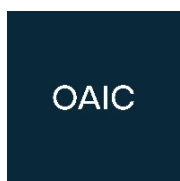
We refer to the OAIC's investigation into a cohort of 6 FOI complaints about the National Disability Insurance Agency's:

1. failure to comply with statutory processing timeframes under s [15\(5\)](#) of the FOI Act, including its failure to keep applicants informed of progress (relevant to 5 complaints)
2. its failure to publish information on its disclosure log in accordance with s [11C\(3\)](#) of the FOI Act (relevant to 1 complaint). In particular, its failure to make the documents directly downloadable or otherwise provide access in a reasonable timeframe consistent with the FOI Guidelines at [14.13].

Further to the investigation procedure and summary of draft findings and recommendations outlined/attached above, we have arranged a meeting to discuss the draft findings and recommendations with you next Tuesday.

I will be on leave and unable to attend, but s22, who has been instrumental in drafting these notices, will be in attendance along with Rocelle.

Kind regards



s22

Director, Reviews and Investigations
Office of the Australian Information Commissioner
Sydney | Box 5288 Sydney NSW 2001

P s22

E s22

oaic.gov.au

Summary of question	Question	Response	Strategies in self assessment tool	Proposed recommendations: FOIC
1. CULTURE AND LEADERSHIP				
1.1 Overall information access strategy	1. Does your agency have an information access strategy that brings together how information can be made available or requested through the Information Publication Scheme, administrative access arrangements or through an access request under the FOI Act?	Yes	Complementary access mechanisms are an important means of implementing the first of the OAIC's Principles on Open Public Sector Information – i.e. that open access to information should be the default position in government. For further information, refer to the OAIC resource: Guide to the access of information page on an agency's website. The OAIC identified this as an overall area for improvement following the 2023 IPS review.	
1.2 Regard to Open by Design principles	2. Does your agency consider Open by Design principles in making decisions, including in the creation or publication of documents?	No	Australian government agencies are strongly encouraged to commit to being 'Open by Design'. See our Principles on open public sector information for the fundamentals of this approach.	
1.3 Nominated Information Champion and/or escalation contact point	3. Does your agency have a nominated Information Champion and/or nominated escalation contact point at SES level?	Yes	Agencies are encouraged to appoint an Information Champion to provide the leadership necessary to promote proactive publication. Nominating a senior executive as an escalation contact point with the OAIC enables prompt SES-level communication on IC review matters where needed. See Part 13 of the FOI Guidelines – Managing an agency IPS entry: Governance arrangements.	
Agency comments		N/A		
2. GOVERNANCE ARRANGEMENTS				
2.1 Record of authorisations under s 23	1. Does your agency record its authorisations, under s 23 of the FOI Act, of officers to make decisions about FOI requests?	Yes	Agencies should ensure a sufficient number of officers are authorised at appropriately senior levels to make decisions about FOI requests. An officer should confirm that they are authorised before making a decision.	
2.2 Independence of FOI decision makers	2. Does your agency have a process for ensuring that staff who make decisions under the FOI Act are able to do so independently?	Yes	Authorised officers are responsible for reaching an independent decision and exercising any discretion. See ARC Best Practice Guide No 1, Decision Making: Lawfulness, 2007.	
2.3 Access to documents held by contractors	3. Does your agency have a process in place to ensure that contractual arrangements with parties delivering a service on behalf of the agency allow for the agency to receive documents held by these contractors or subcontractors, if a person requests access to those documents under the FOI Act? Does your agency use the model clause as provided by the OAIC?	In progress	Agencies must take contractual measures to ensure that they receive documents held by certain contractors or subcontractors, if a person requests those documents under the FOI Act. See our resource Documents held by government contractors for guidance about how to address this requirement. See also Part 2 of the FOI Guidelines – Documents available in response to an FOI request: Documents held by Commonwealth contractors.	
Agency comments		Q2 - review of processes is underway, further training and process development required. Q3 - The Agency doesn't use the OAIC's model clause. The standard contract has provisions that support the collection of documents from a contractor in order to comply with a FOI request. The FOI team does not have a current process that would support them to identify and engage with a contractor or business area for this purpose.		
3. PROACTIVE RELEASE				
3.1 Existence of an administrative access scheme	1. Does your agency have an administrative access scheme?	Yes	Disclosure of information through an administrative access arrangement can be advantageous to both agencies and individuals seeking information. Administrative access is addressed in the FOI Guidelines at Part 3 (see Access to information – administrative release).	
3.2 Guidance about accessing documents under various schemes	2. Does your agency include information on how to seek access to documents under administrative access, APP 12 and the FOI Act? Does it include an explanation on how each of these systems may work with each other, the limitations of each scheme and the review rights, if any?	Yes	You may find the administrative access checklist helpful, included in our resource: Administrative access.	
3.3 Administrative access to routinely requested information	3. Does your agency have a process in place to identify information routinely requested that can be released administratively (for example, staff seeking their own information from Human Resources, parties seeking access to their case files)?	Yes	In identifying information or documents that may suit administrative release, there are various factors that may be useful to consider – see our resource: Administrative access at 'Assessing the need for administrative access arrangements'.	
3.4 Process for identifying updates to IPS entries	4. Does your agency have a process for identifying updates to the IPS entries on your website?	No	The FOI Guidelines at Part 13 sets out the information that agencies are required to publish, and authorised to publish, on their IPS under the FOI Act.	
Agency comments		Technical Advisory and Practical Improvement Branch and People and Culture have been consulted, with the prospect of progressing active publication of resources (TABIP) and an administrative access scheme (section 15A)		

4. ACCESS REQUESTS				
4.1 Engagement with applicants prior to search and retrieval	1. Does your agency engage with applicants over the phone or in writing to clarify the scope of an FOI request prior to requesting business areas to conduct search and retrieval of the documents?	Yes	Before commencing a formal request consultation process, agencies and ministers' offices are encouraged to discuss the request with the applicant. See Part 3 of the FOI Guidelines – Consultation with the applicant.	
4.2 Timeframes for internal search and retrieval processes	2. Does your agency's internal process for requesting search and retrieval of documents include specific timeframes?	Yes	The processing period for an FOI request commences upon its receipt. It is best practice to set timeframes for internal processes such as search and retrieval of documents to comply with statutory timeframes. For more information about statutory timeframes, see Part 3 of the FOI Guidelines and the OAIIC resource: <i>How long does an agency have to process a freedom of information request?</i>	
4.3 Existence and availability of a FOI processing manual	3. Does your agency have a process manual setting out how FOI requests are triaged, processed and decided? Is it broadly available to staff across the agency?	Exists but not broadly available to staff	A process manual is key mechanism to support authorised decisions makers to make timely, independent and quality decisions under the FOI Act. The OAIIC's FOI Essentials is designed to assist FOI decision-makers and is a useful toolkit for agencies developing or revising process manuals.	
4.4 Templates for statements of reasons	4. Does your agency use templates for statements of reasons to provide adequate reasons for refusing access?	Yes	You may find the following OAIIC resources helpful in developing templates: <i>Sample freedom of information notices</i> (see notice of access decision templates) and <i>Statement of reasons checklist</i> . These and other templates are available at the OAIIC webpage: Checklists, handouts and templates .	
4.5 Seeking of extensions of time by agreement	5. Does your agency seek an extension of time by agreement with the applicant under s 15AA prior to seeking an extension of time with the OAIIC?	Yes	Agencies should only seek an extension of time under s 15AB after it has first obtained, or attempted to obtain, the applicant's agreement to providing an extension of time under s 15AA, and the agency has fully utilised the 30 day period available under s 15AA (to the extent the applicant has agreed to this). The OAIIC sets out best practice tips when applying for extensions of time in our resource: <i>Extension of time for processing requests</i> . See also the Part 3 Guidelines - <i>Applying to the Information Commissioner for an extension of time under s 15AB</i> . Please note that these guidelines are under current review by the OAIIC.	
4.6 Availability and accessibility of information about FOI on website	6. Does your agency have information on its website that explains how to make a request under the FOI Act? Is this information clearly accessible from the home page? Does the page include links to the disclosure log, Information Publication Scheme and (if applicable) other information regularly updated?	Yes	You may find our resource <i>Government agency website requirements</i> useful in revising your agency's website to improve information access.	
4.7 Policies in support of the FOI processing manual	7. Does your agency have internal policies which support the FOI processing manual? How often are the relevant policies reviewed and updated? Do these policies reflect the principles set out in the Guidelines issued by the Information Commissioner under s 93A of the FOI Act?	Yes	In reviewing and updating policies, it may be useful to consider recent revisions to the FOI Guidelines (see Summary of version changes to s93A guidelines) and the OAIIC's recent ICON alerts which will address any updates to our resources and practice documents.	
4.8 Reliance on legal advice and management	8. How frequently are FOI matters referred to legal advice/management by your agency? Response: never, occasionally or routinely	Occasionally	Consistent with the objects of the FOI Act – including that agencies exercise their powers under the FOI Act to facilitate public access to information, promptly and at the lowest reasonable cost – agencies are encouraged to avoid adopting overly legalistic approaches to responding to FOI requests. In doing so, agencies should ensure that officers at appropriately senior levels are authorised to make both original and internal review decisions. These officers can be assisted in their decision-making by agencies process manuals and policies. Authorised officers can also refer to OAIIC resources such as FOI Guidelines, the FOI Essentials Toolkit, and practice documents and templates: see <i>Freedom of information guidance for government agencies</i> .	
Agency comments		Q7 - review of FOI process will consider the incorporation of appropriate references to the FOI guidelines. Q8 - process and SLA for engagement with Agency Legal Services is in development.		
5. DISCLOSURE LOG PUBLICATION				
5.1 Process for publishing documents on the disclosure log	1. Does your agency have a process or system for ensuring that documents that are released under FOI are published on the disclosure log?	Yes	Agencies and ministers must publish information that has been released in response to every FOI request, subject to certain exceptions. A process or system can help ensure agencies meet this requirement. Part 14 of the FOI Guidelines addresses the Disclosure Log: Part 14: Disclosure log .	
5.2 Compliance with timeframe for disclosure-log publication	2. Does your agency meet the timeframe of 10 days to publish documents on the disclosure log?	Yes	For more information about complying with this legislated timeframe, including in the context where there may be third-party review, see Part 14 of the FOI Guidelines – in particular: <i>Making Information publicly available - Time of publication</i> .	

5.3 Availability of documents released under FOI for direct download	3. Does your agency publish documents released in response to an FOI request on the disclosure log for direct download?	No	Agencies should make all documents released in response to FOI requests (subject to applicable exceptions) available for download from the disclosure log, or another linked website, unless it is not possible to upload documents due to a technical impediment such as file size or the requirement for specialist software to view the information. See Part 14 of the FOI Guidelines for more information (Nature and content of the disclosure log).
5.4 Use of sample disclosure log table	4. Does your agency use the OAIC's sample disclosure log table?	Yes	While the FOI Act does not prescribe the form of a disclosure log, the community may benefit if disclosure logs have a consistent appearance across government and can be easily understood. Part 14 of the FOI Guidelines therefore includes a template disclosure log (Annexure A). It may be appropriate to modify the headings in the template, depending on the nature of FOI requests your agency handles and its IT systems and information platforms.
5.5 Compliance with accessibility standards	5. Do your agency's publications conform to current accessibility standards?	Yes	Agencies should ensure they comply with the latest version of the Web Content Accessibility Guidelines (WCAG).
Agency comments		N/A	
6. FOI STATISTICS			
6.1 Officer responsible for feedback regarding quarterly FOI statistics	1. Does your agency have an SES escalation point for feedback regarding the submission of FOI quarterly statistics?	Yes	Internally assigning an SES escalation point for FOI statistics ensures seamless provision of required statistical information.
6.2 Quality assurance process for FOI statistics	2. Does your agency have a quality assurance process for lodgement of quarterly and annual statistics?	Yes	You may find the OAIC's FOIstats guide helpful in supporting the input of correct FOI statistics.
6.3 Review of FOI statistics to identify trends	3. Does your agency have a process for reviewing statistics to identify trends in non-compliance with timeframes or increases in access refusals, use of exemptions, or issue of practical refusal notices or charges notices?	Yes	Reviewing statistics is a useful starting point in uplifting FOI practice and identifying any gaps in practice. Your agency's statistics are also available on the OAIC's dashboard .
6.4 Timeliness of quarterly and annual FOI statistics	4. Does your agency provide their quarterly or annual statistical returns on time?	Yes	Reporting deadlines for providing statistical information to the OAIC are established by Regulations. For more information, see the OAIC resource FOIstats guide.
6.5 Identification or analysis of trends in FOI processing	5. Does your agency routinely identify or analyse any trends on incoming access requests or on original and internal review FOI decisions?	Yes	Identification and analysis of access requests and decisions can be useful for multiple purposes including identifying training needs, publishing practical information for applicants on the agency's FOI website and identifying routinely released information for IPS publication. Aspects of this exercise may also assist when completing FOI statistics annual returns. See the FOI Stats Guide on the annual return at 5 - Comparison with previous year.
Agency comments		N/A	
7. SUPPORTING TOOLS AND SYSTEMS			
7.1 Use of smartforms for FOI requests	1. Does your agency use smartforms to receive FOI requests?	In progress	Smartforms may assist FOI applicants in making targeted requests. Smartforms, particularly when integrated with a case management system, will also assist to retrieve relevant information and directly map it into the case management system. It will provide the agency an opportunity to request relevant contact information, information relating to representatives, and information that will assist the agency to more rapidly assess and identify the documents being sought and the relevant business areas to be consulted. A smartform can also assist in providing prompts or further links to your agency's website that may address the request.
7.2: Use of case management systems	2. Does your agency have case management systems which support processing of FOI requests and publication to the disclosure log within relevant timeframes?	Yes	An effective case management system for FOI requests is a key foundation to ensure compliance with FOI-Act requirements and the practices set out in the FOI Guidelines. Case management systems that enable data to be easily extracted in a report assist agencies to meet reporting obligations and to identify trends to inform resourcing projections. Effective case management systems also assist officers to keep track of requisite deadlines and approvals.
7.3 Plan for managing an increased FOI caseload	3. Does your agency have a plan to manage receiving an increased number of FOI requests?	Yes	Practical strategies to include in a plan for an increase in FOI requests are set out in the OAIC resource: Managing increased volume of FOI requests.
7.4: Existence of a surge team	4. Does your agency have an existing surge team to assist with incoming FOI matters?	No	Surge teams may assist with higher volumes, or backlogs, of FOI requests. This is a strategy to consider with other measures set out in our resource: Managing increased volume of FOI requests.
7.5 Identification of	5. Does your agency have a process for identifying improvements to be made to FOI processes following relevant IC review decisions or	Yes	In improving FOI processes, it is worth considering not only the decisions and recommendations made with respect to your agency, but also other agencies.

Improvements for FOI processes	Be made to FOI processes following relevant IC review decisions or FOI complaint investigation recommendations/suggestions?		The OAIC publishes the recommendations it makes in FOI complaints: see FOI Investigation outcomes. IC reviews are published on AustLii and our ICON alert provides summaries of notable recent IC reviews.	
7.6 Process documents to support business areas conducting search and retrieval	6. Does your agency have process documentation to support business areas to conduct search and retrieval?	Yes	You may find the following resource useful in developing search and retrieval process documentation: Taking all reasonable steps to find documents in a freedom of information request.	
7.7 Identification of documents routinely released to publish on IPS	7. Does your agency have process documentation to identify documents routinely released in response to an access request and to address how this information should be made available on the IPS?	No	Guidance on the requirement to publish information routinely given through FOI access requests is set out in the FOI Guidelines at Part 13. See Information required to be published under the IPS: Information routinely given through FOI access requests.	
Agency comments		Q1 webform in development Q3 recruitment activities ongoing		
8. EDUCATION, TRAINING AND ENGAGEMENT				
8.1 Decision-making training for FOI practitioners	1. Do FOI practitioners in your agency attend decision making training? What is included in the training? How often are training sessions conducted?	Yes	Decision-making or administrative law training assists officers in meeting the legal requirements for lawful decision making. See also the FOI Guidelines at Part 3 and the OAIC's resource: Twelve tips for FOI decision makers .	
8.2 Accreditation or specific training program for FOI decision-makers	2. Does your agency have an accreditation or specific training program for its FOI decision makers?	In progress	The OAIC publishes numerous checklists, guidance notes, and other guidance materials that we encourage agencies to use in developing specific training. See our Freedom of information guidance for government agencies.	
8.3 Ongoing FOI training for business areas	3. Does your agency have ongoing training for business areas, for example on general FOI obligations, search and retrieval? How often are training sessions conducted?	Yes but not on a regular basis	The OAIC's resources may be a useful tool in delivering training to business areas.	
8.4 FOI training for new SES staff	4. Does your agency have training for new SES on general FOI obligations? How often are training sessions conducted?	No	Leadership at a senior level is critical in establishing a culture within an agency for full compliance with FOI requirements. This leadership can be informed and supported by up-to-date training.	
8.5 Ongoing FOI training for SES staff	5. Does your agency have ongoing training for SES staff on general FOI obligations? How often are training sessions conducted?	No	Ongoing training for SES should specifically address IPS requirements as part of general FOI obligations. Leadership has a particular role with regards to the IPS – senior executive 'Information Champions' are responsible for ensuring the agency has appropriate governance mechanisms in place to ensure IPS compliance.	
8.6 Subscription to the OAIC's ICON alert	6. Does your agency subscribe to the OAIC's Information Contact Officer Network (ICON) alert?	Yes	See the Part 13 Guidelines: <i>Managing an agency IPS – Governance Arrangements</i> ; and our resource: Information Publication Scheme overview for senior executive staff.	
8.7 Attendance at the OAIC's webinars for FOI practitioners	7. Does your agency attend the OAIC's webinars for FOI practitioners?	Yes	ICON is a network for information- access and FOI contact officers working at Australian Government agencies. To subscribe, email icon@oaic.gov.au from your Australian Government email address.	
8.8 Attendance at other FOI-specific forums	8. Does your agency attend other FOI-specific forums?	Yes	The OAIC shares information about upcoming FOI webinars via its ICON alert.	
8.9 Attendance at the SES Leadership Group Quarterly Forum	9. Does the relevant SES Band 1 in your agency attend the SES Leadership Group Quarterly Forum?	Yes	International Access to Information Day in September provides opportunities for agencies to ensure they are 'FOI informed': see International Access to Information Day .	
			This forum is a space where agencies can share best practices and innovations for managing FOI requests, including by:	
			· Driving consistency in approach to FOI and information access requests (where applicable)	
			· Provide an opportunity for agencies to develop a position on an issue of interest which can be communicated with the OAIC and the FOI Commissioner	
			· Assist the OAIC and the FOI Commissioner to engage with interested agencies on certain topics in a constructive way	
			· Escalate issues impacting agencies, with policy or regulatory agencies.	
8.10 Considers recent IC review decisions	10. Is your agency up to date on recent IC review decisions?	Yes	Agencies can receive updates about notable recent IC review decisions by subscribing to the OAIC's ICON alert. All IC review decisions are published on AustLii.	
8.11 Considers recent FOI investigation outcomes	11. Is your agency up to date on recent FOI investigation outcomes?	Yes	Agencies can receive updates about recent FOI investigation outcomes by subscribing to the OAIC's ICON alert. The OAIC also publishes these at: Freedom of information investigation outcomes .	
8.12 Considers recent amendments to the FOI Guidelines	12. Is your agency up to date on recent amendments to the FOI Guidelines?	Yes	Agencies can receive updates about our FOI Guidelines, including consultations on draft revisions, by subscribing to the OAIC's ICON alert. Consultations on the FOI Guidelines are also published at our Freedom of information consultation webpage .	

Agency comments		Training recently conducted by AGS for all Information Access staff. The package of training will be rolled out for all agency staff and regular Info Access training. The development of accreditation process is underway, with the intention of implementation with the change of FOI authorisation.		
Whether processing delays have been previously investigated?				

National Disability Insurance Agency (NDIA)

Previous investigations	Previous recommendations	Previous suggestions	Agency response	Impact on timeliness
4 March 2024: three recommendations and two suggestions made	<p>1. The Agency must provide training to staff regarding the interaction between FOI and PIA requests, highlighting the importance of ensuring that the scope of the request is properly understood as well as engaging in flexible communication with applicants in a timely manner.</p> <p>2. The Agency undertake an assessment of all FOI requests which involve a request for 'personal' documents received between 5 May 2024 and 4 November 2024 to ensure that statutory timeframes are being complied with and that the training has been effective.</p> <p>3. The Agency report the findings of the assessment to the OAIC, highlighting its findings as well as what steps the Agency will endeavour to take to ensure that any concerns arising from the assessment are promptly addressed.</p>	<p>1. As part of the above assessment, the Agency should also assess all PIA requests received between 5 May 2024 and 4 November 2024 to ensure that statutory timeframes are being complied with in accordance with the FOI Guidelines at [3.5].</p> <p>2. The Agency should look to improve its systems so that documents currently available through PIA requests are made directly downloadable; for example, through the Agency's myplace Portal. This will reduce delays and also increase resources within the Agency to assist with processing FOI requests.</p>	Accepted and implemented	<p>The Agency's compliance with statutory processing timeframes has significantly decreased over the past 4 financial years despite having received fewer FOI requests overall:</p> <p>2020-21 compliance rate: 100% of 753 2021-22 compliance rate: 91% of 1516 2022-23 compliance rate: 71% of 1460 2023-24 compliance rate: 49% of 1346 2024-25 compliance rate: 33% of 1310</p>
15 June 2022: failure to comply but no recommendations made	N/A	N/A	N/A	

Questions in s 75 notice	Responses	
1. Submissions in response to each of the respective complaints and the outcomes requested, including a chronology of the processing steps involved in relation to each of the complaints.	6 complaints. The Agency broadly acknowledges that its current performance, particularly in relation to compliance with statutory timeframes, is inadequate and needs attention.	
2. An explanation as to what drivers are causing the non-compliance with processing timeframes, as raised by the respective complainants.	Explanations: <ul style="list-style-type: none"> - high number of people living with a disability that the NDIA supports (740,000) - staff retention challenges - transitioning from a majority labour hire workforce to a majority permanent staffing workforce - implementation of a dedicated case management ICT system - continued growth of access requests (including under FOI) - development of a backlog of FOI requests - prioritisation of substantive FOI decisions over EOT requests 	
3. For the past 2 years, data and graphs depicting the agency's compliance with processing timeframes	Numbers provided by NDIA (confirmed via FOI Stats Dashboard): 2023-24 compliance rate: 49% of 1346 2024-25 compliance rate: 33% of 1310	
4. For the past 2 years, the number of extensions of time requests the AFP has sought under ss 15AA, 15AB and 15AC	Numbers provided by NDIA: 2023-24: s 15AA: 151 s 15AB: 12 s 15AC: 6 2024-25: s 15AA: 245 s 15AB: 8 s 15AC: 0	Numbers according to Resolve: 2023-24: s 15AA: 74 s 15AB: 14 (10 granted, 4 refused) s 15AC: 17 (3 granted, 13 refused, 1 invalid) 2024-25: s 15AA: 522 s 15AB: 13 (4 granted, 9 refused) s 15AC: 3 (1 granted, 2 refused)
5. The number of resources allocated to FOI processing.	In June 2025, the FOI team's FTE increased from 38 to 73. The team's actual staffing level appears to be slightly below this (approximately 66) as of 24 August 2025.	
6. The agency's action plan to address the non-compliance with processing timeframes, including specific measures to ensure future FOI requests are responded to within the statutory processing timeframe.	Actions include (see 'FOI Strategic Plan 2026-27' for full list): <ul style="list-style-type: none"> - expanding the capacity of the Information Access team from 38 FTE to 73 FTE, noting that the newer staff without prior FOI experience need a higher level of support - improving triage and early resolution functions including by increasing the size of the early resolution team - streamlining FOI processes by producing and updating a new suite of standard operating procedures and guidance material as well as authorising an additional 12 FOI decision makers - training packages to the FOI team and other staff including training from the Australian Government Solicitor in June 2025 and NDIS Business Systems training. The NDIA is also developing a FOI training page to be launched early 2026 - improving reporting functions using the dedicated ICT platform (LEX) which has better reporting systems and assists with the proactive disclosure of operational documents with public interest - briefing the NDIA's Board and Minister on its FOI workload, low statutory compliance, and the initiatives it has undertaken to improve its capability, capacity, and output, and - monitoring OAIC complaint outcomes and implementing the recommendations, including processes and training targeting the identification of personal information requests as recommended in 2024. 	

7. Completion of the OAI's self-assessment tool for agencies	Completed (see 'Self-assessment tool responses' tab)
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s22

From: s22
Sent: Wednesday, 26 November 2025 9:35 AM
To: s22 @ndis.gov.au
Cc: foi; s22
Subject: FOI complaints - Request for information - Response due COB 26 November 2025

s47F

Director
Parliamentary, Ministerial and FOI Branch Government Division
National Disability Insurance Agency

By email: s22 @ndis.gov.au
Copied to: foi@ndis.gov.au

Request for information in relation to FOI Complaints

Dear s47F

On 15 September 2025, the Office of the Australian Information Commissioner (the OAIC) commenced an investigation into a cohort of FOI complaints about the National Disability Insurance Agency (the NDIA).

We understand that the NDIA's Chief Executive Officer has recently changed, and a contact email is no longer available on the Directory. To ensure that our investigation notices are correctly addressed, we ask that the NDIA please provide us with an updated contact email for the CEO by close of business today.

We thank the NDIA for its assistance during these investigations.

Yours sincerely,

 s22
Assistant Director, Reviews and Investigations
Office of the Australian Information Commissioner
GPO Box 5288 Sydney NSW 2001
P 1300 363 992 E foidr@oaic.gov.au

The OAIC acknowledges Traditional Custodians of Country across Australia and their continuing connection to land, waters and communities. We pay our respect to First Nations people, cultures and Elders past and present.

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s22

From: s47F s22 @ndis.gov.au>
Sent: Wednesday, 26 November 2025 6:46 PM
To: s22
Cc: foi; s44
Subject: RE: FOI complaints - Request for information - Response due COB 26 November 2025 [SEC=OFFICIAL]

CAUTION: This email originated from outside of the organisation. Do not click links or open attachments unless you recognise the sender and know the content is safe.

Hi s22

Adress below.

I have included the CEO's Office email which is the primary contact for all communications.

- s22 @ndis.gov.au
- ADMIN.OFFICE@ndis.gov.au

s47F

OAIC - FOI DR

From: OAIC - FOI DR
Sent: Friday, 28 November 2025 6:14 PM
To: s22 @ndis.gov.au
Cc: ADMIN.OFFICE@ndis.gov.au; foi
Subject: Freedom of information complaint investigation – Notice on completion
Attachments: 251111 NDIA cover letter s86 finalisation.pdf; 251105 s86 NoC Attachment 1 - s22; 251105 s86 NoC Attachment 2 - s22; 251105 s86 NoC Attachment 3 - s22; 251105 s86 NoC Attachment 4 - s22 f; 251105 s86 NoC Attachment 5 - s22; 251105 s86 NoC Attachment 6 - s22

Our references: s22 | s22 | s22 | s22 | s22 | s22
 Agency references: s22

Mr Graeme Head AO
 Chief Executive Officer
 National Disability Insurance Agency

By email: s22 @ndis.gov.au
 Cc: ADMIN.OFFICE@ndis.gov.au; foi@ndis.gov.au

Dear Mr Head,

Please find attached the Freedom of Information Commissioner's findings in relation to the investigation of FOI complaints made about the National Disability Insurance Agency (the NDIA), as set out in the cover letter, with Attachments 1- 6 addressing the individual complaints.

Please note that a response is due by **19 December 2025**.

Yours sincerely

s22

s22
 Director, Reviews and Investigations
 Office of the Australian Information Commissioner
 Sydney | Box 5288 Sydney NSW 2001
 P s22 E s22 oaic.gov.au

OAIC



Australian Government
Office of the Australian Information Commissioner

Our references: s22 s22 s22 s22 s22
 s22

Agency references: s22
 s22

Graeme Head AO

Chief Executive Officer
 National Disability Insurance Agency

By email: s22 @ndis.gov.au

Cc: ADMIN.OFFICE@ndis.gov.au; foi@ndis.gov.au

Dear Mr Head,

Freedom of information complaint investigation – Notice on completion

1. I refer to the 6 complaints made about the National Disability Insurance Agency (the NDIA)'s failure to comply with statutory processing timeframes under s 15(5) and disclosure log obligations under s 11C(3) of the *Freedom of Information Act 1982* (the FOI Act).
2. The Office of the Australian Information Commissioner (the OAIC) notified the NDIA of the investigation of these complaints on 15 September 2025. I am writing in accordance with s 86 of the FOI Act to notify you that I have completed my investigation into the complaints and to advise you of the outcome.¹

What we think you are doing well

3. In conducting this investigation, I have identified several areas in which the NDIA is doing well. In particular, I commend the NDIA for:
 - its robust administrative access arrangements to support the release of personal information (including the Participant Information Access scheme)

¹ Section 86 of the FOI Act requires that I give you notice of the investigation results, any recommendations, and the reasons for those results or recommendations.

- its transparent communication with the OAIC about the challenges it has been experiencing in relation to compliance with statutory timeframes under the FOI Act, and
 - the improvement initiatives that the NDIA has been proactively pursuing including the implementation of a dedicated ICT system with better reporting functions, updated guidance for FOI staff, and training packages.
4. However, the NDIA's challenges with statutory timeframes have remained a persistent issue that is evident through the NDIA's FOI statistical reporting, as well as the number of IC reviews sought in relation to the NDIA's deemed refusal decisions, and FOI complaints received by the OAIC about this issue.²

My conclusions

5. As outlined in the attached notices,³ I have concluded that:
- the NDIA did not comply with s 15(5)(a) of the FOI Act in 3 of the FOI complaints as the NDIA did not acknowledge the complainants' FOI requests within the statutory processing timeframe
 - the NDIA did not comply with s 15(5)(b) of the FOI Act in 5 of the complaints, as the NDIA did not provide the respective complainants with FOI decisions within the relevant statutory processing timeframes
 - in relation to the request for access to documents on the NDIA's disclosure log, while the NDIA's disclosure log does not comply with s 11C(3)(a) or (b) of the FOI Act, it does sufficiently comply with the requirements of s 11C(3)(c) of the FOI Act. Given the documents are not made available for direct download they should therefore be provided within no more than 5 working days. Although the NDIA did provide the document within 5 working days, if a public holiday is taken into account, I encourage the NDIA to consider providing direct access to documents on the website or otherwise providing access as soon as possible⁴
 - the NDIA did not sufficiently utilise or give early consideration to available

² While this investigation relates to 6 FOI complaints, in 2024-25 the OAIC received a total of 31 complaints about the processing of FOI requests.

³ Listed at **Annexure A**. The individual notices setting these matters are at **Attachment A-1, Attachment A-2, Attachment A-3, Attachment A-4, Attachment A-5, and Attachment A-6**.

⁴ The [FOI Guidelines](#) at [14.13] and [14.45] provide that when a person asks for a copy of documents described on a disclosure log, the documents should be provided promptly, no later than 5 working days after the request is received.

extension of time provisions to ensure compliance with statutory timeframes in 2024-25

- the NDIA failed to implement systems and processes sufficient to uphold its duties to comply with statutory processing timeframes under the FOI Act.

Considerations, recommendations, and suggestions

6. My considerations are set out in **Annexure B**. The information provided by the NDIA, including the self-identified areas requiring improvement and annual FOI statistics,⁵ indicate broader systematic issues which are also observed in the notable volume of IC review applications received by the OAIC relating to deemed access refusal decisions.
7. The recommendations and suggestions that the NDIA ought to implement by specified dates are outlined at **Annexure C**. These seek to support the work the NDIA has commenced to improve its compliance with statutory processing timeframes and uplift its information access operations more broadly.

Next steps

8. The NDIA must notify the OAIC as to: (a) whether it accepts the recommendations and suggestions set out in this notice, and (b) any comments it wishes to make, by **19 December 2025**.
9. A copy of the Notice with the NDIA's comments will be provided to each of the complainants pursuant to s 86(4) of the FOI Act. A summary of this Notice and any comments from the NDIA will be published on the OAIC's website.
10. The NDIA must comply with implementation of the recommendations by the specified dates. If the NDIA does not implement the recommendations by the specified dates, I may proceed to issue an implementation notice under s 89 of the FOI Act.⁶
11. If your staff would like to discuss this matter, please contact s22 Director of Reviews and Investigations, on s22 or email s22 [oaic.gov.au](mailto:s22@oaic.gov.au).

Yours sincerely

⁵ Published by the OAIC at: [Australian Government freedom of information statistics](#).

⁶ The requirement to implement investigation recommendations, including relevant enforcement measures, are explained in the [FOI Guidelines](#) at [11.47] – [11.57].



Alice Linacre
Freedom of Information Commissioner
28 November 2025

Annexure A: Attachments

The complaints that are the subject of these investigations.

Attachment	OAIC reference	Complainant
A-1	§22 [REDACTED]	§22 [REDACTED]
A-2	§22 [REDACTED]	§22 [REDACTED]
A-3	§22 [REDACTED]	§22 [REDACTED]
A-4	§22 [REDACTED]	§22 [REDACTED]
A-5	§22 [REDACTED]	§22 [REDACTED]
A-6	§22 [REDACTED]	§22 [REDACTED]

Annexure B: Considerations

In considering whether to make any investigation recommendations, I have had regard to:

- the outcomes sought by the complainants including access to documents the subject of requests, the delay issues to be investigated, and for recommendations to be made to avoid these issues recurring
- the information provided by the NDIA, including self-identified areas for improvement and work that the NDIA has undertaken or commenced to improve its compliance with statutory processing timeframes and uplift its information access operations more broadly, particularly in relation to its decision-making capacity, staffing levels, and guidance materials, and
- whether the issues raised in these complaints were isolated instances. In particular, I have had regard to the NDIA's published FOI statistics which sets out its compliance with the timeframes set out in the FOI Act,⁷ as well as other FOI complaints received by the OAIC about the NDIA's failure to comply with statutory processing timeframes. These indicate the NDIA is experiencing broader systemic issues impacting the timeliness of FOI decision-making within the NDIA rather than isolated incidents.

While this investigation has been undertaken in relation to complaints made by 6 individuals, it is apparent from the NDIA's published FOI statistics⁸ as well as other FOI complaints received about the NDIA's failure to comply with statutory processing timeframes that were not actively pursued by the OAIC, that these complaints are representative of significant systemic issues relating to the timeliness of FOI decision-making within the NDIA, which is of serious concern.

In particular, the NDIA's compliance with statutory processing timeframes has decreased dramatically since the 2022-23 financial year, only reaching 33% compliance in the 2024-25 financial year. It is also evident from published FOI statistics,⁹ that the NDIA's compliance rate also remains significantly lower on average to all other Australian government agencies.¹⁰ I also observe that while

⁷ The NDIA's compliance with statutory processing timeframes was 71% in the 2022-23 financial year, 49% in the 2023-24 financial year, and 33% in the 2024-25 financial year as published on the OAIC's website at [Australian Government freedom of information statistics](#).

⁸ As available on the OAIC's website at [Australian Government freedom of information statistics](#), and in the OAIC's [Annual report 2024-25](#) (volume 2, pages 19 – 21).

⁹ As available on the OAIC's website at [Australian Government freedom of information statistics](#).

¹⁰ In the 2023-24 financial year, the average rate of compliance with FOI timeframes was 74% for all agencies and 49% for the NDIA. In the 2024-25 financial year, the average rate of compliance with FOI timeframes was 73% for all agencies but 33% for the NDIA.

there has been a significant increase in s 15AA extensions (from 74 notified to the OAIC in 2023-24, to 522 in 2024-25), there has also been a significant decline in the number of ss 15AB and 15AC extension of time requests being sought.

I also note that the NDIA reported 151 s 15AA extensions in 2023-24, but the OAIC only has records of 74 of these. Section 15AA(b) of the FOI Act requires that an agency or Minister notify the OAIC of an agreed extension of time as soon as practicable after the agreement is made. As per [3.73] and [3.256] of our [FOI Guidelines](#), an agreement under s 15AA of the FOI Act is not valid if the OAIC has not been notified of the agreement. Given the substantial proportion of invalid s 15AA agreements obtained during the relevant period, the OAIC considers this would have a related impact on the NDIA's FOI timeliness statistics¹¹ as reported to the OAIC during the relevant financial year.

Further, the NDIA's compliance with statutory processing timeframes has been subject to 2 previous investigations which were found to be substantiated in findings dated 15 June 2022 and 4 March 2024 respectively.¹² The OAIC made recommendations to the NDIA in relation to one of those complaints, that it accepted. However, based on these complaints and the NDIA's rate of compliance with statutory processing timeframes, the timeliness of FOI decision-making continues to remain a prevalent issue within the NDIA. This is of particular concern given the previous investigations and that a failure to adhere to processing timeframes under the FOI Act is a breach of a statutory regime.

The NDIA's repeated failure to comply with FOI processing timeframes may also have broader privacy implications where FOI applicants are seeking information related to their personal information.¹³

In considering the implementation of my recommendations and suggestions, the NDIA may wish to include targeted questions in its proposed Smartform to applicants about the type of information they are seeking (for example, their own staff personnel records, statistical data, or policy information) to assist with scoping requests and directing them to the appropriate teams. The Smartform may

¹¹ As published on our [Australian Government freedom of information statistics](#) webpage.

¹² See [Freedom of information investigation outcomes](#) – Notices on completion dated 15 June 2022 and 4 March 2024.

¹³ Noting that the NDIA's FOI statistics indicate that 81% of its FOI requests in 2023-24, and 79% in 2024-25, were for personal information. Under the *Privacy Act 1988* (Cth) (Privacy Act), Australian Privacy Principle 12 requires that APP entities (including Australian government agencies) that hold personal information about an individual, gives the individual access to that information on request, unless it is permitted by law to refuse access. For agencies, APP 12 operates alongside the right of access in the FOI Act.

also be accompanied by an auto-acknowledgment form which would more easily enable the NDIA to comply with s 15(5)(a) of the FOI Act.

Annexure C: Suggestions and recommendations

Section 87 of the FOI Act provides that my investigation results include any suggestions to the NDIA that I believe it ought to implement to improve its processes.

Section 88 of the FOI Act enables me to make investigation recommendations that I believe the NDIA ought to implement.

These recommendations and suggestions are expected to uplift the NDIA's information access operations and capability in the processing of FOI requests through:

- focusing on areas which require improvement
- enhancing the NDIA's knowledge of decisions, investigation outcomes, and guidance issued by the Information Commissioner
- supporting governance improvements through delivery of revised guidance, procedures, and training, and
- engaging with the NDIA's own initiatives for improvement.

Recommendations made under s 88 of the FOI Act

Recommendation	Due date for completion
Outcome of Agency initiatives	
1. The NDIA provide evidence that its information access Smartform has been implemented.	30 January 2026
2. The NDIA provide an implementation report, including statistical evidence, to demonstrate the effectiveness of the strategies employed under the NDIA's 'FOI Practice Build'.	30 January 2026
Operational Processes and Procedures	
3. The NDIA review, and update, its FOI processing manual and ensure that, at a minimum, the manual: <ul style="list-style-type: none"> a) addresses the steps that will be taken to ensure compliance with statutory processing timeframes, including the requirement for staff 	30 January 2026

Recommendation	Due date for completion
<p>to conduct an early assessment of whether an extension of time is required</p> <p>b) provides guidance to staff on how and when to utilise the available extensions of time under ss 15AA, 15AB, and 15AC of the FOI Act¹⁴ to ensure concerted efforts in complying with statutory processing timeframes, consistent with OAIC guidance</p> <p>c) highlights the importance of keeping applicants informed of progress, and engaging with applicants to explore options for faster outcomes, and</p> <p>d) refers to relevant provisions of the FOI Guidelines.</p>	
<p>4. The NDIA ensure the FOI processing manual is publicly available on the NDIA’s website, consistent with the requirements of the Information Publication Scheme.</p>	<p>30 January 2026</p>
<p>5. The NDIA review, and update (if necessary), internal policies that support the FOI processing manual, including training and guidance materials for FOI decision makers,¹⁵ to support decision makers to comply with statutory processing timeframes and make decisions independently.¹⁶ These internal policies should reflect current revisions to Part 3 of the FOI Guidelines,¹⁷ and include references to relevant</p>	<p>30 January 2026</p>

¹⁴ See [Apply for an extension of time to process a freedom of information request](#) for guidance.

¹⁵ The OAIC publishes numerous checklists, guidance notes, and other guidance materials that we encourage agencies to use in developing specific training. See our [Freedom of information guidance for government agencies](#).

¹⁶ Authorised officers are responsible for reaching an independent decision and exercising any discretion. See [ARC Best Practice Guide No 1](#), Decision Making: Lawfulness, 2007.

¹⁷ See a summary of version changes to s 93A guidelines here: [Summary of version changes to s93A guidelines](#).

Recommendation	Due date for completion
OAIC resources ¹⁸ to support FOI processing officers and decision makers.	
6. The NDIA enhance governance arrangements, promote proactive release of information and support compliance with IPS and disclosure log requirements, by developing a process for identifying updates to the IPS entries on the NDIA's website, to support proactive release of information in accordance with the IPS. ¹⁹	30 January 2026
Training	
7. The NDIA ensure that all FOI team staff and other relevant staff (including FOI decision makers) have received training in relation to the formal guidance referred to in recommendations (4) and (6), and that new staff joining the FOI Section are trained in relation to this formal FOI guidance within 2 weeks of commencing in the FOI team.	30 January 2026
8. The NDIA develop or update, and deliver, training to all business areas responsible for compliance with general FOI obligations, including IPS obligations, disclosure log requirements, and compliance with search and retrieval requests, including the statutory timeframes and the requirement to take all reasonable steps to find relevant documents under s 24A of the FOI Act. This training should be made broadly available to all staff, and ongoing refresher training completed at regular intervals.	30 January 2026
9. The NDIA develop training for all relevant Senior Executive staff about the NDIA's general obligations	30 January 2026

¹⁸ Relevant OAIC resources include: [FOI Essentials for Australian Government agencies and ministers](#), [Freedom of Information processing period calculator](#), and [FOI agency resource Managing increased volume of FOI requests](#).

¹⁹ Section 11C of the FOI Act. For more information about complying with this legislated timeframe, including in the context where there may be third-party review, see Part 14 of the FOI Guidelines – in particular: [Making Information publicly available - Time of publication](#).

Recommendation	Due date for completion
under the FOI Act, which specifically addresses the requirements of the Information Publication Scheme under Part II of the FOI Act. This training should be delivered as part of the NDIA's induction process for new staff, and form part of any refresher training for SES employees.	
FOI Statistics	
10. The NDIA assess the impact of the potentially invalid s 15AA agreements on its FOI timeliness statistics as reported to the OAIC during the 2023-24 financial year and report back to the OAIC with adjusted FOI timeliness statistics and an explanation of the identified impact.	30 January 2026

Suggestions made under s 87(d) of the FOI Act

Suggestion	Due date for completion
Practices to uplift capability	
1. The NDIA create a dedicated resourcing pool from across the agency (an FOI surge pool) to provide FOI processing support during peak periods, as well as to assist with higher volumes, or backlogs, to provide improved and more stable capacity to meet FOI processing demands where necessary.	Commencing 30 January 2026
2. The NDIA seek to more actively utilise the available extension of time provisions under ss 15AB and 15AC (in appropriate circumstances), to demonstrate increased attempts to comply with the statutory processing timeframe under the FOI Act.	Commencing 30 January 2026
3. The NDIA create an auto-acknowledgement to complement its Smartform and ensure compliance with s 15(5)(a) of the FOI Act.	Commencing 30 January 2026

Ongoing learning and review	
4. The NDIA mandate the attendance of at least one staff member from each of its FOI teams to attend the OAIC's online training webinars (as advertised through the OAIC's fortnightly 'ICON' newsletter).	Commencing 30 January 2026
5. The NDIA review the OAIC's FOI complaint investigation outcomes ²⁰ at a minimum of every 12 months, to ensure that any learnings identified through those outcomes are incorporated into training for FOI staff, as well as the FOI processing manual and/or policies and guidance materials that support the processing manual.	Commencing 30 January 2026
Disclosure log	
6. The NDIA uplift the technical and administrative capability of its Disclosure Log to enable access to the documents in that log via download link.	Commencing 30 January 2026

²⁰ See [Freedom of information investigation outcomes](#).



Attachment A-1

Freedom of Information complaint investigation - Notice on completion under s 86 of the *Freedom of Information Act 1982*, by Freedom of Information Commissioner, Alice Linacre

Complainant	s22
Respondent	National Disability Insurance Agency
Completion date	28 November 2025
OAIC reference number	s22
Agency reference number	s22

Summary of investigation results, recommendations, and suggestions

1. On 29 May 2025, s22 (the Complainant) made a complaint under s 70 of the *Freedom of Information Act 1982* (the FOI Act) about the National Disability Insurance Agency (the NDIA), being that the NDIA had failed to comply with statutory processing timeframes under the FOI Act in processing their FOI request.
2. On 15 September 2025, the Office of the Australian Information Commissioner (the OAIC) provided a notice to the NDIA under s 75 of the FOI Act advising it of the commencement of an investigation into a cohort of FOI complaints received about similar issues, including this particular complaint, and requested relevant information in response. On 22 October 2025, the NDIA responded to the notice and request for information.
3. My conclusions in relation to the issue raised by the Complainant are outlined below.
4. My suggestions and recommendations in relation to this cohort of complaints are outlined in **Annexure A**.

Statement of reasons

The matters raised by the Complainant

5. In their complaint, the Complainant asserted that despite the effluxion of time they had not been provided with documents in response to their FOI request of 14 April 2025.
6. The background to this FOI complaint is set out at **Annexure B**.

Legislation and Guidelines

7. The timeframes for dealing with an FOI request are outlined in s 15(5) of the FOI Act, which provides that:
 - (a) as soon as practicable but in any case not later than 14 days after the day on which the request is received by or on behalf of the agency or Minister, take all reasonable steps to enable the applicant to be notified that the request has been received; and
 - (b) as soon as practicable but in any case not later than the end of the period of 30 days after the day on which the request is received by or on behalf of the agency or Minister, take all reasonable steps to enable the applicant to be notified of a decision on the request.
8. Where an agency or Minister fails to notify the applicant of a decision within the statutory processing period, it is taken to have made a decision refusing the request under s 15AC(3) of the FOI Act.
9. The FOI Guidelines also explain that where a refusal decision has been made under s 15AC(3) of the FOI Act, the agency or Minister may still process the request and provide a statement of reasons on the FOI request.¹

The NDIA's submissions

10. The NDIA has acknowledged that the Complainant's FOI request was subject to a refusal decision under s 15AC on 28 May 2025.
11. A summary of the NDIA's submissions is outlined in **Annexure C**.

My opinions in relation to the matter

My opinions in relation to the complaint raised

¹ FOI Guidelines at [3.270].

12. While the Complainant did not raise the issue of a delayed acknowledgement of their FOI request, I nonetheless have identified this as a relevant issue in this investigation.
13. The FOI request subject to this complaint was made on 14 April 2025. Pursuant to s 15(5) of the FOI Act, the NDIA was required to:
 - acknowledge the Complainant’s request by 28 April 2025, but it did not do so until 21 May 2025, and
 - provide a decision to the Complainant on the request by 28 May 2025,² but it did not do so until 25 July 2025.
14. The NDIA has confirmed that it made a refusal decision pursuant to s 15AC, as it failed to comply with the statutory processing timeframe.
15. It is apparent from the chronology of events provided, that the key contributors to the delays in relation to the Complainant’s request, arose from:
 - delays in initiating informal consultation with a third party, noting that the NDIA commenced informal consultation with that third party 28 days after the Complainant’s request was made
 - delays in initiating searches consultations with the internal business areas³ and receiving responses from the relevant business areas, and
 - significant delays in initiating formal consultation with third party bodies. Formal consultation was not commenced until 59 days after the request was made. One of the third parties also required an extension of time which resulted in its consultation response being received after the OAIC had commenced an Information Commissioner review into the access refusal decision.
16. While the Complainant’s request did include a 14-day extension of time agreement under s 15AA of the FOI Act, the NDIA should have considered requesting a further extension of time under s 15AA of the FOI Act,⁴ particularly given the significant surge in access requests being experienced at that time and the significant consultations undertaken in processing the FOI request. It was also open to the NDIA to request an extension of time from the OAIC.

² Noting the impact of a 14-day s 15AA of the FOI Act.

³ The first business area consultation took place 42 days after the Complainant’s request was made.

⁴ Which enables an applicant and agency to extend the processing time by a maximum period of 30 days.

My conclusions in relation to the matter investigated

17. For these reasons, I am of the view that:

- in relation to the issues raised by the Complainant, the NDIA did not comply with s 15(5) of the FOI Act, as the NDIA did not acknowledge the Complainant's FOI request within 14 days nor provide the Complainant with a decision in response to their FOI request within the relevant statutory processing timeframe, and
- in relation to the issues raised in the wider cohort of complaints, the NDIA did not sufficiently utilise extension of time provisions where appropriate, to ensure compliance with statutory timeframes in the 2024-25 financial year. The NDIA also failed to implement systems and processes sufficient to uphold its duties to comply with statutory processing timeframes under the FOI Act.

My recommendations and suggestions

18. In deciding whether I make recommendations and suggestions, I have considered:

- the outcome sought by the Complainant, which is for the investigation into the NDIA's failure to honour its statutory obligations under the FOI Act, and for the requested documents to be provided⁵
- the information provided by the NDIA, including self-identified areas for improvement and work that the NDIA has undertaken or commenced to improve its compliance with statutory processing timeframes and uplift its information access operations more broadly particularly in relation to its staffing levels and guidance material, and
- whether the issues raised in these complaints were isolated instances.

19. I have also considered the previous investigations into the NDIA, which were found to be substantiated in findings dated 15 June 2022 and 4 March 2024 respectively.⁶ The OAIC made recommendations to the NDIA in relation to one of those complaints, that it accepted. Despite this, the NDIA's compliance with

⁵ While access to documents cannot be facilitated under the FOI complaints process, the Complainant has since received a revised decision in response to the request including access to documents in the related IC review (s22 [REDACTED]).

⁶ See [Freedom of information investigation outcomes](#) – Notices on completion dated 15 June 2022 and 4 March 2024.

statutory processing timeframes has significantly declined over the past 4 financial years despite having received fewer FOI requests overall.⁷

20. It is apparent from the NDIA's submissions, as well as its reported FOI statistics,⁸ that:
- the NDIA received an increase of approximately 69% in the number of FOI requests received in the 2024-25 financial year (2,331), compared to the previous 2023-24 financial year (1,381)
 - while not reflected in its FOI statistics, the NDIA has advised that the number of administrative access requests for personal information received in the 2023-24 financial year (2,554,006) increased significantly in the 2024-25 year (3,058,531)⁹
 - also not reflected in the FOI statistics is the number of requests made under the Participant Information Access Scheme, which has nearly doubled, with 7,662 requests received in 2023-24 and 13,124 requests received in 2024-25
 - the NDIA's rate of compliance with FOI processing timeframes decreased significantly from 91% in 2021-22, 71% in 2022-23, 49% in 2023-24, and 33% in 2024-25 which it attributes to its workforce transition from majority labour hire to majority permanent staffing, the implementation of a specific ICT system, and the increasing number of access requests
 - in the 2024-25 financial year, the NDIA's rate of compliance with FOI processing timeframes fluctuated, resulting in an overall compliance rate of 33% in the 2024-25 financial year.
21. I acknowledge the steps being taken by the NDIA to address the processing delays, including the 50% increase in resources allocated to the FOI team since June 2025 (from 38 FTE to 73 FTE), allocating additional resources to the early resolution team, the establishment of a critical workforce register to provide additional surge capacity at short notice, and the implementation of an ongoing action plan to address non-compliance with processing timeframes under the FOI Act including the rollout of regular FOI training.

⁷ 91% in 2021-22 (1,884 requests received), 71% in 2022-23 (1,752 requests received), 49% in 2023-24 (1,381 requests received), and 33% in 2024-25 (2,331 requests received).

⁸ As available on the OAIC's website at [Australian Government freedom of information statistics](#), and in the OAIC's [2023-34 annual report](#) (Part 5: Appendices).

⁹ This excludes access requests made under the

22. I also commend the NDIA for utilising various administrative access arrangements to provide quicker, less formal access to individuals' personal information.
23. However, it is apparent that despite receiving an increase of about 69% in the volume of FOI requests in the 2024-25 financial year, and its timeliness rates reaching a low of 19% in Q3 of the 2024-25 financial year, there has been a significant reduction in the number of extensions of time being sought under s 15AB and 15AC of the FOI Act,¹⁰ despite the significant increase in the number of s 15AA extensions.¹¹
24. The NDIA's completed self-assessment tool identifies that:
 - the NDIA does not currently have a Smartform to receive FOI requests, but one is in development
 - its review of its processing manuals and guidelines will consider whether to incorporate references to the FOI guidelines, and
 - training is not conducted on a regular basis.
25. A Smartform may assist the NDIA with timeliness by ensuring that the NDIA receives all relevant information from a FOI applicant at an early stage, enabling quicker processing of the access request. The NDIA should also ensure that its officers can be assisted in their decision-making by NDIA training, process manuals, and policies that refer to OAIC resources such as the FOI Guidelines, the FOI Essentials Toolkit, practice documents, and templates.¹²
26. My suggestions and recommendations are outlined at **Annexure A**.

¹⁰ 31 sought in 2023-24, whereas there were 13 sought in 2024-25.

¹¹ From 74 notified to the OAIC in 2023-24, to 522 notified to the OAIC in 2024-25.

¹² See [Freedom of information guidance for government agencies](#).

Yours sincerely,

A handwritten signature in blue ink that reads "Alice Linacre". The signature is written in a cursive, flowing style.

Alice Linacre
Freedom of Information Commissioner
28 November 2025

Annexure A: Recommendations and suggestions

Section 87 of the FOI Act provides that my investigation results include any suggestions to the NDIA that it ought to implement to improve its processes.

Section 88 of the FOI Act enables me to make investigation recommendations that the NDIA ought to implement.

Recommendations made under s 88 of the FOI Act

Recommendation	Due date for completion
Outcome of Agency initiatives	
1. The NDIA provide evidence that its information access Smartform has been implemented.	30 January 2026
2. The NDIA provide an implementation report, including statistical evidence, to demonstrate the effectiveness of the strategies employed under the NDIA's 'FOI Practice Build'.	30 January 2026
Operational Processes and Procedures	
<p>3. The NDIA review, and update, its FOI processing manual and ensure that, at a minimum, the manual:</p> <ul style="list-style-type: none"> a) addresses the steps that will be taken to ensure compliance with statutory processing timeframes, including the requirement for staff to conduct an early assessment of whether an extension of time is required b) provides guidance to staff on how and when to utilise the available extensions of time under ss 15AA, 15AB, and 15AC of the FOI Act¹³ to ensure concerted efforts in complying with statutory processing timeframes, consistent with OAIC guidance 	30 January 2026

¹³ See [Apply for an extension of time to process a freedom of information request](#) for guidance.

Recommendation	Due date for completion
<p>c) highlights the importance of keeping applicants informed of progress, and engaging with applicants to explore options for faster outcomes, and</p> <p>d) refers to relevant provisions of the FOI Guidelines.</p>	
<p>4. The NDIA ensure the FOI processing manual is publicly available on the NDIA’s website, consistent with the requirements of the Information Publication Scheme.</p>	30 January 2026
<p>5. The NDIA review, and update (if necessary), internal policies that support the FOI processing manual, including training and guidance materials for FOI decision makers,¹⁴ to support decision makers to comply with statutory processing timeframes and make decisions independently.¹⁵ These internal policies should reflect current revisions to Part 3 of the FOI Guidelines,¹⁶ and include references to relevant OAIC resources¹⁷ to support FOI processing officers and decision makers.</p>	30 January 2026
<p>6. The NDIA enhance governance arrangements, promote proactive release of information and support compliance with IPS and disclosure log requirements, by developing a process for identifying updates to the</p>	30 January 2025

¹⁴ The OAIC publishes numerous checklists, guidance notes, and other guidance materials that we encourage agencies to use in developing specific training. See our [Freedom of information guidance for government agencies](#).

¹⁵ Authorised officers are responsible for reaching an independent decision and exercising any discretion. See [ARC Best Practice Guide No 1](#), Decision Making: Lawfulness, 2007.

¹⁶ See a summary of version changes to s 93A guidelines here: [Summary of version changes to s93A guidelines](#).

¹⁷ Relevant OAIC resources include: [FOI Essentials for Australian Government agencies and ministers](#), [Freedom of Information processing period calculator](#), and [FOI agency resource Managing increased volume of FOI requests](#).

Recommendation	Due date for completion
IPS entries on the NDIA's website, to support proactive release of information in accordance with the IPS. ¹⁸	
Training	
<p>7. The NDIA ensure that all FOI team staff and other relevant staff (including FOI decision makers) have received training in relation to the formal guidance referred to in recommendations (4) and (6), and that new staff joining the FOI Section are trained in relation to this formal FOI guidance within 2 weeks of commencing in the FOI team.</p>	30 January 2026
<p>8. The NDIA develop or update, and deliver, training to all business areas responsible for compliance with general FOI obligations, including IPS obligations, disclosure log requirements, and compliance with search and retrieval requests, including the statutory timeframes and the requirement to take all reasonable steps to find relevant documents under s 24A of the FOI Act. This training should be made broadly available to all staff, and ongoing refresher training completed at regular intervals.</p>	30 January 2026
<p>9. The NDIA develop training for all relevant Senior Executive staff about the NDIA's general obligations under the FOI Act, which specifically addresses the requirements of the Information Publication Scheme under Part II of the FOI Act. This training should be delivered as part of the NDIA's induction process for new staff, and form part of any refresher training for SES employees.</p>	30 January 2026
FOI Statistics	

¹⁸ Section 11C of the FOI Act. For more information about complying with this legislated timeframe, including in the context where there may be third-party review, see Part 14 of the FOI Guidelines – in particular: [Making Information publicly available - Time of publication](#).

Recommendation	Due date for completion
<p>10. The NDIA assess the impact of the potentially invalid s 15AA agreements on its FOI timeliness statistics as reported to the OAIC during the 2023-24 financial year and report back to the OAIC with adjusted FOI timeliness statistics and an explanation of the identified impact.</p>	<p>30 January 2026</p>

Suggestions made under s 87(d) of the FOI Act

Suggestion	Due date for completion
Practices to uplift capability	
<p>1. The NDIA create a dedicated resourcing pool from across the agency (an FOI surge pool) to provide FOI processing support during peak periods, as well as to assist with higher volumes, or backlogs, to provide improved and more stable capacity to meet FOI processing demands where necessary.</p>	<p>Commencing 30 January 2026</p>
<p>2. The NDIA seek to more actively utilise the available extension of time provisions under ss 15AB and 15AC (in appropriate circumstances), to demonstrate increased attempts to comply with the statutory processing timeframe under the FOI Act.</p>	<p>Commencing 30 January 2026</p>
<p>3. The NDIA create an auto-acknowledgement to complement its Smartform and ensure compliance with s 15(5)(a) of the FOI Act.</p>	<p>Commencing 30 January 2026</p>
Ongoing learning and review	
<p>4. The NDIA mandate the attendance of at least one staff member from each of its FOI teams to attend the OAIC's online training webinars (as advertised through the OAIC's fortnightly 'ICON' newsletter).</p>	<p>Commencing 30 January 2026</p>

<p>5. The NDIA review the OAIC’s FOI complaint investigation outcomes¹⁹ at a minimum of every 12 months, to ensure that any learnings identified through those outcomes are incorporated into training for FOI staff, as well as the FOI processing manual and/or policies and guidance materials that support the processing manual.</p>	<p>Commencing 30 January 2026</p>
<p>Disclosure log</p>	
<p>6. The NDIA uplift the technical and administrative capability of its Disclosure Log to enable access to the documents in that log via download link.</p>	<p>Commencing 30 January 2026</p>

¹⁹ See [Freedom of information investigation outcomes](#).

Annexure B: Key procedural steps

Date	Events
14 April 2025	The Complainant made the FOI request and agreed to a 14-day extension of time.
17 April 2025	The applicant emailed the NDIA seeking an acknowledgement of their request.
13 May 2025 – 29 May 2025	The NDIA informally consulted with a third party.
21 May 2025	The NDIA emailed the applicant an acknowledgment of various FOI requests.
28 May 2025	The NDIA was taken to have made an access refusal decision under s 15AC(3) of the FOI Act.
29 May 2025	The Complainant lodged their FOI complaint.
2 June 2025	The NDIA provided the applicant with an update.
3 June 2025	The OAIC made preliminary inquiries of the NDIA under s 72 of the FOI Act.
23 June 2025	The OAIC made inquiries of the Complainant under s 70(3) of the FOI Act.
12 June 2025 – 16 June 2025	The NDIA undertook formal consultations with third parties.
18 June 2025	The parties were notified of the commencement of an Information Commissioner review (s22 [REDACTED]).
4 July 2025	The NDIA responded to the OAIC's preliminary inquiries
25 July 2025	The NDIA made a revised decision under s 55G of the FOI Act.
15 August 2025	s22 [REDACTED] was finalised under s 54W(c) of the FOI Act.
15 September 2025	The OAIC commenced an investigation into the Complainant's FOI complaint under s 75 of the FOI Act and requested information from the NDIA.
22 October 2025	The NDIA provided the information requested by the OAIC.

Annexure C: The NDIA's submissions

Response to Preliminary Inquiries

On 4 July 2025, the NDIA confirmed that it wished to rely on its preliminary inquiry response provided to the OAIC on 17 June 2025 relating to s22 [REDACTED]. In that response, the NDIA submitted:

- the FOI request was taken to have been refused on 28 May 2025
- the Complainant did not complain to the NDIA directly, other than the request for an acknowledgement on 17 April 2024
- the NDIA provided the Complainant with an update on 2 June 2025 and acknowledged it had failed to meet the statutory processing timeframe
- feedback has been provided to FOI team about regularly updating applicants as a matter progresses
- the NDIA is currently experiencing an increase in FOI requests being received and expects to receive 1,000 more FOI requests than the previous year
- the NDIA is working to improve its processing and address its backlog, and
- the NDIA remains committed to improving its FOI processing and the early resolution of FOI matters.

Response to notice of investigation

In relation to s22 [REDACTED] the NDIA relevantly acknowledged that it failed to process the FOI request within statutory timeframes or to communicate with the applicant about the delay prior to this FOI complaint which arose a result of consultations with various line areas and external parties. The NDIA maintains this matter has been resolved by the provision of a revised decision²⁰ of 15 August 2025 to the applicant and the finalisation of the related Information Commissioner review.

In relation to its compliance with FOI processing timeframes more broadly, the NDIA submitted:

- it currently supports approximately 740,000 people, noting that at its conception the National Disability Insurance Scheme was only intended to support 410,000 people

²⁰ FOI Act s 55G.

- in 2024-25 the NDIA's National Contact Centre responded to over 3 million requests or queries relating to access for personal information across phone calls, email, and webchat, which is an increase from 2.554 million in 2023-24
- the Participant Information Access scheme was created in 2020 to simplify and expedite the processing of routine requests being made under the FOI Act, and the NDIA additionally hopes to implement an additional scheme to access personal information based on the *Privacy Act 1988* (Cth)
- the NDIA recognises that its compliance with statutory timeframe requires attention and has maintained regular communication with the OAIC about the drivers of this including:
 - transitioning from a majority labour hire workforce to a majority permanent staffing workforce
 - implementation of a dedicated case management ICT system
 - continued growth of access requests
- the NDIA's compliance rate with statutory timeframes has declined over the past two financial years:
 - in the 2023-24 financial year the NDIA's compliance rate was:
 - 47% in Q1
 - 53% in Q2
 - 49% to Q3
 - 44% in Q4
 - in the 2024-25 financial year the NDIA's compliance rate was:
 - 43% in Q1
 - 39% in Q2
 - 19% in Q3
 - 31% in Q4
- the number of s 15AA sought by the NDIA and agreed to by FOI applicants over the past two years has increased from:

- 151 sought in 2023-24
- 245 sought in 2024-25²¹
- the number of s 15AB and 15AC extensions sought over the past two years has decreased, from:
 - 18 sought in 2023-24
 - 8 sought in 2024-25²²
- further drivers of non-compliance with statutory timeframes include:
 - in 2024-25 the NDIA received and finalised the highest volume of FOI matters in its history
 - staff retention challenges in 2023-24 and 2024-25 (noting also the transition in the make-up of the workforce from labour hire to permanent staff)
 - the volume of matters has generated a backlog and is a barrier to completing matters in time
 - it has prioritised progressing to substantive decisions over seeking extensions of time under s 15AC of the FOI Act, where obtaining these extensions of time from the OAIC has traditionally been challenging
- the NDIA has commenced capability building initiatives²³ including:
 - expanding the capacity of the Information Access team from 38 FTE to 73 FTE, noting that the newer staff without prior FOI experience need a higher level of support

²¹ In its submissions the NDIA confirmed that it does not comprehensively track this data. The OAIC's records demonstrate that the NDIA notified the OAIC of:

- 74 s 15AA extensions in 2023-24
- 522 s 15AA extensions in 2024-25.

²² In its submissions the NDIA confirmed that it does not comprehensively track this data. The OAIC's records demonstrate that the number of s 15AB and 15AC extensions sought over the past two years has decreased, from:

- 31 sought and 13 granted, in 2023-24
- 13 sought and 5 granted, in 2024-25.

²³ It also provided the OAIC with its Capability and capacity action plan.

- improving triage and early resolution functions including increasing the size of the early resolution team
 - streamlining FOI processes by producing and updating a new suite of standard operating procedures and guidance material as well as authorising an additional 12 FOI decision makers
 - training packages to the FOI team and other staff including training from the Australian Government Solicitor in June 2025 and NDIS Business Systems training. The NDIA is also developing a FOI training page to be launched early 2026
 - improving reporting functions using the dedicated ICT platform (LEX) which has better reporting systems and assists with the proactive disclosure of operational documents with public interest
- the NDIA has also briefed its Board and Minister on its FOI workload, low statutory compliance, and the initiatives it has undertaken to improve its capability, capacity, and output noting that the average handling time of a matter has reduced from 78 days in 2023-24 to 68 days in 2024-25, and
 - the NDIA continues to monitor OAIC complaint outcomes and implement the recommendations, including processes and training targeting the identification of personal information requests as recommended in 2024.

The NDIA also completed the OAIC's self-assessment tool.



Attachment A-2

Freedom of Information complaint investigation - Notice on completion under s 86 of the *Freedom of Information Act 1982*, by Freedom of Information Commissioner, Alice Linacre

Complainant	s22
Respondent	National Disability Insurance Agency
Completion date	28 November 2025
OAIC reference number	s22
Agency reference number	s22

Summary of investigation results, recommendations, and suggestions

1. On 6 July 2025, s22 (the Complainant) made a complaint under s 70 of the *Freedom of Information Act 1982* (the FOI Act), about the National Disability Insurance Agency (the NDIA), being that the NDIA had failed to comply with statutory processing timeframes under the FOI Act in processing their FOI request.
2. On 15 September 2025, the Office of the Australian Information Commissioner (the OAIC) provided a notice to the NDIA under s 75 of the FOI Act advising it of the commencement of an investigation into a cohort of FOI complaints received about similar issues, including this particular complaint, and requested relevant information in response. On 22 October 2025, the NDIA responded to the notice and request for information.
3. My conclusions in relation to the issues raised by the Complainant are outlined below.
4. My suggestions and recommendations in relation to this cohort of complaints are outlined in **Annexure A**.

Statement of reasons

The matters raised by the Complainant

5. The Complainant has raised the following issues in their complaint:
 - the FOI request was intended to gather information for an Administrative Review Tribunal (ART) matter
 - their FOI request was made on 1 November 2024, but they were not contacted by the NDIA until early December 2024 during which they were advised the request would be finalised soon
 - despite that, the NDIA then contacted the Complainant about an extension of time on 17 December 2024 which they felt obliged to agree to. The Complainant agreed to an extension until 26 January 2025
 - the NDIA did not provide the Complainant with a decision until 7 April 2025, which was after their ART hearing had concluded
 - the delay in processing the FOI request denied the Complainant the opportunity to present all relevant information at their ART hearing, and
 - this delay appears to the Complainant to have been a strategic attempt to withhold relevant material during legal proceedings which breaches the NDIA's obligations under the FOI Act.
6. The background to this FOI complaint is set out at **Annexure B**.

Legislation and Guidelines

7. The timeframes for dealing with an FOI request are outlined in s 15(5) of the FOI Act, which provides that:
 - (a) as soon as practicable but in any case not later than 14 days after the day on which the request is received by or on behalf of the agency or Minister, take all reasonable steps to enable the applicant to be notified that the request has been received; and
 - (b) as soon as practicable but in any case not later than the end of the period of 30 days after the day on which the request is received by or on behalf of the agency or Minister, take all reasonable steps to enable the applicant to be notified of a decision on the request.
8. Where an agency or Minister fails to notify the applicant of a decision within the statutory processing period, it is taken to have made a decision refusing the request under s 15AC(3) of the FOI Act.

9. The FOI Guidelines also explain that where a refusal decision has been made under s 15AC(3) of the FOI Act, the agency or Minister may still process the request and provide a statement of reasons on the FOI request.¹

The NDIA's submissions

10. The NDIA submits that the Complainant's initial FOI request of 1 November 2024 was invalid on the basis it did not provide enough information to identify the documents sought.² Its submissions provide the following timeline:
- On 26 November 2024, the NDIA contacted the Complainant by phone to seek clarification on the documents sought, and followed up by email to confirm the revised request as discussed with the Complainant, which it acknowledged as a valid request on that day.
 - On 17 December 2025, the NDIA requested a 30 day extension of time from the Complainant under s 15AA, which the Complainant agreed to on the same day.
 - The NDIA issued its decision to the Complainant on 7 April 2025.
11. The NDIA acknowledges that it failed to process the FOI request of 26 November 2024 within the statutory processing timeframes. It attributes this delay to technical difficulties in retrieving relevant documents from a decommissioned share drive, which it submits it explained to the Complainant prior to its decision, and it rejects the assertion that this was a delay tactic intended to impact the Complainant's ART hearing.
12. A summary of the NDIA's submissions is outlined in **Annexure C**.

My opinions in relation to the matter

My opinions in relation to the complaint raised

13. Based on the NDIA's submissions, the Complainant made a valid FOI request on 26 November 2024. Accordingly, and based on the Complainant's 30 day 15AA extension of time agreement:

¹ FOI Guidelines at [3.270].

² As required by s 15(2)(b) of the FOI Act.

- the NDIA was required to provide a decision to the Complainant on the request by 27 January 2025,³ pursuant to s 15(5)(b) of the FOI Act, but it did not do so until on 7 April 2025.
14. The NDIA has acknowledged that it made a refusal decision pursuant to s 15AC, as it failed to comply with the statutory processing timeframe.
 15. It is apparent from the chronology of events provided, that the key contributors to the delays in relation to the Complainant's request, arose from:
 - a prolonged delay of 25 days in taking reasonable steps to assist the applicant in making a valid request⁴
 - a 2-week delay involved in initiating search and retrieval requests with relevant business areas, resulting in:
 - the identification of hundreds of documents that were required to be assessed for relevance, and in particular
 - technical complications involved regarding the identification and retrieval of some of the requested documents given they were held on a share drive that had since been decommissioned, requiring historical data recovery by the Cyber Security team.
 16. I acknowledge the efforts made by the NDIA to overcome these technical difficulties, as well as the steps it took to respond to the Complainant's requests for updates on 31 January 2025, 5 February 2025, 21 February 2025, and 31 March 2025.
 17. However, these delays could have been minimised had there been:
 - earlier assistance provided to the Complainant in making a valid request, and
 - prompt initiation of search and retrieval requests, to ensure early identification of challenges involved.
 18. While the NDIA did obtain an extension of time from the Complainant in the first instance under s 15AA of the FOI Act, it should have also considered requesting a further extension/s of time from the OAIC, noting the ongoing

³ Noting the impact of a 30 day extension of time under s 15AA of the FOI Act and s 36(2) of the *Acts Interpretation Act 1901* (Cth).

⁴ FOI Act s 15(3).

technical complications involved in retrieving the requested documents, which it was aware was impacting on its ability to comply with the statutory processing timeframe.

19. Where an agency has failed to make a decision within the statutory processing timeframe, it should endeavour to proactively keep applicants informed on progress as well as to explore opportunities for faster outcomes for applicants.⁵

My conclusions in relation to the matter investigated

20. For these reasons, I am of the view that:

- in relation to the issues raised by the Complainant, the NDIA did not comply with s 15(5)(b) of the FOI Act, as the NDIA did not provide the Complainant with a decision in response to their FOI request within the relevant statutory processing timeframe, and
- in relation to the issues raised in the wider cohort of complaints, the NDIA did not sufficiently utilise extension of time provisions where appropriate, to ensure compliance with statutory timeframes in the 2024-25 financial year. The NDIA also failed to implement systems and processes sufficient to uphold its duties to comply with statutory processing timeframes under the FOI Act.

My recommendations and suggestions

21. In deciding whether I make recommendations and suggestions, I have considered:

- the outcomes sought by the Complainant, which are that the OAIC investigate the delay and the withholding of documents to make recommendations to ensure this conduct is not repeated
- the information provided by the NDIA, including self-identified areas for improvement and work that the NDIA has undertaken or commenced to improve its compliance with statutory processing timeframes and uplift its information access operations more broadly particularly in relation to its staffing levels and guidance material, and
- whether the issues raised in these complaints were isolated instances.

⁵ See [FOI agency resource Managing increased volume of FOI requests](#).

22. I have also considered the previous investigations into the NDIA which were found to be substantiated in findings dated 15 June 2022 and 4 March 2024 respectively.⁶ The OAIC made recommendations to the NDIA in relation to one of those complaints, that it accepted. Despite this, the NDIA's compliance with statutory processing timeframes has significantly declined over the past 4 financial years despite having received fewer FOI requests overall.⁷
23. It is apparent from the NDIA's submissions as well as its reported FOI statistics⁸ that:
- the NDIA received an increase of approximately 69% in the number of FOI requests received in the 2024-25 financial year (2,331), compared to the previous 2023-24 financial year (1,381)
 - while not reflected in its FOI statistics, the NDIA has advised that the number of administrative access requests for personal information received in the 2023-24 financial year (2,554,006) increased significantly in the 2024-25 year (3,058,531)
 - also not reflected in the FOI statistics is the number of requests made under the Participant Information Access Scheme, which has nearly doubled, with 7,662 requests received in 2023-24 and 13,124 requests received in 2024-25
 - the NDIA's rate of compliance with FOI processing timeframes decreased significantly from 91% in 2021-22, 71% in 2022-23, 49% in 2023-24, and 33% in 2024-25 which it attributes to its workforce transition from majority labour hire to majority permanent staffing, the implementation of a specific ICT system, and the increasing number of access requests
 - in the 2024-25 financial year, the NDIA's rate of compliance with FOI processing timeframes fluctuated, resulting in an overall compliance rate of 33% in the 2024-25 financial year.
24. I acknowledge the steps being taken by the NDIA to address the processing delays, including the 50% increase in resources allocated to the FOI team since June 2025 (from 38 FTE to 73 FTE), allocating additional resources to the early

⁶ See [Freedom of information investigation outcomes](#) – Notices on completion dated 15 June 2022 and 4 March 2024.

⁷ 91% in 2021-22 (1,884 requests received), 71% in 2022-23 (1,752 requests received), 49% in 2023-24 (1,381 requests received), and 33% in 2024-25 (2,331 requests received).

⁸ As available on the OAIC's website at [Australian Government freedom of information statistics](#), and in the OAIC's [2023-34 annual report](#) (Part 5: Appendices).

resolution team, the establishment of a critical workforce register to provide additional surge capacity at short notice, and the implementation of an ongoing action plan to address non-compliance with processing timeframes under the FOI Act including the rollout of regular FOI training.

25. I also commend the NDIA for utilising various administrative access arrangements to provide quicker, less formal access to individuals' personal information.
26. However, it is apparent that despite receiving an increase of about 69% in the volume of FOI requests in the 2024-25 financial year, and its timeliness rates reaching a low of 19% in Q3 of the 2024-25 financial year, there has been a significant reduction in the number of extensions of time being sought under s 15AB and 15AC of the FOI Act,⁹ despite the significant increase in the number of s 15AA extensions.¹⁰
27. The NDIA's completed self-assessment tool identifies that:
 - the NDIA does not currently have a Smartform to receive FOI requests, but one is in development
 - its review of its processing manuals and guidelines will consider whether to incorporate references to the FOI guidelines, and
 - training is not conducted on a regular basis.
28. A Smartform may assist the NDIA with timeliness by ensuring that the NDIA receives all relevant information from a FOI applicant at an early stage, enabling quicker processing of the access request. The NDIA should also ensure that its officers can be assisted in their decision-making by NDIA training, process manuals, and policies that refer to OAIC resources such as the FOI Guidelines, the FOI Essentials Toolkit, practice documents, and templates.¹¹
29. My suggestions and recommendations are outlined at **Annexure A**.

⁹ 31 sought in 2023-24, whereas there were 13 sought in 2024-25.

¹⁰ From 74 notified to the OAIC in 2023-24, to 522 notified to the OAIC in 2024-25.

¹¹ See [Freedom of information guidance for government agencies](#).

Yours sincerely,

A handwritten signature in blue ink that reads "Alice Linacre". The signature is written in a cursive style with a large initial 'A'.

Alice Linacre
Freedom of Information Commissioner

28 November 2025

Annexure A: Recommendations and suggestions

Section 87 of the FOI Act provides that my investigation results include any suggestions to the NDIA that it ought to implement to improve its processes.

Section 88 of the FOI Act enables me to make investigation recommendations that the NDIA ought to implement.

Recommendations made under s 88 of the FOI Act

Recommendation	Due date for completion
Outcome of Agency initiatives	
1. The NDIA provide evidence that its information access Smartform has been implemented.	30 January 2026
2. The NDIA provide an implementation report, including statistical evidence, to demonstrate the effectiveness of the strategies employed under the NDIA's 'FOI Practice Build'.	30 January 2026
Operational Processes and Procedures	
<p>3. The NDIA review, and update, its FOI processing manual and ensure that, at a minimum, the manual:</p> <ul style="list-style-type: none"> a) addresses the steps that will be taken to ensure compliance with statutory processing timeframes, including the requirement for staff to conduct an early assessment of whether an extension of time is required b) provides guidance to staff on how and when to utilise the available extensions of time under ss 15AA, 15AB, and 15AC of the FOI Act¹² to ensure concerted efforts in complying with statutory processing timeframes, consistent with OAIC guidance 	30 January 2026

¹² See [Apply for an extension of time to process a freedom of information request](#) for guidance.

Recommendation	Due date for completion
<p>c) highlights the importance of keeping applicants informed of progress, and engaging with applicants to explore options for faster outcomes, and</p> <p>d) refers to relevant provisions of the FOI Guidelines.</p>	
<p>4. The NDIA ensure the FOI processing manual is publicly available on the NDIA’s website, consistent with the requirements of the Information Publication Scheme.</p>	30 January 2026
<p>5. The NDIA review, and update (if necessary), internal policies that support the FOI processing manual, including training and guidance materials for FOI decision makers,¹³ to support decision makers to comply with statutory processing timeframes and make decisions independently.¹⁴ These internal policies should reflect current revisions to Part 3 of the FOI Guidelines,¹⁵ and include references to relevant OAIC resources¹⁶ to support FOI processing officers and decision makers.</p>	30 January 2026
<p>6. The NDIA enhance governance arrangements, promote proactive release of information and support compliance with IPS and disclosure log requirements, by developing a process for identifying updates to the</p>	30 January 2026

¹³ The OAIC publishes numerous checklists, guidance notes, and other guidance materials that we encourage agencies to use in developing specific training. See our [Freedom of information guidance for government agencies](#).

¹⁴ Authorised officers are responsible for reaching an independent decision and exercising any discretion. See [ARC Best Practice Guide No 1](#), Decision Making: Lawfulness, 2007.

¹⁵ See a summary of version changes to s 93A guidelines here: [Summary of version changes to s93A guidelines](#).

¹⁶ Relevant OAIC resources include: [FOI Essentials for Australian Government agencies and ministers](#), [Freedom of Information processing period calculator](#), and [FOI agency resource Managing increased volume of FOI requests](#).

Recommendation	Due date for completion
IPS entries on the NDIA's website, to support proactive release of information in accordance with the IPS. ¹⁷	
Training	
<p>7. The NDIA ensure that all FOI team staff and other relevant staff (including FOI decision makers) have received training in relation to the formal guidance referred to in recommendations (4) and (6), and that new staff joining the FOI Section are trained in relation to this formal FOI guidance within 2 weeks of commencing in the FOI team.</p>	30 January 2026
<p>8. The NDIA develop or update, and deliver, training to all business areas responsible for compliance with general FOI obligations, including IPS obligations, disclosure log requirements, and compliance with search and retrieval requests, including the statutory timeframes and the requirement to take all reasonable steps to find relevant documents under s 24A of the FOI Act. This training should be made broadly available to all staff, and ongoing refresher training completed at regular intervals.</p>	30 January 2026
<p>9. The NDIA develop training for all relevant Senior Executive staff about the NDIA's general obligations under the FOI Act, which specifically addresses the requirements of the Information Publication Scheme under Part II of the FOI Act. This training should be delivered as part of the NDIA's induction process for new staff, and form part of any refresher training for SES employees.</p>	30 January 2026
FOI Statistics	

¹⁷ Section 11C of the FOI Act. For more information about complying with this legislated timeframe, including in the context where there may be third-party review, see Part 14 of the FOI Guidelines – in particular: [Making Information publicly available - Time of publication](#).

Recommendation	Due date for completion
10. The NDIA assess the impact of the potentially invalid s 15AA agreements on its FOI timeliness statistics as reported to the OAIC during the 2023-24 financial year and report back to the OAIC with adjusted FOI timeliness statistics and an explanation of the identified impact.	30 January 2026

Suggestions made under s 87(d) of the FOI Act

Suggestion	Due date for completion
Practices to uplift capability	
1. The NDIA create a dedicated resourcing pool from across the agency (an FOI surge pool) to provide FOI processing support during peak periods, as well as to assist with higher volumes, or backlogs, to provide improved and more stable capacity to meet FOI processing demands where necessary.	Commencing 30 January 2026
2. The NDIA seek to more actively utilise the available extension of time provisions under ss 15AB and 15AC (in appropriate circumstances), to demonstrate increased attempts to comply with the statutory processing timeframe under the FOI Act.	Commencing 30 January 2026
3. The NDIA create an auto-acknowledgement to complement its Smartform and ensure compliance with s 15(5)(a) of the FOI Act.	Commencing 30 January 2026
Ongoing learning and review	
4. The NDIA mandate the attendance of at least one staff member from each of its FOI teams to attend the OAIC's online training webinars (as advertised through the OAIC's fortnightly 'ICON' newsletter).	Commencing 30 January 2026

<p>5. The NDIA review the OAIC’s FOI complaint investigation outcomes¹⁸ at a minimum of every 12 months, to ensure that any learnings identified through those outcomes are incorporated into training for FOI staff, as well as the FOI processing manual and/or policies and guidance materials that support the processing manual.</p>	<p>Commencing 30 January 2026</p>
<p>Disclosure log</p>	
<p>6. The NDIA uplift the technical and administrative capability of its Disclosure Log to enable access to the documents in that log via download link.</p>	<p>Commencing 30 January 2026</p>

¹⁸ See [Freedom of information investigation outcomes](#).

Annexure B: Key procedural steps

Date	Events
1 November 2024	The Complainant made their FOI request which the NDIA considered was invalid for not satisfying s 15(2)(b) of the FOI Act.
26 November 2024	The NDIA contacted the Complainant to clarify the scope of the request. The applicant revised their FOI request, and the NDIA considered s 15(2)(b) of the FOI Act was satisfied.
27 November 2024	The NDIA allocated the matter to a decision maker.
13 December 2024	The NDIA began its internal search consultations.
17 December 2024	The NDIA acknowledged the applicant's FOI request and sought an extension of time. The applicant agreed to a 30 day extension of time under s 15AA of the FOI Act.
18 December 2025	The FOI team and Reviews branch discussed issues relating to accessing relevant documents.
20 December 2024	The Data team provided its search results to the FOI team.
10 January 2025	The FOI team and Reviews branch discussed issues regarding access to documents again. The FOI team discussed contacting ICT for assistance.
28 January 2025	The NDIA was taken to have made an access refusal decision. ¹⁹ The Complainant sought an update on their request.
30 January 2025	The FOI Team commenced consultations with the Chief Information Officer Division to get advice about recovering the documents.
31 January 2025	The NDIA updated the Complainant and apologised for the delays.
3 – 5 February 2025	The FOI team consulted with Cyber Operations and Records Management about the recovery of the documents.
5 February 2025	The NDIA called the Complainant to clarify the scope of the request and advise of the difficulties in obtaining the documents.
6 – 7 February 2025	The FOI team received consult responses from the Chief Information Officer Division and Cyber Operations.
20 – 21 February 2025	The Complainant sought an update, and the FOI team and Complainant further clarified the scope of the request.
6 – 12 March 2025	The NDIA consulted with a third party.

¹⁹ FOI Act s 15AC(3) noting the impact of s 36(2) of the *Acts Interpretation Act 1901* (Cth).

12 March 2025	The FOI team further consulted with Cyber Operations.
19 – 23 March 2025	The FOI team consulted with the relevant line areas.
25 March 2025	The Complainant sought an update.
7 April 2025	The Complainant was provided with a statement of reasons on their FOI request.

Annexure C: The NDIA's submissions

Response to Preliminary Inquiries

On 14 July 2025, the NDIA confirmed:

- the Complainant did not make a complaint directly to the NDIA
- the NDIA had apologised to the Complainant during the processing of the request, and the Complainant had confirmed they were willing to wait for the documents by email on 31 January 2025
- the NDIA endeavoured to keep the Complainant updated from 31 January 2025 until the date of the statement of reasons
- the delay was attributable to the difficulties in locating/ accessing the Complainant's documents as the NDIA had moved from personal/shared drives to SharePoint during the timeframe in the FOI request, and
- the NDIA is currently experiencing an increase in FOI requests being received and expects to receive 1,000 more FOI requests than the previous year
- the NDIA is working to improve its processing and address its backlog, and
- the NDIA remains committed to improving its FOI processing and the early resolution of FOI matters.

Response to notice of investigation

In relation to s22 [REDACTED] the NDIA acknowledges that it failed to process the FOI request within the statutory processing timeframe. However, it submits that its communication with the applicant in this matter was transparent.

The NDIA attributed the delays to the fact that the documents being sought had formerly been saved on a shared drive that was decommissioned in 2023, and notes this was explained to the Complainant on 5 and 21 February 2025. It maintains that the delays were due to technical difficulties, not intentionally withholding material to the Complainant.

In relation to its compliance with FOI processing timeframes more broadly, the NDIA submitted:

- it currently supports approximately 740,000 people, noting that at its conception the National Disability Insurance Scheme was only intended to support 410,000 people

- in 2024-25 the NDIA's National Contact Centre responded to over 3 million requests or queries relating to access for personal information across phone calls, email, and webchat, which is an increase from 2.554 million in 2023-24
- the Participant Information Access scheme was created in 2020 to simplify and expedite the processing of routine requests being made under the FOI Act, and the NDIA additionally hopes to implement an additional scheme to access personal information based on the *Privacy Act 1988* (Cth)
- the NDIA recognises that its compliance with statutory timeframe requires attention and has maintained regular communication with the OAIC about the drivers of this including:
 - transitioning from a majority labour hire workforce to a majority permanent staffing workforce
 - implementation of a dedicated case management ICT system
 - continued growth of access requests
- the NDIA's compliance rate with statutory timeframes has declined over the past two financial years:
 - in the 2023-24 financial year the NDIA's compliance rate was:
 - 47% in Q1
 - 53% in Q2
 - 49% to Q3
 - 44% in Q4
 - in the 2024-25 financial year the NDIA's compliance rate was:
 - 43% in Q1
 - 39% in Q2
 - 19% in Q3
 - 31% in Q4
- the number of s 15AA sought by the NDIA and agreed to by FOI applicants over the past two years has increased from:

- 151 sought in 2023-24
- 245 sought in 2024-25²⁰
- the number of s 15AB and 15AC extensions sought over the past two years has decreased, from:
 - 18 sought in 2023-24
 - 8 sought in 2024-25²¹
- further drivers of non-compliance with statutory timeframes include:
 - in 2024-25 the NDIA received and finalised the highest volume of FOI matters in its history
 - staff retention challenges in 2023-24 and 2024-25 (noting also the transition in the make-up of the workforce from labour hire to permanent staff)
 - the volume of matters has generated a backlog and is a barrier to completing matters in time
 - it has prioritised progressing to substantive decisions over seeking extensions of time under s 15AC of the FOI Act, where obtaining these extensions of time from the OAIC has traditionally been challenging
- the NDIA has commenced capability building initiatives²² including:
 - expanding the capacity of the Information Access team from 38 FTE to 73 FTE, noting that the newer staff without prior FOI experience need a higher level of support

²⁰ In its submissions the NDIA confirmed that it does not comprehensively track this data. The OAIC's records demonstrate that the NDIA notified the OAIC of:

- 74 s 15AA extensions in 2023-24
- 522 s 15AA extensions in 2024-25.

²¹ In its submissions the NDIA confirmed that it does not comprehensively track this data. The OAIC's records demonstrate that the number of s 15AB and 15AC extensions sought over the past two years has decreased, from:

- 31 sought and 13 granted, in 2023-24
- 13 sought and 5 granted, in 2024-25.

²² It also provided the OAIC with its Capability and capacity action plan.

- improving triage and early resolution functions including increasing the size of the early resolution team
 - streamlining FOI processes by producing and updating a new suite of standard operating procedures and guidance material as well as authorising an additional 12 FOI decision makers
 - training packages to the FOI team and other staff including training from the Australian Government Solicitor in June 2025 and NDIS Business Systems training. The NDIA is also developing a FOI training page to be launched early 2026
 - improving reporting functions using the dedicated ICT platform (LEX) which has better reporting systems and assists with the proactive disclosure of operational documents with public interest
- the NDIA has also briefed its Board and Minister on its FOI workload, low statutory compliance, and the initiatives it has undertaken to improve its capability, capacity, and output noting that the average handling time of a matter has reduced from 78 days in 2023-24 to 68 days in 2024-25, and
 - the NDIA continues to monitor OAIC complaint outcomes and implement the recommendations, including processes and training targeting the identification of personal information requests as recommended in 2024.

The NDIA also completed the OAIC's self-assessment tool.



Attachment A-3

Freedom of Information complaint investigation - Notice on completion under s 86 of the *Freedom of Information Act 1982*, by Freedom of Information Commissioner, Alice Linacre

Complainant	s22
Respondent	National Disability Insurance Agency
Completion date	28 November 2025
OAIC reference number	s22
Agency reference number	s22

Summary of investigation results, recommendations, and suggestions

- On 9 July 2025, s22 (the Complainant) made a complaint under s 70 of the *Freedom of Information Act 1982* (the FOI Act), about the National Disability Insurance Agency (the NDIA), being that the NDIA had failed to comply with statutory processing timeframes under the FOI Act in processing their FOI request.
- On 15 September 2025, the Office of the Australian Information Commissioner (the OAIC) provided a notice to the NDIA under s 75 of the FOI Act advising it of the commencement of an investigation into a cohort of FOI complaints received about similar issues, including this particular complaint, and requested relevant information in response. On 22 October 2025, the NDIA responded to the notice and request for information.
- My conclusions in relation to the issues raised by the Complainant are outlined below.
- My suggestions and recommendations in relation to this cohort of complaints are outlined in **Annexure A**.

Statement of reasons

The matters raised by the Complainant

5. The Complainant has raised the following issues in their complaint:
 - their FOI request was submitted on 31 January 2025 and became a refusal decision on 2 March 2025, and
 - the delay in obtaining documents in response to the request has resulted in stress and obstructed their ability to access their personal information.
6. The background to this FOI complaint is set out at **Annexure B**.

Legislation and Guidelines

7. The timeframes for dealing with an FOI request are outlined in s 15(5) of the FOI Act, which provides that:
 - (a) as soon as practicable but in any case not later than 14 days after the day on which the request is received by or on behalf of the agency or Minister, take all reasonable steps to enable the applicant to be notified that the request has been received; and
 - (b) as soon as practicable but in any case not later than the end of the period of 30 days after the day on which the request is received by or on behalf of the agency or Minister, take all reasonable steps to enable the applicant to be notified of a decision on the request.
8. Where an agency or Minister fails to notify the applicant of a decision within the statutory processing period, it is taken to have made a decision refusing the request under s 15AC(3) of the FOI Act.
9. The FOI Guidelines also explain that where a refusal decision has been made under s 15AC(3) of the FOI Act, the agency or Minister may still process the request and provide a statement of reasons on the FOI request.¹

The NDIA's submissions

10. The NDIA has acknowledged that it failed to process the Complainant's request within the statutory processing timeframes. It attributes the delay to a backlog of FOI requests that had arisen because of a high volume of FOI requests being made. It advised that it was processing the backlog of requests sequentially.

¹ [FOI Guidelines](#) at [3.270].

11. A summary of the NDIA's submissions is outlined in **Annexure C**.

My opinions in relation to the matter

My opinions in relation to the complaint raised

12. While the Complainant did not raise the issue of a delayed acknowledgement of their FOI request, I nonetheless have identified this as a relevant issue in this investigation.
13. The FOI request subject to this complaint was made on 31 January 2025. Pursuant to s 15(5) of the FOI Act, the NDIA was required to:
- acknowledge the Complainant's request by 14 February 2025, but it did not do so until 9 July 2025, and
 - provide a decision to the Complainant on the request by 3 March 2025,² but it did not do so until 9 July 2025.
14. The NDIA has confirmed that it made a refusal decision pursuant to s 15AC, as it failed to comply with the statutory processing timeframe.
15. It is apparent that the key contributors to the delays in relation to the Complainant's request arose from a lack of sufficient resources to manage the volume of FOI requests on hand which were being processed sequentially.
16. The delays involved in acknowledging and processing the Complainant's FOI request could have been minimised or avoided had there been sufficient resources to ensure the FOI request was acknowledged within the 14-day statutory period and sufficient FOI processing staff capacity to manage the increase of requests being received as well as progress the backlog.³
17. In these circumstances, the NDIA should have sought to obtain an extension of time from the complainant under s 15AA of the FOI Act to demonstrate concerted efforts to comply with the statutory processing timeframe.

My conclusions in relation to the matter investigated

18. For these reasons, I am of the view that:

² Noting the impact of s 36(2) of the *Acts Interpretation Act 1901* (Cth).

³

- in relation to the issues raised by the Complainant, the NDIA did not comply with s 15(5) of the FOI Act, as the NDIA did not acknowledge the Complainant's FOI request within 14 days nor provide the Complainant with a decision in response to their FOI request within the relevant statutory processing timeframe, and
- in relation to the issues raised in the wider cohort of complaints, the NDIA did not sufficiently utilise extension of time provisions where appropriate, to ensure compliance with statutory timeframes in the 2024-25 financial year. The NDIA also failed to implement systems and processes sufficient to uphold its duties to comply with statutory processing timeframes under the FOI Act.

My recommendations and suggestions

19. In deciding whether I make recommendations and suggestions, I have considered:
- the outcome sought by the Complainant, which is that the OAIC investigate the delay, ensures the NDIA complies with its obligations under the FOI Act, and the Complainant obtains access to the requested documents⁴
 - the information provided by the NDIA, including self-identified areas for improvement and work that the NDIA has undertaken or commenced to improve its compliance with statutory processing timeframes and uplift its information access operations more broadly particularly in relation to its staffing levels and guidance material, and
 - whether the issues raised in these complaints were isolated instances.
20. I have also considered the previous investigations into the NDIA which were found to be substantiated in findings dated 15 June 2022 and 4 March 2024 respectively.⁵ The OAIC made recommendations to the NDIA in relation to one of those complaints, that it accepted. Despite this, the NDIA's compliance with

⁴ While the last outcome cannot be facilitated under the FOI complaints process, the Complainant has not responded to the OAIC's correspondence inviting them to pursue an Information Commissioner review of the refusal decision. However, the NDIA advised the OAIC that a statement of reasons was provided to the Complainant on this request on 9 July 2025.

⁵ See [Freedom of information investigation outcomes](#) – Notices on completion dated 15 June 2022 and 4 March 2024.

statutory processing timeframes has significantly declined over the past 4 financial years despite having received fewer FOI requests overall.⁶

21. It is apparent from the NDIA's submissions as well as its reported FOI statistics⁷ that:

- the NDIA received an increase of approximately 69% in the number of FOI requests received in the 2024-25 financial year (2,331), compared to the previous 2023-24 financial year (1,381)
- while not reflected in its FOI statistics, the NDIA has advised that the number of administrative access requests for personal information received in the 2023-24 financial year (2,554,006) increased significantly in the 2024-25 year (3,058,531)
- also not reflected in the FOI statistics is the number of requests made under the Participant Information Access Scheme, which has nearly doubled, with 7,662 requests received in 2023-24 and 13,124 requests received in 2024-25
- the NDIA's rate of compliance with FOI processing timeframes decreased significantly from 91% in 2021-22, 71% in 2022-23, 49% in 2023-24, and 33% in 2024-25 which it attributes to its workforce transition from majority labour hire to majority permanent staffing, the implementation of a specific ICT system, and the increasing number of access requests
- in the 2024-25 financial year, the NDIA's rate of compliance with FOI processing timeframes fluctuated, resulting in an overall compliance rate of 33% in the 2024-25 financial year.

22. I acknowledge the steps being taken by the NDIA to address the processing delays, including the 50% increase in resources allocated to the FOI team since June 2025 (from 38 FTE to 73 FTE), allocating additional resources to the early resolution team, the establishment of a critical workforce register to provide additional surge capacity at short notice, and the implementation of an ongoing action plan to address non-compliance with processing timeframes under the FOI Act including the rollout of regular FOI training.

⁶ 91% in 2021-22 (1,884 requests received), 71% in 2022-23 (1,752 requests received), 49% in 2023-24 (1,381 requests received), and 33% in 2024-25 (2,331 requests received).

⁷ As available on the OAIC's website at [Australian Government freedom of information statistics](#), and in the OAIC's [2023-34 annual report](#) (Part 5: Appendices).

23. I also commend the NDIA for utilising various administrative access arrangements to provide quicker, less formal access to individuals' personal information.
24. However, it is apparent that despite receiving an increase of about 69% in the volume of FOI requests in the 2024-25 financial year, and its timeliness rates reaching a low of 19% in Q3 of the 2024-25 financial year, there has been a significant reduction in the number of extensions of time being sought under s 15AB and 15AC of the FOI Act,⁸ despite the significant increase in the number of s 15AA extensions.⁹
25. The NDIA's completed self-assessment tool identifies that:
- the NDIA does not currently have a Smartform to receive FOI requests, but one is in development
 - its review of its processing manuals and guidelines will consider whether to incorporate references to the FOI guidelines, and
 - training is not conducted on a regular basis.
26. A Smartform may assist the NDIA with timeliness by ensuring that the NDIA receives all relevant information from a FOI applicant at an early stage, enabling quicker processing of the access request. The NDIA should also ensure that its officers can be assisted in their decision-making by NDIA training, process manuals, and policies that refer to OAIC resources such as the FOI Guidelines, the FOI Essentials Toolkit, practice documents, and templates.¹⁰
27. My suggestions and recommendations are outlined at **Annexure A**.

⁸ 31 sought in 2023-24, whereas there were 13 sought in 2024-25.

⁹ From 74 notified to the OAIC in 2023-24, to 522 notified to the OAIC in 2024-25.

¹⁰ See [Freedom of information guidance for government agencies](#).

Yours sincerely,

A handwritten signature in blue ink that reads "Alice Linacre". The signature is fluid and cursive, with the first name "Alice" being more prominent than the last name "Linacre".

Alice Linacre
Freedom of Information Commissioner

28 November 2025

Annexure A: Recommendations and suggestions

Section 87 of the FOI Act provides that my investigation results include any suggestions to the NDIA that it ought to implement to improve its processes.

Section 88 of the FOI Act enables me to make investigation recommendations that the NDIA ought to implement.

Recommendations made under s 88 of the FOI Act

Recommendation	Due date for completion
Outcome of Agency initiatives	
1. The NDIA provide evidence that its information access Smartform has been implemented.	30 January 2026
2. The NDIA provide an implementation report, including statistical evidence, to demonstrate the effectiveness of the strategies employed under the NDIA's 'FOI Practice Build'.	30 January 2026
Operational Processes and Procedures	
<p>3. The NDIA review, and update, its FOI processing manual and ensure that, at a minimum, the manual:</p> <ul style="list-style-type: none"> a) addresses the steps that will be taken to ensure compliance with statutory processing timeframes, including the requirement for staff to conduct an early assessment of whether an extension of time is required b) provides guidance to staff on how and when to utilise the available extensions of time under ss 15AA, 15AB, and 15AC of the FOI Act¹¹ to ensure concerted efforts in complying with statutory processing timeframes, consistent with OAIC guidance 	30 January 2026

¹¹ See [Apply for an extension of time to process a freedom of information request](#) for guidance.

Recommendation	Due date for completion
<p>c) highlights the importance of keeping applicants informed of progress, and engaging with applicants to explore options for faster outcomes, and</p> <p>d) refers to relevant provisions of the FOI Guidelines.</p>	
<p>4. The NDIA ensure the FOI processing manual is publicly available on the NDIA’s website, consistent with the requirements of the Information Publication Scheme.</p>	30 January 2026
<p>5. The NDIA review, and update (if necessary), internal policies that support the FOI processing manual, including training and guidance materials for FOI decision makers,¹² to support decision makers to comply with statutory processing timeframes and make decisions independently.¹³ These internal policies should reflect current revisions to Part 3 of the FOI Guidelines,¹⁴ and include references to relevant OAIC resources¹⁵ to support FOI processing officers and decision makers.</p>	30 January 2026
<p>6. The NDIA enhance governance arrangements, promote proactive release of information and support compliance with IPS and disclosure log requirements, by developing a process for identifying updates to the</p>	30 January 2026

¹² The OAIC publishes numerous checklists, guidance notes, and other guidance materials that we encourage agencies to use in developing specific training. See our [Freedom of information guidance for government agencies](#).

¹³ Authorised officers are responsible for reaching an independent decision and exercising any discretion. See [ARC Best Practice Guide No 1](#), Decision Making: Lawfulness, 2007.

¹⁴ See a summary of version changes to s 93A guidelines here: [Summary of version changes to s93A guidelines](#).

¹⁵ Relevant OAIC resources include: [FOI Essentials for Australian Government agencies and ministers](#), [Freedom of Information processing period calculator](#), and [FOI agency resource Managing increased volume of FOI requests](#).

Recommendation	Due date for completion
IPS entries on the NDIA's website, to support proactive release of information in accordance with the IPS. ¹⁶	
Training	
<p>7. The NDIA ensure that all FOI team staff and other relevant staff (including FOI decision makers) have received training in relation to the formal guidance referred to in recommendations (4) and (6), and that new staff joining the FOI Section are trained in relation to this formal FOI guidance within 2 weeks of commencing in the FOI team.</p>	30 January 2026
<p>8. The NDIA develop or update, and deliver, training to all business areas responsible for compliance with general FOI obligations, including IPS obligations, disclosure log requirements, and compliance with search and retrieval requests, including the statutory timeframes and the requirement to take all reasonable steps to find relevant documents under s 24A of the FOI Act. This training should be made broadly available to all staff, and ongoing refresher training completed at regular intervals.</p>	30 January 2026
<p>9. The NDIA develop training for all relevant Senior Executive staff about the NDIA's general obligations under the FOI Act, which specifically addresses the requirements of the Information Publication Scheme under Part II of the FOI Act. This training should be delivered as part of the NDIA's induction process for new staff, and form part of any refresher training for SES employees.</p>	30 January 2026
FOI Statistics	

¹⁶ Section 11C of the FOI Act. For more information about complying with this legislated timeframe, including in the context where there may be third-party review, see Part 14 of the FOI Guidelines – in particular: [Making Information publicly available - Time of publication](#).

Recommendation	Due date for completion
10. The NDIA assess the impact of the potentially invalid s 15AA agreements on its FOI timeliness statistics as reported to the OAIC during the 2023-24 financial year and report back to the OAIC with adjusted FOI timeliness statistics and an explanation of the identified impact.	30 January 2026

Suggestions made under s 87(d) of the FOI Act

Suggestion	Due date for completion
Practices to uplift capability	
1. The NDIA create a dedicated resourcing pool from across the agency (an FOI surge pool) to provide FOI processing support during peak periods, as well as to assist with higher volumes, or backlogs, to provide improved and more stable capacity to meet FOI processing demands where necessary.	Commencing 30 January 2026
2. The NDIA seek to more actively utilise the available extension of time provisions under ss 15AB and 15AC (in appropriate circumstances), to demonstrate increased attempts to comply with the statutory processing timeframe under the FOI Act.	Commencing 30 January 2026
3. The NDIA create an auto-acknowledgement to complement its Smartform and ensure compliance with s 15(5)(a) of the FOI Act.	Commencing 30 January 2026
Ongoing learning and review	
4. The NDIA mandate the attendance of at least one staff member from each of its FOI teams to attend the OAIC's online training webinars (as advertised through the OAIC's fortnightly 'ICON' newsletter).	Commencing 30 January 2026

<p>5. The NDIA review the OAIC’s FOI complaint investigation outcomes¹⁷ at a minimum of every 12 months, to ensure that any learnings identified through those outcomes are incorporated into training for FOI staff, as well as the FOI processing manual and/or policies and guidance materials that support the processing manual.</p>	<p>Commencing 30 January 2026</p>
<p>Disclosure log</p>	
<p>6. The NDIA uplift the technical and administrative capability of its Disclosure Log to enable access to the documents in that log via download link.</p>	<p>Commencing 30 January 2026</p>

¹⁷ See [Freedom of information investigation outcomes](#).

Annexure B: Key procedural steps

Date	Events
31 January 2025	The Complainant made the FOI request.
3 March 2025	The NDIA was taken to have made a refusal decision. ¹⁸
4 June 2025	The NDIA's Executive Complaints team sought information about the Complainant's FOI request.
7 July 2025	The FOI request was assigned to a decision maker.
9 July 2025	The NDIA acknowledged the FOI request and apologised for the delays. The Complainant sought an estimate decision date, and the NDIA advised it was being actioned as a priority. A statement of reasons was provided to the Complainant on the same date.

¹⁸ FOI Act s 15AC(3) noting the impact of s 36(2) of the *Acts Interpretation Act 1901* (Cth).

Annexure C: The NDIA's submissions

Response to Preliminary Inquiries

In relation to 25 July 2025, the NDIA acknowledged that it had failed to progress the Complainant's request in accordance with the statutory processing timeframes. The NDIA confirmed that:

- the Complainant had lodged a complaint with the NDIA, but the FOI team had not been advised of the outcome
- it apologised provided the Complainant with a decision on the same day the Complainant advised the FOI team of the outcome of the complaint (9 July 2025)
- it has provided feedback to the FOI team about providing regular updates to FOI applicants
- the NDIA is currently experiencing an increase in FOI requests being received and expects to receive 1,000 more FOI requests than the previous year
- the NDIA is working to improve its processing and address its backlog, and
- the NDIA remains committed to improving its FOI processing and the early resolution of FOI matters.

Response to notice of investigation

In relation to s22 [REDACTED] the NDIA acknowledged that it failed to process the Complainant's request within the statutory processing period. It noted that once the matter had been allocated to a decision maker, it was finalised within 2 days. The NDIA explained that on 9 July 2025 it emailed the Complainant to explain the delay was a result of a high volume of FOI requests. It confirmed that the delay arose as a result of a backlog of FOI requests and needing to process those sequentially.

In relation to its compliance with FOI processing timeframes more broadly, the NDIA submitted:

- it currently supports approximately 740,000 people, noting that at its conception the National Disability Insurance Scheme was only intended to support 410,000 people

- in 2024-25 the NDIA's National Contact Centre responded to over 3 million requests or queries relating to access for personal information across phone calls, email, and webchat, which is an increase from 2.554 million in 2023-24
- the Participant Information Access scheme was created in 2020 to simplify and expedite the processing of routine requests being made under the FOI Act, and the NDIA additionally hopes to implement an additional scheme to access personal information based on the *Privacy Act 1988* (Cth)
- the NDIA recognises that its compliance with statutory timeframe requires attention and has maintained regular communication with the OAIC about the drivers of this including:
 - transitioning from a majority labour hire workforce to a majority permanent staffing workforce
 - implementation of a dedicated case management ICT system
 - continued growth of access requests
- the NDIA's compliance rate with statutory timeframes has declined over the past two financial years:
 - in the 2023-24 financial year the NDIA's compliance rate was:
 - 47% in Q1
 - 53% in Q2
 - 49% to Q3
 - 44% in Q4
 - in the 2024-25 financial year the NDIA's compliance rate was:
 - 43% in Q1
 - 39% in Q2
 - 19% in Q3
 - 31% in Q4
- the number of s 15AA sought by the NDIA and agreed to by FOI applicants over the past two years has increased from:

- 151 sought in 2023-24
- 245 sought in 2024-25¹⁹
- the number of s 15AB and 15AC extensions sought over the past two years has decreased, from:
 - 18 sought in 2023-24
 - 8 sought in 2024-25²⁰
- further drivers of non-compliance with statutory timeframes include:
 - in 2024-25 the NDIA received and finalised the highest volume of FOI matters in its history
 - staff retention challenges in 2023-24 and 2024-25 (noting also the transition in the make-up of the workforce from labour hire to permanent staff)
 - the volume of matters has generated a backlog and is a barrier to completing matters in time
 - it has prioritised progressing to substantive decisions over seeking extensions of time under s 15AC of the FOI Act, where obtaining these extensions of time from the OAIC has traditionally been challenging
- the NDIA has commenced capability building initiatives²¹ including:
 - expanding the capacity of the Information Access team from 38 FTE to 73 FTE, noting that the newer staff without prior FOI experience need a higher level of support

¹⁹ In its submissions the NDIA confirmed that it does not comprehensively track this data. The OAIC's records demonstrate that the NDIA notified the OAIC of:

- 74 s 15AA extensions in 2023-24
- 522 s 15AA extensions in 2024-25.

²⁰ In its submissions the NDIA confirmed that it does not comprehensively track this data. The OAIC's records demonstrate that the number of s 15AB and 15AC extensions sought over the past two years has decreased, from:

- 31 sought and 13 granted, in 2023-24
- 13 sought and 5 granted, in 2024-25.

²¹ It also provided the OAIC with its Capability and capacity action plan.

- improving triage and early resolution functions including increasing the size of the early resolution team
 - streamlining FOI processes by producing and updating a new suite of standard operating procedures and guidance material as well as authorising an additional 12 FOI decision makers
 - training packages to the FOI team and other staff including training from the Australian Government Solicitor in June 2025 and NDIS Business Systems training. The NDIA is also developing a FOI training page to be launched early 2026
 - improving reporting functions using the dedicated ICT platform (LEX) which has better reporting systems and assists with the proactive disclosure of operational documents with public interest
- the NDIA has also briefed its Board and Minister on its FOI workload, low statutory compliance, and the initiatives it has undertaken to improve its capability, capacity, and output noting that the average handling time of a matter has reduced from 78 days in 2023-24 to 68 days in 2024-25, and
 - the NDIA continues to monitor OAIC complaint outcomes and implement the recommendations, including processes and training targeting the identification of personal information requests as recommended in 2024.

The NDIA also completed the OAIC's self-assessment tool.



Attachment A-4

Freedom of Information complaint investigation - Notice on completion under s 86 of the *Freedom of Information Act 1982*, by Freedom of Information Commissioner, Alice Linacre

Complainant	s22
Respondent	National Disability Insurance Agency
Completion date	28 November 2025
OAIC reference number	s22
Agency reference number	s22

Summary of investigation results, recommendations, and suggestions

1. On 7 August 2025, s22 (the Complainant) made a complaint under s 70 of the *Freedom of Information Act 1982* (the FOI Act), about the National Disability Insurance Agency (the NDIA), being that the NDIA had failed to comply with statutory processing timeframes under the FOI Act in processing their FOI request.
2. On 15 September 2025, the Office of the Australian Information Commissioner (the OAIC) provided a notice to the NDIA under s 75 of the FOI Act advising it of the commencement of an investigation into a cohort of FOI complaints received about similar issues, including this particular complaint, and requested relevant information in response. On 22 October 2025, the NDIA responded to the notice and request for information.
3. My conclusions in relation to the issues raised by the Complainant are outlined below.
4. My suggestions and recommendations in relation to this cohort of complaints are outlined in **Annexure A**.

Statement of reasons

The matters raised by the Complainant

5. The Complainant has raised the following issues in their complaint:
 - the Complainant felt they were being pressured into accepting the NDIA's request for an extension of time to process the FOI request, and
 - they raised their concern with the NDIA, but its response was to request more time to process their FOI request.
6. The background to this FOI complaint is set out at **Annexure B**.

Legislation and Guidelines

7. The timeframes for dealing with an FOI request are outlined in s 15(5)(b) of the FOI Act, which provides that:

[A]s soon as practicable but in any case not later than the end of the period of 30 days after the day on which the request is received by or on behalf of the agency or Minister, take all reasonable steps to enable the applicant to be notified of a decision on the request.
8. Where an agency or Minister fails to notify the applicant of a decision within the statutory processing period, it is taken to have made a decision refusing the request under s 15AC(3) of the FOI Act.
9. The FOI Guidelines also explain that where a refusal decision has been made under s 15AC(3) of the FOI Act, the agency or Minister may still process the request and provide a statement of reasons on the FOI request.¹

The NDIA's submissions

10. The NDIA has acknowledged that it failed to process the Complainant's request within the statutory processing timeframe. It has apologised to the Complainant for the delay and notes that the correspondence sent to the Complainant was a standard template not intended to influence the Complainant to agree to an extension of time.
11. A summary of the NDIA's submissions is outlined in **Annexure C**.

¹ [FOI Guidelines](#) at [3.270].

My opinions in relation to the matter

My opinions in relation to the complaint raised

12. The FOI request subject to this complaint was made on 24 July 2025. Pursuant to s 15(5)(b) of the FOI Act, the NDIA was required to provide a decision to the Complainant on the request by 25 August 2025,² but it did not do so until 22 September 2025.
13. The NDIA has confirmed that it made a refusal decision pursuant to s 15AC, as it failed to comply with the statutory processing timeframe.
14. It is apparent from the chronology of events provided that the key contributors to the delays in relation to the Complainant's request arose from:
 - a delay by the relevant business area in conducting its searches, and
 - a delay in determining that the Complainant's FOI request was too broad to be processed and consulting with the Complainant to revise the request.
15. The NDIA did give early consideration to the need for an extension of time when it sought a s 15AA extension of time from the Complainant, which the Complainant refused. In these circumstances it was open to the NDIA to request an extension of time from the OAIC so that it was able to facilitate consultation with the Complainant about the scope of the FOI request.
16. However, I also note that productive and reasonable engagement by the Complainant would also aid in supporting the NDIA to comply with statutory processing timeframes moving forward.
17. Nonetheless, where an agency has been unable to obtain an extension of time it should endeavour to provide the FOI applicant with updates in relation to the processing of the request. In this matter, the NDIA did not provide the Complainant with updates about the processing of the request.

My conclusions in relation to the matter investigated

18. For these reasons, I am of the view that:
 - in relation to the issues raised by the Complainant, the NDIA did not comply with s 15(5)(b) of the FOI Act, as the NDIA did not provide the Complainant

² Noting the impact of s 36(2) of the *Acts Interpretation Act 1901* (Cth).

with a decision in response to their FOI request within the relevant statutory processing timeframe, and

- in relation to the issues raised in the wider cohort of complaints, the NDIA did not sufficiently utilise extension of time provisions where appropriate, to ensure compliance with statutory timeframes in the 2024-25 financial year. The NDIA also failed to implement systems and processes sufficient to uphold its duties to comply with statutory processing timeframes under the FOI Act.

My recommendations and suggestions

19. In deciding whether I make recommendations and suggestions, I have considered:

- the outcome sought by the Complainant, which is to address their complaint in a manner the OAIC considers appropriate
- the information provided by the NDIA, including self-identified areas for improvement and work that the NDIA has undertaken or commenced to improve its compliance with statutory processing timeframes and uplift its information access operations more broadly particularly in relation to its staffing levels and guidance material, and
- whether the issues raised in these complaints were isolated instances.

20. I have also considered the previous investigations into the NDIA which were found to be substantiated in findings dated 15 June 2022 and 4 March 2024 respectively.³ The OAIC made recommendations to the NDIA in relation to one of those complaints, that it accepted. Despite this, the NDIA's compliance with statutory processing timeframes has significantly declined over the past 4 financial years despite having received fewer FOI requests overall.⁴

21. It is apparent from the NDIA's submissions as well as its reported FOI statistics⁵ that:

³ See [Freedom of information investigation outcomes](#) – Notices on completion dated 15 June 2022 and 4 March 2024.

⁴ 91% in 2021-22 (1,884 requests received), 71% in 2022-23 (1,752 requests received), 49% in 2023-24 (1,381 requests received), and 33% in 2024-25 (2,331 requests received).

⁵ As available on the OAIC's website at [Australian Government freedom of information statistics](#), and in the OAIC's [2023-34 annual report](#) (Part 5: Appendices).

- the NDIA received an increase of approximately 69% in the number of FOI requests received in the 2024-25 financial year (2,331), compared to the previous 2023-24 financial year (1,381)
 - while not reflected in its FOI statistics, the NDIA has advised that the number of administrative access requests for personal information received in the 2023-24 financial year (2,554,006) increased significantly in the 2024-25 year (3,058,531)
 - also not reflected in the FOI statistics is the number of requests made under the Participant Information Access Scheme, which has nearly doubled, with 7,662 requests received in 2023-24 and 13,124 requests received in 2024-25
 - the NDIA's rate of compliance with FOI processing timeframes decreased significantly from 91% in 2021-22, 71% in 2022-23, 49% in 2023-24, and 33% in 2024-25 which it attributes to its workforce transition from majority labour hire to majority permanent staffing, the implementation of a specific ICT system, and the increasing number of access requests
 - in the 2024-25 financial year, the NDIA's rate of compliance with FOI processing timeframes fluctuated, resulting in an overall compliance rate of 33% in the 2024-25 financial year.
22. I acknowledge the steps being taken by the NDIA to address the processing delays, including the 50% increase in resources allocated to the FOI team since June 2025 (from 38 FTE to 73 FTE), allocating additional resources to the early resolution team, the establishment of a critical workforce register to provide additional surge capacity at short notice, and the implementation of an ongoing action plan to address non-compliance with processing timeframes under the FOI Act including the rollout of regular FOI training.
23. I also commend the NDIA for utilising various administrative access arrangements to provide quicker, less formal access to individuals' personal information.
24. However, it is apparent that despite receiving an increase of about 69% in the volume of FOI requests in the 2024-25 financial year, and its timeliness rates reaching a low of 19% in Q3 of the 2024-25 financial year, there has been a significant reduction in the number of extensions of time being sought under s

15AB and 15AC of the FOI Act,⁶ despite the significant increase in the number of s 15AA extensions.⁷

25. The NDIA's completed self-assessment tool identifies that:
- the NDIA does not currently have a Smartform to receive FOI requests, but one is in development
 - its review of its processing manuals and guidelines will consider whether to incorporate references to the FOI guidelines, and
 - training is not conducted on a regular basis.
26. A Smartform may assist the NDIA with timeliness by ensuring that the NDIA receives all relevant information from a FOI applicant at an early stage, enabling quicker processing of the access request. The NDIA should also ensure that its officers can be assisted in their decision-making by NDIA training, process manuals, and policies that refer to OAIC resources such as the FOI Guidelines, the FOI Essentials Toolkit, practice documents, and templates.⁸
27. My suggestions and recommendations are outlined at **Annexure A**.

Yours sincerely,



Alice Linacre

Freedom of Information Commissioner

28 November 2025

⁶ 31 sought in 2023-24, whereas there were 13 sought in 2024-25.

⁷ From 74 notified to the OAIC in 2023-24, to 522 notified to the OAIC in 2024-25.

⁸ See [Freedom of information guidance for government agencies](#).

Annexure A: Recommendations and suggestions

Section 87 of the FOI Act provides that my investigation results include any suggestions to the NDIA that it ought to implement to improve its processes.

Section 88 of the FOI Act enables me to make investigation recommendations that the NDIA ought to implement.

Recommendations made under s 88 of the FOI Act

Recommendation	Due date for completion
Outcome of Agency initiatives	
1. The NDIA provide evidence that its information access Smartform has been implemented.	30 January 2026
2. The NDIA provide an implementation report, including statistical evidence, to demonstrate the effectiveness of the strategies employed under the NDIA's 'FOI Practice Build'.	30 January 2026
Operational Processes and Procedures	
<p>3. The NDIA review, and update, its FOI processing manual and ensure that, at a minimum, the manual:</p> <ul style="list-style-type: none"> a) addresses the steps that will be taken to ensure compliance with statutory processing timeframes, including the requirement for staff to conduct an early assessment of whether an extension of time is required b) provides guidance to staff on how and when to utilise the available extensions of time under ss 15AA, 15AB, and 15AC of the FOI Act⁹ to ensure concerted efforts in complying with statutory processing timeframes, consistent with OAIC guidance 	30 January 2026

⁹ See [Apply for an extension of time to process a freedom of information request](#) for guidance.

Recommendation	Due date for completion
<p>c) highlights the importance of keeping applicants informed of progress, and engaging with applicants to explore options for faster outcomes, and</p> <p>d) refers to relevant provisions of the FOI Guidelines.</p>	
<p>4. The NDIA ensure the FOI processing manual is publicly available on the NDIA’s website, consistent with the requirements of the Information Publication Scheme.</p>	30 January 2026
<p>5. The NDIA review, and update (if necessary), internal policies that support the FOI processing manual, including training and guidance materials for FOI decision makers,¹⁰ to support decision makers to comply with statutory processing timeframes and make decisions independently.¹¹ These internal policies should reflect current revisions to Part 3 of the FOI Guidelines,¹² and include references to relevant OAIC resources¹³ to support FOI processing officers and decision makers.</p>	30 January 2026
<p>6. The NDIA enhance governance arrangements, promote proactive release of information and support compliance with IPS and disclosure log requirements, by developing a process for identifying updates to the</p>	30 January 2026

¹⁰ The OAIC publishes numerous checklists, guidance notes, and other guidance materials that we encourage agencies to use in developing specific training. See our [Freedom of information guidance for government agencies](#).

¹¹ Authorised officers are responsible for reaching an independent decision and exercising any discretion. See [ARC Best Practice Guide No 1](#), Decision Making: Lawfulness, 2007.

¹² See a summary of version changes to s 93A guidelines here: [Summary of version changes to s93A guidelines](#).

¹³ Relevant OAIC resources include: [FOI Essentials for Australian Government agencies and ministers](#), [Freedom of Information processing period calculator](#), and [FOI agency resource Managing increased volume of FOI requests](#).

Recommendation	Due date for completion
IPS entries on the NDIA's website, to support proactive release of information in accordance with the IPS. ¹⁴	
Training	
<p>7. The NDIA ensure that all FOI team staff and other relevant staff (including FOI decision makers) have received training in relation to the formal guidance referred to in recommendations (4) and (6), and that new staff joining the FOI Section are trained in relation to this formal FOI guidance within 2 weeks of commencing in the FOI team.</p>	30 January 2026
<p>8. The NDIA develop or update, and deliver, training to all business areas responsible for compliance with general FOI obligations, including IPS obligations, disclosure log requirements, and compliance with search and retrieval requests, including the statutory timeframes and the requirement to take all reasonable steps to find relevant documents under s 24A of the FOI Act. This training should be made broadly available to all staff, and ongoing refresher training completed at regular intervals.</p>	30 January 2026
<p>9. The NDIA develop training for all relevant Senior Executive staff about the NDIA's general obligations under the FOI Act, which specifically addresses the requirements of the Information Publication Scheme under Part II of the FOI Act. This training should be delivered as part of the NDIA's induction process for new staff, and form part of any refresher training for SES employees.</p>	30 January 2026
FOI Statistics	

¹⁴ Section 11C of the FOI Act. For more information about complying with this legislated timeframe, including in the context where there may be third-party review, see Part 14 of the FOI Guidelines – in particular: [Making Information publicly available - Time of publication](#).

Recommendation	Due date for completion
<p>10. The NDIA assess the impact of the potentially invalid s 15AA agreements on its FOI timeliness statistics as reported to the OAIC during the 2023-24 financial year and report back to the OAIC with adjusted FOI timeliness statistics and an explanation of the identified impact.</p>	<p>30 January 2026</p>

Suggestions made under s 87(d) of the FOI Act

Suggestion	Due date for completion
Practices to uplift capability	
<p>1. The NDIA create a dedicated resourcing pool from across the agency (an FOI surge pool) to provide FOI processing support during peak periods, as well as to assist with higher volumes, or backlogs, to provide improved and more stable capacity to meet FOI processing demands where necessary.</p>	<p>Commencing 30 January 2026</p>
<p>2. The NDIA seek to more actively utilise the available extension of time provisions under ss 15AB and 15AC (in appropriate circumstances), to demonstrate increased attempts to comply with the statutory processing timeframe under the FOI Act.</p>	<p>Commencing 30 January 2026</p>
<p>3. The NDIA create an auto-acknowledgement to complement its Smartform and ensure compliance with s 15(5)(a) of the FOI Act.</p>	<p>Commencing 30 January 2026</p>
Ongoing learning and review	
<p>4. The NDIA mandate the attendance of at least one staff member from each of its FOI teams to attend the OAIC's online training webinars (as advertised through the OAIC's fortnightly 'ICON' newsletter).</p>	<p>Commencing 30 January 2026</p>

<p>5. The NDIA review the OAIC’s FOI complaint investigation outcomes¹⁵ at a minimum of every 12 months, to ensure that any learnings identified through those outcomes are incorporated into training for FOI staff, as well as the FOI processing manual and/or policies and guidance materials that support the processing manual.</p>	<p>Commencing 30 January 2026</p>
<p>Disclosure log</p>	
<p>6. The NDIA uplift the technical and administrative capability of its Disclosure Log to enable access to the documents in that log via download link.</p>	<p>Commencing 30 January 2026</p>

¹⁵ See [Freedom of information investigation outcomes](#).

Annexure B: Key procedural steps

Date	Events
24 July 2025	The Complainant made the FOI request.
6 August 2025	The NDIA acknowledged the Complainant's request and sought an extension of time. The Complainant refused to agree to an extension. The NDIA initiated its searches consultation.
7 – 15 August 2025	The FOI team consulted with the internal business area undertaking the searches.
25 August 2025	The NDIA was taken to have made a refusal decision. ¹⁶
26 August 2025	The NDIA was notified of the Complainant's complaint to the OAIC.
28 – 29 August 2025	The FOI team continued consulting with the internal business area about searches for documents.
1 September 2025	The internal business area provided the FOI team with the results of its searches.
3 September 2025	The NDIA contacted the applicant to address issues in their complaint and apologised for the delay. The NDIA assigned a decision maker to the Complainant's request.
4 September 2025	The NDIA contacted the applicant to propose a revised FOI request on the basis the request was too large to process.
8 September 2025	The Complainant agreed to revise their FOI request and a further search consult was sent to the relevant business area.
15 September 2025	The internal business area provided the FOI team with the results of its further searches.
22 September 2025	The NDIA provided its statement of reason to the Complainant.

¹⁶ FOI Act s 15AC(3) noting the impact of s 36(2) of the *Acts Interpretation Act 1901* (Cth).

Annexure C: The NDIA's submissions

Response to Preliminary Inquiries

On 4 September 2025, the NDIA confirmed that:

- the Complainant did not formally complain to the NDIA, but had expressed dissatisfaction with the NDIA not meeting statutory timeframes when declining to agree to an extension of time
- after being notified of the Complainant's complaint, the NDIA apologised for its delays and explained the request for an extension of time was not intended to be forceful, instead the acknowledgement email was a standard template
- it has provided feedback to the FOI team about providing regular updates to FOI applicants
- the NDIA is currently experiencing an increase in FOI requests being received and expects to receive 1,000 more FOI requests than the previous year
- the NDIA is working to improve its processing and address its backlog, and
- the NDIA remains committed to improving its FOI processing and the early resolution of FOI matters.

Response to notice of investigation

In relation to s22 [REDACTED] the NDIA acknowledged that it did not process the Complainant's FOI request within the statutory processing timeframe. It noted that while a s 15AB extension of time may have assisted in these circumstances. The NDIA noted that it had apologised to the Complainant and would consider this complaint when strengthening its training, resources, templates, and standard operating procedures with its FOI Practice Build.

In relation to its compliance with FOI processing timeframes more broadly, the NDIA submitted:

- it currently supports approximately 740,000 people, noting that at its conception the National Disability Insurance Scheme was only intended to support 410,000 people

- in 2024-25 the NDIA's National Contact Centre responded to over 3 million requests or queries relating to access for personal information across phone calls, email, and webchat, which is an increase from 2.554 million in 2023-24
- the Participant Information Access scheme was created in 2020 to simplify and expedite the processing of routine requests being made under the FOI Act, and the NDIA additionally hopes to implement an additional scheme to access personal information based on the *Privacy Act 1988* (Cth)
- the NDIA recognises that its compliance with statutory timeframe requires attention and has maintained regular communication with the OAIC about the drivers of this including:
 - transitioning from a majority labour hire workforce to a majority permanent staffing workforce
 - implementation of a dedicated case management ICT system
 - continued growth of access requests
- the NDIA's compliance rate with statutory timeframes has declined over the past two financial years:
 - in the 2023-24 financial year the NDIA's compliance rate was:
 - 47% in Q1
 - 53% in Q2
 - 49% to Q3
 - 44% in Q4
 - in the 2024-25 financial year the NDIA's compliance rate was:
 - 43% in Q1
 - 39% in Q2
 - 19% in Q3
 - 31% in Q4
- the number of s 15AA sought by the NDIA and agreed to by FOI applicants over the past two years has increased from:

- 151 sought in 2023-24
- 245 sought in 2024-25¹⁷
- the number of s 15AB and 15AC extensions sought over the past two years has decreased, from:
 - 18 sought in 2023-24
 - 8 sought in 2024-25¹⁸
- further drivers of non-compliance with statutory timeframes include:
 - in 2024-25 the NDIA received and finalised the highest volume of FOI matters in its history
 - staff retention challenges in 2023-24 and 2024-25 (noting also the transition in the make-up of the workforce from labour hire to permanent staff)
 - the volume of matters has generated a backlog and is a barrier to completing matters in time
 - it has prioritised progressing to substantive decisions over seeking extensions of time under s 15AC of the FOI Act, where obtaining these extensions of time from the OAIC has traditionally been challenging
- the NDIA has commenced capability building initiatives¹⁹ including:
 - expanding the capacity of the Information Access team from 38 FTE to 73 FTE, noting that the newer staff without prior FOI experience need a higher level of support

¹⁷ In its submissions the NDIA confirmed that it does not comprehensively track this data. The OAIC's records demonstrate that the NDIA notified the OAIC of:

- 74 s 15AA extensions in 2023-24
- 522 s 15AA extensions in 2024-25.

¹⁸ In its submissions the NDIA confirmed that it does not comprehensively track this data. The OAIC's records demonstrate that the number of s 15AB and 15AC extensions sought over the past two years has decreased, from:

- 31 sought and 13 granted, in 2023-24
- 13 sought and 5 granted, in 2024-25.

¹⁹ It also provided the OAIC with its Capability and capacity action plan.

- improving triage and early resolution functions including increasing the size of the early resolution team
 - streamlining FOI processes by producing and updating a new suite of standard operating procedures and guidance material as well as authorising an additional 12 FOI decision makers
 - training packages to the FOI team and other staff including training from the Australian Government Solicitor in June 2025 and NDIS Business Systems training. The NDIA is also developing a FOI training page to be launched early 2026
 - improving reporting functions using the dedicated ICT platform (LEX) which has better reporting systems and assists with the proactive disclosure of operational documents with public interest
- the NDIA has also briefed its Board and Minister on its FOI workload, low statutory compliance, and the initiatives it has undertaken to improve its capability, capacity, and output noting that the average handling time of a matter has reduced from 78 days in 2023-24 to 68 days in 2024-25, and
 - the NDIA continues to monitor OAIC complaint outcomes and implement the recommendations, including processes and training targeting the identification of personal information requests as recommended in 2024.

The NDIA also completed the OAIC's self-assessment tool.



Attachment A-5

Freedom of Information complaint investigation - Notice on completion under s 86 of the *Freedom of Information Act 1982*, by Freedom of Information Commissioner, Alice Linacre

Complainant	s22
Respondent	National Disability Insurance Agency
Completion date	28 November 2025
OAIC reference number	s22
Agency reference number	s22

Summary of investigation results, recommendations, and suggestions

1. On 4 August 2025, s22 (the Complainant) made a complaint under s 70 of the *Freedom of Information Act 1982* (the FOI Act), about the National Disability Insurance Agency (the NDIA), being that the NDIA had failed to comply with statutory processing timeframes under the FOI Act in processing their FOI request.
2. On 15 September 2025, the Office of the Australian Information Commissioner (the OAIC) provided a notice to the NDIA under s 75 of the FOI Act advising it of the commencement of an investigation into a cohort of FOI complaints received about similar issues, including this particular complaint, and requested relevant information in response. On 22 October 2025, the NDIA responded to the notice and request for information.
3. My conclusions in relation to the issues raised by the Complainant are outlined below.
4. My suggestions and recommendations in relation to this cohort of complaints are outlined in **Annexure A**.

Statement of reasons

The matters raised by the Complainant

5. The Complainant has raised the following issues in their complaint:
- they lodged a FOI request with the NDIA on 4 July 2025, which was acknowledged on 17 July 2025 along with a request for a 30-day extension of time under s 15AA of the FOI Act
 - the Complainant refused to agree to the extension of time but still did not receive a decision within the statutory processing timeframe, and
 - the Complainant considers that there appears to be a pattern of deliberate or a systematic delay as the FOI request related to a matter under consideration at the Administrative Review Tribunal (the ART), the Complainant was discouraged from making a FOI request and instead was urged to wait for ART disclosure or use the Participant Information Access scheme (the PIA scheme),¹ and the NDIA has previously excluded material and delayed access to information relevant to the Complainant's ART matter.
6. The background to this FOI complaint is set out at **Annexure B**.

Legislation and Guidelines

7. The timeframes for dealing with an FOI request are outlined in s 15(5)(b) of the FOI Act, which provides that:
- [A]s soon as practicable but in any case not later than the end of the period of 30 days after the day on which the request is received by or on behalf of the agency or Minister, take all reasonable steps to enable the applicant to be notified of a decision on the request.
8. Where an agency or Minister fails to notify the applicant of a decision within the statutory processing period, it is taken to have made a decision refusing the request under s 15AC(3) of the FOI Act.
9. The FOI Guidelines also explain that where a deemed decision has been made, the agency or Minister may still process the request and provide a statement of reasons on the FOI request.²

¹ The Complainant highlighted that neither of those access arrangements attract review rights.

² [FOI Guidelines](#) at [3.270].

The NDIA's submissions

10. While the NDIA concedes that a decision was not made within the statutory processing timeframe, it maintains that it acknowledged the request within the timeframe, communicated with the Complainant about its delays, and sought a s 15AA extension of time from the Complainant. It submits that the Complainant's request was consistently progressed which demonstrates that the delay was not intentional and did not arise due to any neglect.
11. The NDIA acknowledged that a s 15AB extension of time may have assisted in this matter. However, it notes that it is focussing its resources on the processing of FOI requests as making extension of time requests adds another level of administrative processes and delay.
12. A summary of the NDIA's submissions is outlined in **Annexure C**.

My opinions in relation to the matter

My opinions in relation to the complaint raised

13. The FOI request subject to this complaint was made on 4 July 2025. Pursuant to s 15(5)(b) of the FOI Act, the NDIA was required to provide a decision to the Complainant on the request by 4 August 2025, but it did not do so until 22 August 2025.
14. The NDIA has confirmed that it was deemed to have made a refusal decision pursuant to s 15AC, as it failed to comply with the statutory processing timeframe.
15. It is apparent from the chronology of events provided, that the key contributors to the delays in relation to the Complainant's request, arose from:
 - a delay in receiving proof of identity from the Complainant³
 - a lack of resources in processing the increased volume of FOI requests, and
 - a delay of 18 days between receiving a searches response from the relevant business area and allocating the matter to a decision maker.
16. The NDIA did give early consideration to the need for an extension of time when it sought a s 15AA extension of time from the Complainant, which the

³ This was received 17 days after it had been requested by the NDIA.

Complainant refused. Moreover, I acknowledge that the delay in receiving proof of identity from the Complainant contributed to the overall delay in the NDIA processing the Complainant's request. To this end, I note that productive and reasonable engagement by the Complainant would also aid in supporting the NDIA to comply with statutory processing timeframes moving forward.

17. However, in circumstances where an agency has been unable to agree to an extension of time with a FOI applicant, it should endeavour to provide the FOI applicant with updates in relation to the processing of the request. In this matter, the NDIA did not keep the Complainant sufficiently informed about the processing of their FOI request.

My conclusions in relation to the matter investigated

18. For these reasons, I am of the view that:
 - in relation to the issues raised by the Complainant, the NDIA did not comply with s 15(5)(b) of the FOI Act, as the NDIA did not provide the Complainant with a decision in response to their FOI request within the relevant statutory processing timeframe, and
 - in relation to the issues raised in the wider cohort of complaints, the NDIA did not sufficiently utilise extension of time provisions where appropriate, to ensure compliance with statutory timeframes in the 2024-25 financial year. The NDIA also failed to implement systems and processes sufficient to uphold its duties to comply with statutory processing timeframes under the FOI Act.

My recommendations and suggestions

19. In deciding whether I make recommendations and suggestions, I have considered:
 - the outcome sought by the Complainant, which is that the OAIC investigate the NDIA's handling of the FOI request and consider whether the NDIA is systematically breaching its FOI obligations and misusing the extension of time process
 - the information provided by the NDIA, including self-identified areas for improvement and work that the NDIA has undertaken or commenced to improve its compliance with statutory processing timeframes and uplift its information access operations more broadly particularly in relation to its staffing levels and guidance material, and

- whether the issues raised in these complaints were isolated instances.
20. I have also considered that the previous investigations into the NDIA which were found to be substantiated in findings dated 15 June 2022 and 4 March 2024 respectively.⁴ The OAIC made recommendations to the NDIA in relation to one of those complaints, that it accepted. Despite this, the NDIA's compliance with statutory processing timeframes has significantly declined over the past 4 financial years despite having received fewer FOI requests overall.⁵
21. It is apparent from the NDIA's submissions as well as its reported FOI statistics⁶ that:
- the NDIA received an increase of approximately 69% in the number of FOI requests received in the 2024-25 financial year (2,331), compared to the previous 2023-24 financial year (1,381)
 - while not reflected in its FOI statistics, the NDIA has advised that the number of administrative access requests for personal information received in the 2023-24 financial year (2,554,006) increased significantly in the 2024-25 year (3,058,531)
 - also not reflected in the FOI statistics is the number of requests made under the Participant Information Access Scheme, which has nearly doubled, with 7,662 requests received in 2023-24 and 13,124 requests received in 2024-25
 - the NDIA's rate of compliance with FOI processing timeframes decreased significantly from 91% in 2021-22, 71% in 2022-23, 49% in 2023-24, and 33% in 2024-25 which it attributes to its workforce transition from majority labour hire to majority permanent staffing, the implementation of a specific ICT system, and the increasing number of access requests
 - in the 2024-25 financial year, the NDIA's rate of compliance with FOI processing timeframes fluctuated, resulting in an overall compliance rate of 33% in the 2024-25 financial year.

⁴ See [Freedom of information investigation outcomes](#) – Notices on completion dated 15 June 2022 and 4 March 2024.

⁵ 91% in 2021-22 (1,884 requests received), 71% in 2022-23 (1,752 requests received), 49% in 2023-24 (1,381 requests received), and 33% in 2024-25 (2,331 requests received).

⁶ As available on the OAIC's website at [Australian Government freedom of information statistics](#), and in the OAIC's [2023-34 annual report](#) (Part 5: Appendices).

22. I acknowledge the steps being taken by the NDIA to address the processing delays, including the 50% increase in resources allocated to the FOI team since June 2025 (from 38 FTE to 73 FTE), allocating additional resources to the early resolution team, the establishment of a critical workforce register to provide additional surge capacity at short notice, and the implementation of an ongoing action plan to address non-compliance with processing timeframes under the FOI Act including the rollout of regular FOI training.
23. I also commend the NDIA for utilising various administrative access arrangements to provide quicker, less formal access to individuals' personal information.
24. However, it is apparent that despite receiving an increase of about 69% in the volume of FOI requests in the 2024-25 financial year, and its timeliness rates reaching a low of 19% in Q3 of the 2024-25 financial year, there has been a significant reduction in the number of extensions of time being sought under s 15AB and 15AC of the FOI Act,⁷ despite the significant increase in the number of s 15AA extensions.⁸
25. The NDIA's completed self-assessment tool identifies that:
 - the NDIA does not currently have a Smartform to receive FOI requests, but one is in development
 - its review of its processing manuals and guidelines will consider whether to incorporate references to the FOI guidelines, and
 - training is not conducted on a regular basis.
26. A Smartform may assist the NDIA with timeliness by ensuring that the NDIA receives all relevant information from a FOI applicant at an early stage, enabling quicker processing of the access request. The NDIA should also ensure that its officers can be assisted in their decision-making by NDIA training, process manuals, and policies that refer to OAIC resources such as the FOI Guidelines, the FOI Essentials Toolkit, practice documents, and templates.⁹
27. My suggestions and recommendations are outlined at **Annexure A**.

⁷ 31 sought in 2023-24, whereas there were 13 sought in 2024-25.

⁸ From 74 notified to the OAIC in 2023-24, to 522 notified to the OAIC in 2024-25.

⁹ See [Freedom of information guidance for government agencies](#).

Yours sincerely,

A handwritten signature in blue ink that reads "Alice Linacre". The signature is written in a cursive style with a large initial 'A'.

Alice Linacre
Freedom of Information Commissioner
28 November 2025

Annexure A: Recommendations and suggestions

Section 87 of the FOI Act provides that my investigation results include any suggestions to the NDIA that it ought to implement to improve its processes.

Section 88 of the FOI Act enables me to make investigation recommendations that the NDIA ought to implement.

Recommendations made under s 88 of the FOI Act

Recommendation	Due date for completion
Outcome of Agency initiatives	
1. The NDIA provide evidence that its information access Smartform has been implemented.	30 January 2026
2. The NDIA provide an implementation report, including statistical evidence, to demonstrate the effectiveness of the strategies employed under the NDIA's 'FOI Practice Build'.	30 January 2026
Operational Processes and Procedures	
<p>3. The NDIA review, and update, its FOI processing manual and ensure that, at a minimum, the manual:</p> <ul style="list-style-type: none"> a) addresses the steps that will be taken to ensure compliance with statutory processing timeframes, including the requirement for staff to conduct an early assessment of whether an extension of time is required b) provides guidance to staff on how and when to utilise the available extensions of time under ss 15AA, 15AB, and 15AC of the FOI Act¹⁰ to ensure concerted efforts in complying with statutory processing timeframes, consistent with OAIC guidance 	30 January 2026

¹⁰ See [Apply for an extension of time to process a freedom of information request](#) for guidance.

Recommendation	Due date for completion
<p>c) highlights the importance of keeping applicants informed of progress, and engaging with applicants to explore options for faster outcomes, and</p> <p>d) refers to relevant provisions of the FOI Guidelines.</p>	
<p>4. The NDIA ensure the FOI processing manual is publicly available on the NDIA’s website, consistent with the requirements of the Information Publication Scheme.</p>	30 January 2026
<p>5. The NDIA review, and update (if necessary), internal policies that support the FOI processing manual, including training and guidance materials for FOI decision makers,¹¹ to support decision makers to comply with statutory processing timeframes and make decisions independently.¹² These internal policies should reflect current revisions to Part 3 of the FOI Guidelines,¹³ and include references to relevant OAIC resources¹⁴ to support FOI processing officers and decision makers.</p>	30 January 2026
<p>6. The NDIA enhance governance arrangements, promote proactive release of information and support compliance with IPS and disclosure log requirements, by developing a process for identifying updates to the</p>	30 January 2026

¹¹ The OAIC publishes numerous checklists, guidance notes, and other guidance materials that we encourage agencies to use in developing specific training. See our [Freedom of information guidance for government agencies](#).

¹² Authorised officers are responsible for reaching an independent decision and exercising any discretion. See [ARC Best Practice Guide No 1](#), Decision Making: Lawfulness, 2007.

¹³ See a summary of version changes to s 93A guidelines here: [Summary of version changes to s93A guidelines](#).

¹⁴ Relevant OAIC resources include: [FOI Essentials for Australian Government agencies and ministers](#), [Freedom of Information processing period calculator](#), and [FOI agency resource Managing increased volume of FOI requests](#).

Recommendation	Due date for completion
IPS entries on the NDIA's website, to support proactive release of information in accordance with the IPS. ¹⁵	
Training	
<p>7. The NDIA ensure that all FOI team staff and other relevant staff (including FOI decision makers) have received training in relation to the formal guidance referred to in recommendations (4) and (6), and that new staff joining the FOI Section are trained in relation to this formal FOI guidance within 2 weeks of commencing in the FOI team.</p>	30 January 2026
<p>8. The NDIA develop or update, and deliver, training to all business areas responsible for compliance with general FOI obligations, including IPS obligations, disclosure log requirements, and compliance with search and retrieval requests, including the statutory timeframes and the requirement to take all reasonable steps to find relevant documents under s 24A of the FOI Act. This training should be made broadly available to all staff, and ongoing refresher training completed at regular intervals.</p>	30 January 2026
<p>9. The NDIA develop training for all relevant Senior Executive staff about the NDIA's general obligations under the FOI Act, which specifically addresses the requirements of the Information Publication Scheme under Part II of the FOI Act. This training should be delivered as part of the NDIA's induction process for new staff, and form part of any refresher training for SES employees.</p>	30 January 2026
FOI Statistics	

¹⁵ Section 11C of the FOI Act. For more information about complying with this legislated timeframe, including in the context where there may be third-party review, see Part 14 of the FOI Guidelines – in particular: [Making Information publicly available - Time of publication](#).

Recommendation	Due date for completion
10. The NDIA assess the impact of the potentially invalid s 15AA agreements on its FOI timeliness statistics as reported to the OAIC during the 2023-24 financial year and report back to the OAIC with adjusted FOI timeliness statistics and an explanation of the identified impact.	30 January 2026

Suggestions made under s 87(d) of the FOI Act

Suggestion	Due date for completion
Practices to uplift capability	
1. The NDIA create a dedicated resourcing pool from across the agency (an FOI surge pool) to provide FOI processing support during peak periods, as well as to assist with higher volumes, or backlogs, to provide improved and more stable capacity to meet FOI processing demands where necessary.	Commencing 30 January 2026
2. The NDIA seek to more actively utilise the available extension of time provisions under ss 15AB and 15AC (in appropriate circumstances), to demonstrate increased attempts to comply with the statutory processing timeframe under the FOI Act.	Commencing 30 January 2026
3. The NDIA create an auto-acknowledgement to complement its Smartform and ensure compliance with s 15(5)(a) of the FOI Act.	Commencing 30 January 2026
Ongoing learning and review	
4. The NDIA mandate the attendance of at least one staff member from each of its FOI teams to attend the OAIC's online training webinars (as advertised through the OAIC's fortnightly 'ICON' newsletter).	Commencing 30 January 2026

<p>5. The NDIA review the OAIC’s FOI complaint investigation outcomes¹⁶ at a minimum of every 12 months, to ensure that any learnings identified through those outcomes are incorporated into training for FOI staff, as well as the FOI processing manual and/or policies and guidance materials that support the processing manual.</p>	<p>Commencing 30 January 2026</p>
<p>Disclosure log</p>	
<p>6. The NDIA uplift the technical and administrative capability of its Disclosure Log to enable access to the documents in that log via download link.</p>	<p>Commencing 30 January 2026</p>

¹⁶ See [Freedom of information investigation outcomes](#).

Annexure B: Key procedural steps

Date	Events
4 July 2025	The Complainant made the FOI request.
17 July 2025	The NDIA acknowledged the FOI request, sought proof of identity, and sought a 30-day extension of time under s 15AA of the FOI Act. The NDIA also contacted the ART to determine if the Tribunal documents had been provided to the Complainant.
18 July 2025	The FOI team sent a search consultation to the Service Delivery team. The ART also confirmed that the Tribunal documents had been provided the Complainant.
21 July 2025	The Complainant provided proof of identity but refused to agree to the extension of time sought.
25 July 2025	The FOI Team received a response from the Service Delivery team.
4 August 2025	The NDIA was taken to have made a deemed access refusal decision. ¹⁷
7 August 2025	The NDIA was notified of the commencement of an Information Commissioner review (IC review) of the deemed access refusal decision (s22 [REDACTED]).
12 August 2025	The FOI request was assigned to a decision maker.
22 August 2025	The NDIA made a revised decision under s 55G of the FOI Act.
17 September 2025	The IC review matter was finalised (s22 [REDACTED]).

¹⁷ Noting the impact of s 36(2) of the *Acts Interpretation Act 1954* (Cth).

Annexure C: The NDIA's submissions

Response to Preliminary Inquiries

On 1 September 2025, the NDIA provided the following response:

- it had acknowledged the Complainant's FOI request within the statutory time-period and immediately consulted with the ART to ensure that it was not processing the same material that had been released to the applicant in the Tribunal documents, but the Complainant confirmed they still wanted that same material released under the FOI Act
- it had requested a s 15AA extension of time while awaiting proof of identity from the applicant
- it responded to the OAIC's preliminary enquiries about the IC review and made a revised decision after receiving those inquiries
- the NDIA is currently experiencing an increase in FOI requests being received and expects to receive 1,000 more FOI requests than the previous year
- the NDIA is working to improve its processing and address its backlog, and
- the NDIA remains committed to improving its FOI processing and the early resolution of FOI matters.

It asserted that as there was an ongoing IC review (s22 [REDACTED]), the complaint matter should be finalised and the issue instead resolved via the IC review. It also confirmed that the Complainant did not directly complain to the NDIA.

Response to notice of investigation

In relation to s22 [REDACTED] the NDIA asserted that its communication with the applicant was transparent. It advised the applicant that their processing times exceeded the 30-day statutory processing period and sought a 30-day extension of time which the applicant refused. The NDIA asserts that the timeline shows the Complainant's FOI request was undertaken regular work which demonstrates that the delays were not the result of 'deliberate or systematic neglect'. The NDIA explained that while an extension of time under s 15AB of the FOI Act may have assisted in keeping the matter in time, it has instead prioritised processing FOI requests as seeking further time adds further delay. It noted that the decision letter apologised to the Complainant for the delay.

In relation to its compliance with FOI processing timeframes more broadly, the NDIA submitted:

- it currently supports approximately 740,000 people, noting that at its conception the National Disability Insurance Scheme was only intended to support 410,000 people
- in 2024-25 the NDIA's National Contact Centre responded to over 3 million requests or queries relating to access for personal information across phone calls, email, and webchat, which is an increase from 2.554 million in 2023-24
- the Participant Information Access scheme was created in 2020 to simplify and expedite the processing of routine requests being made under the FOI Act, and the NDIA additionally hopes to implement an additional scheme to access personal information based on the *Privacy Act 1988* (Cth)
- the NDIA recognises that its compliance with statutory timeframe requires attention and has maintained regular communication with the OAIC about the drivers of this including:
 - transitioning from a majority labour hire workforce to a majority permanent staffing workforce
 - implementation of a dedicated case management ICT system
 - continued growth of access requests
- the NDIA's compliance rate with statutory timeframes has declined over the past two financial years:
 - in the 2023-24 financial year the NDIA's compliance rate was:
 - 47% in Q1
 - 53% in Q2
 - 49% to Q3
 - 44% in Q4
 - in the 2024-25 financial year the NDIA's compliance rate was:
 - 43% in Q1
 - 39% in Q2

- 19% in Q3
 - 31% in Q4
- the number of s 15AA sought by the NDIA and agreed to by FOI applicants over the past two years has increased from:
 - 151 sought in 2023-24
 - 245 sought in 2024-25¹⁸
- the number of s 15AB and 15AC extensions sought over the past two years has decreased, from:
 - 18 sought in 2023-24
 - 8 sought in 2024-25¹⁹
- further drivers of non-compliance with statutory timeframes include:
 - in 2024-25 the NDIA received and finalised the highest volume of FOI matters in its history
 - staff retention challenges in 2023-24 and 2024-25 (noting also the transition in the make-up of the workforce from labour hire to permanent staff)
 - the volume of matters has generated a backlog and is a barrier to completing matters in time
 - it has prioritised progressing to substantive decisions over seeking extensions of time under s 15AC of the FOI Act, where obtaining these extensions of time from the OAIC has traditionally been challenging

¹⁸ In its submissions the NDIA confirmed that it does not comprehensively track this data. The OAIC's records demonstrate that the NDIA notified the OAIC of:

- 74 s 15AA extensions in 2023-24
- 522 s 15AA extensions in 2024-25.

¹⁹ In its submissions the NDIA confirmed that it does not comprehensively track this data. The OAIC's records demonstrate that the number of s 15AB and 15AC extensions sought over the past two years has decreased, from:

- 31 sought and 13 granted, in 2023-24
- 13 sought and 5 granted, in 2024-25.

- the NDIA has commenced capability building initiatives²⁰ including:
 - expanding the capacity of the Information Access team from 38 FTE to 73 FTE, noting that the newer staff without prior FOI experience need a higher level of support
 - improving triage and early resolution functions including increasing the size of the early resolution team
 - streamlining FOI processes by producing and updating a new suite of standard operating procedures and guidance material as well as authorising an additional 12 FOI decision makers
 - training packages to the FOI team and other staff including training from the Australian Government Solicitor in June 2025 and NDIS Business Systems training. The NDIA is also developing a FOI training page to be launched early 2026
 - improving reporting functions using the dedicated ICT platform (LEX) which has better reporting systems and assists with the proactive disclosure of operational documents with public interest
- the NDIA has also briefed its Board and Minister on its FOI workload, low statutory compliance, and the initiatives it has undertaken to improve its capability, capacity, and output noting that the average handling time of a matter has reduced from 78 days in 2023-24 to 68 days in 2024-25, and
- the NDIA continues to monitor OAIC complaint outcomes and implement the recommendations, including processes and training targeting the identification of personal information requests as recommended in 2024.

The NDIA also completed the OAIC's self-assessment tool.

²⁰ It also provided the OAIC with its Capability and capacity action plan.



Attachment A-6

Freedom of Information complaint investigation - Notice on completion under s 86 of the *Freedom of Information Act 1982*, by Freedom of Information Commissioner, Alice Linacre

Complainant	s22
Respondent	National Disability Insurance Agency
Completion date	28 November 2025
OAIC reference number	s22
Agency reference number	s22

Summary of investigation results, recommendations, and suggestions

1. On 24 July 2025, s22 (the Complainant) made a complaint under s 70 of the *Freedom of Information Act 1982* (the FOI Act), about the National Disability Insurance Agency (the NDIA), being that the NDIA had failed to comply with its disclosure log obligations and caused delay in releasing information on its disclosure log.
2. On 15 September 2025, the Office of the Australian Information Commissioner (the OAIC) provided a notice to the NDIA under s 75 of the FOI Act advising it of the commencement of an investigation into a cohort of FOI complaints received about similar issues, including this particular complaint, and requested relevant information in response. On 22 October 2025, the NDIA responded to the notice and request for information.
3. My conclusions in relation to the issues raised by the Complainant are outlined below.
4. My suggestions and recommendations in relation to this cohort of complaints are outlined in **Annexure A**.

Statement of reasons

The matters raised by the Complainant

5. The Complainant has raised the following issues in their complaint:
 - the NDIA's disclosure log entries can only be accessed through a written request the NDIA's FOI team which is contrary to the guidance in [14.7] and [14.12] of the FOI Guidelines
 - the NDIA has conceded that its disclosure log has room for improvement, but it has not rectified its disclosure log to enable the direct download of documents on it, and
 - the proposed improvements should not take a substantial amount of time given the documents on the disclosure log are readily available to the NDIA in releasable form.
6. The background to this FOI complaint is set out at **Annexure B**.

Legislation and Guidelines

7. Section 11C(3) of the FOI Act sets out the requirements of an agency or Minister's disclosure log:
 - (a) making the information available for downloading from the website; or
 - (b) publishing on the website a link to another website, from which the information can be downloaded; or
 - (c) publishing on the website other details of how the information may be obtained.
8. The Information Commissioner's view is that agencies and ministers should seek to make all documents released under the FOI Act available for direct download from the disclosure log (or another website), unless it is not possible to upload documents.¹
9. Where a request for documents on a disclosure log has been made, the documents should be provided as soon as possible, and no later than within 5 working days.²

¹ [FOI Guidelines](#) at [14.7].

² [FOI Guidelines](#) at [14.13] and [14.45].

The NDIA's submissions

10. The NDIA acknowledges that while the Information Commissioner's preference is for agencies to comply with s 11C(3)(a) or (b) of the FOI Act, the NDIA's disclosure log does comply with the requirements of s 11C(3)(c) of the FOI Act. It asserts that released documents, which are often redacted documents, are difficult to make accessible and the NDIA is looking to address this in the 2025-26 financial year. It noted that at this time its resources are being prioritised towards the processing of FOI requests.
11. The NDIA considers that it responded to the complainant's disclosure log request in a timely manner.
12. A summary of the NDIA's submissions is outlined in **Annexure C**.

My opinions in relation to the matter

My opinions in relation to the complaint raised

13. The Complainant's complaint raised two issues. The first is the NDIA's compliance with the disclosure log requirements in s 11C(3) of the FOI Act. The second is the complaint about delay in relation to complying with the request. I will address each in turn.
14. While the better practice is for agencies to have documents available for download via link,³ where that is not possible due to a technical impediment then it is acceptable for an agency to comply with the requirement of s 11C(3)(c) of the FOI Act instead.⁴
15. I have examined the NDIA's disclosure log,⁵ and it does comply with the requirements of s 11C(3)(c) of the FOI Act. The NDIA has explained that it currently lacks the technical or administrative ability to provide documents for release directly for download on its Disclosure Log or another website. It has indicated that it intends to build this capacity in the 2025-26 financial year.
16. While the NDIA's disclosure log currently complies with s 11C(3)(c) of the FOI Act, I strongly encourage the NDIA to uplift its technical and administrative capacity to enable its disclosure log material to be downloaded directly. This

³ FOI Act s 11C(3)(a) and (b).

⁴ [FOI Guidelines](#) at [14.7].

⁵ Available at [FOI Disclosure log | NDIS](#).

would be consistent with the objects of the FOI Act by facilitating timely access to government-held information.⁶

17. On the issue of delay, the NDIA considers that it responded to the disclosure log request within the recommended 5 working days,⁷ submitting that the request was submitted 'the day before a long weekend'. While I note that 26 September 2025 was a Victorian public holiday, the NDIA has not explained why it did not communicate the impact of this public holiday on the timeframe involved when it responded to the complainant's complaint, it is also not apparent that this response was as soon as possible.
18. The NDIA should ensure that disclosure log requests are actioned promptly, both upon receipt the request and upon allocation to a case officer.

My conclusions in relation to the matter investigated

19. For these reasons, I am of the view that in relation to the issues raised by the Complainant about the form of the NDIA's disclosure log, while the NDIA's disclosure log does not comply with s 11C(3)(a) or (b) of the FOI Act, it does sufficiently comply with the requirements of s 11C(3)(c) of the FOI Act.
20. While I acknowledge the NDIA's genuine attempts to respond to the complainant's Disclosure Log request within this timeframe, the NDIA should be mindful that 5 working days is determined as the outer limit of time that the guidelines specify.⁸

My recommendations and suggestions

21. In deciding whether I make recommendations and suggestions, I have considered:
 - the outcome sought by the Complainant, which is that the OAI direct the NDIA to update its Disclosure Log within 28 days to ensure that where possible the documents are available via download link
 - the information provided by the NDIA, including self-identified areas for improvement and work that the NDIA has undertaken or commenced to

⁶ [FOI Guidelines](#) at [14.7].

⁷ [FOI Guidelines](#) at [14.13] and [14.45].

⁸ The [FOI Guidelines](#) at [14.13] and [14.45] provide that when a person asks for a copy of documents described on a disclosure log, the documents should be provided promptly, no later than 5 working days after the request is received.

improve its compliance with statutory processing timeframes and uplift its information access operations more broadly particularly in relation to its staffing levels and guidance material, and

- whether the issues raised in these complaints were isolated instances.
22. In relation to the NDIA's Disclosure log, the NDIA should consider promptly updating its technical and administrative capabilities to enable documents to be downloaded via link. The implementation of such a system would relieve the NDIA of the current resourcing burdens required to manually process each disclosure log request.
23. My suggestions and recommendations are outlined at **Annexure A**.

Yours sincerely,



Alice Linacre
Freedom of Information Commissioner
28 November 2025

Annexure A: Recommendations and suggestions

Section 87 of the FOI Act provides that my investigation results include any suggestions to the NDIA that it ought to implement to improve its processes.

Section 88 of the FOI Act enables me to make investigation recommendations that the NDIA ought to implement.

Recommendations made under s 88 of the FOI Act

Recommendation	Due date for completion
Outcome of Agency initiatives	
1. The NDIA provide evidence that its information access Smartform has been implemented.	30 January 2026
2. The NDIA provide an implementation report, including statistical evidence, to demonstrate the effectiveness of the strategies employed under the NDIA's 'FOI Practice Build'.	30 January 2026
Operational Processes and Procedures	
<p>3. The NDIA review, and update, its FOI processing manual and ensure that, at a minimum, the manual:</p> <ul style="list-style-type: none"> a) addresses the steps that will be taken to ensure compliance with statutory processing timeframes, including the requirement for staff to conduct an early assessment of whether an extension of time is required b) provides guidance to staff on how and when to utilise the available extensions of time under ss 15AA, 15AB, and 15AC of the FOI Act⁹ to ensure concerted efforts in complying with statutory processing timeframes, consistent with OAIC guidance 	30 January 2026

⁹ See [Apply for an extension of time to process a freedom of information request](#) for guidance.

Recommendation	Due date for completion
<p>c) highlights the importance of keeping applicants informed of progress, and engaging with applicants to explore options for faster outcomes, and</p> <p>d) refers to relevant provisions of the FOI Guidelines.</p>	
<p>4. The NDIA ensure the FOI processing manual is publicly available on the NDIA’s website, consistent with the requirements of the Information Publication Scheme.</p>	30 January 2026
<p>5. The NDIA review, and update (if necessary), internal policies that support the FOI processing manual, including training and guidance materials for FOI decision makers,¹⁰ to support decision makers to comply with statutory processing timeframes and make decisions independently.¹¹ These internal policies should reflect current revisions to Part 3 of the FOI Guidelines,¹² and include references to relevant OAIC resources¹³ to support FOI processing officers and decision makers.</p>	30 January 2026
<p>6. The NDIA enhance governance arrangements, promote proactive release of information and support compliance with IPS and disclosure log requirements, by developing a process for identifying updates to the</p>	30 January 2026

¹⁰ The OAIC publishes numerous checklists, guidance notes, and other guidance materials that we encourage agencies to use in developing specific training. See our [Freedom of information guidance for government agencies](#).

¹¹ Authorised officers are responsible for reaching an independent decision and exercising any discretion. See [ARC Best Practice Guide No 1](#), Decision Making: Lawfulness, 2007.

¹² See a summary of version changes to s 93A guidelines here: [Summary of version changes to s93A guidelines](#).

¹³ Relevant OAIC resources include: [FOI Essentials for Australian Government agencies and ministers](#), [Freedom of Information processing period calculator](#), and [FOI agency resource Managing increased volume of FOI requests](#).

Recommendation	Due date for completion
IPS entries on the NDIA's website, to support proactive release of information in accordance with the IPS. ¹⁴	
Training	
<p>7. The NDIA ensure that all FOI team staff and other relevant staff (including FOI decision makers) have received training in relation to the formal guidance referred to in recommendations (4) and (6), and that new staff joining the FOI Section are trained in relation to this formal FOI guidance within 2 weeks of commencing in the FOI team.</p>	30 January 2026
<p>8. The NDIA develop or update, and deliver, training to all business areas responsible for compliance with general FOI obligations, including IPS obligations, disclosure log requirements, and compliance with search and retrieval requests, including the statutory timeframes and the requirement to take all reasonable steps to find relevant documents under s 24A of the FOI Act. This training should be made broadly available to all staff, and ongoing refresher training completed at regular intervals.</p>	30 January 2026
<p>9. The NDIA develop training for all relevant Senior Executive staff about the NDIA's general obligations under the FOI Act, which specifically addresses the requirements of the Information Publication Scheme under Part II of the FOI Act. This training should be delivered as part of the NDIA's induction process for new staff, and form part of any refresher training for SES employees.</p>	30 January 2026
FOI Statistics	

¹⁴ Section 11C of the FOI Act. For more information about complying with this legislated timeframe, including in the context where there may be third-party review, see Part 14 of the FOI Guidelines – in particular: [Making Information publicly available - Time of publication](#).

Recommendation	Due date for completion
<p>10. The NDIA assess the impact of the potentially invalid s 15AA agreements on its FOI timeliness statistics as reported to the OAIC during the 2023-24 financial year and report back to the OAIC with adjusted FOI timeliness statistics and an explanation of the identified impact.</p>	<p>30 January 2026</p>

Suggestions made under s 87(d) of the FOI Act

Suggestion	Due date for completion
Practices to uplift capability	
<p>1. The NDIA create a dedicated resourcing pool from across the agency (an FOI surge pool) to provide FOI processing support during peak periods, as well as to assist with higher volumes, or backlogs, to provide improved and more stable capacity to meet FOI processing demands where necessary.</p>	<p>Commencing 30 January 2026</p>
<p>2. The NDIA seek to more actively utilise the available extension of time provisions under ss 15AB and 15AC (in appropriate circumstances), to demonstrate increased attempts to comply with the statutory processing timeframe under the FOI Act.</p>	<p>Commencing 30 January 2026</p>
<p>3. The NDIA create an auto-acknowledgement to complement its Smartform and ensure compliance with s 15(5)(a) of the FOI Act.</p>	<p>Commencing 30 January 2026</p>
Ongoing learning and review	
<p>4. The NDIA mandate the attendance of at least one staff member from each of its FOI teams to attend the OAIC's online training webinars (as advertised through the OAIC's fortnightly 'ICON' newsletter).</p>	<p>Commencing 30 January 2026</p>

<p>5. The NDIA review the OAIC’s FOI complaint investigation outcomes¹⁵ at a minimum of every 12 months, to ensure that any learnings identified through those outcomes are incorporated into training for FOI staff, as well as the FOI processing manual and/or policies and guidance materials that support the processing manual.</p>	<p>Commencing 30 January 2026</p>
<p>Disclosure log</p>	
<p>6. The NDIA uplift the technical and administrative capability of its Disclosure Log to enable access to the documents in that log via download link.</p>	<p>Commencing 30 January 2026</p>

¹⁵ See [Freedom of information investigation outcomes](#).

Annexure B: Key procedural steps

Date	Events
10 July 2025	The Complainant's request to the NDIA was received.
18 July 2025	The NDIA responded to this complaint.
24 July 2025	The Complainant made a FOI complaint to the OAIC.
11 August 2025	The NDIA received preliminary inquiries from the OAIC.
27 August 2025	The NDIA provided a response to the OAIC's preliminary inquiries.
25 September 2025	The Complainant made a disclosure log request.
26 – 28 September 2025	There was a long weekend due to a public holiday in Victoria.
29 September 2025	The Disclosure log request was allocated to an officer.
2 October 2025	The Complainant sought an update on their request and the NDIA responded advising the request had been received and registered.
3 October 2025	The NDIA provided the disclosure log documents to the Complainant.
15 October 2025	The OAIC provided the NDIA with the Complainant's further submissions.

Annexure C: The NDIA's submissions

Response to Preliminary Inquiries

On 27 August 2025, the NDIA confirmed:

- the Complainant did lodge a complaint on 10 July 2025, which the NDIA responded to on 18 July 2025
- its current disclosure log does satisfied, the statutory requirements in the FOI Act, but the NDIA accepts improvements could be made
- the NDIA is currently experiencing an increase in FOI requests being received and expects to receive 1,000 more FOI requests than the previous year. The large volume of requests means that improvements to the NDIA's disclosure log are likely to take time.

Response to notice of investigation

In relation to s22 [REDACTED] the NDIA submitted:

- it concedes that its disclosure log entries cannot be downloaded directly (consistently with [14.7] of the FOI Guidelines), however, while this is a preferred practice, s 11C(3)(c) of the FOI Act does give agencies the option to instead publish the details of how the information may be obtained
- the NDIA's website clearly satisfies the requirements of s 11C(3)(c) of the FOI Act and is consistent with the guidance in [14.6] of the FOI Guidelines
- the NDIA cannot readily publish these documents for download on its disclosure log as it lacks the requisite administrative and Information Technology processes. Given the increased number of FOI requests being received, the NDIA currently lacks the resources to update these processes, and
- the Complainant's disclosure log request was issued before a long weekend and the NDIA provided a response within 5 working days.

In relation to the NDIA's disclosure log obligations generally, the NDIA acknowledged that while the Information Commissioner's preference is for agencies to comply with s 11C(3)(a) or (b) of the FOI Act, the NDIA does comply with the requirements of s 11C(3)(c) of the FOI Act. It asserts that released documents, which are often redacted documents, are difficult to make accessible and the NDIA is looking to address this in

the 2025-26 financial year. It noted that at this time its resources are being prioritised towards the processing of FOI requests.

In relation to its compliance with FOI processing timeframes more broadly, the NDIA submitted:

- it currently supports approximately 740,000 people, noting that at its conception the National Disability Insurance Scheme was only intended to support 410,000 people
- in 2024-25 the NDIA's National Contact Centre responded to over 3 million requests or queries relating to access for personal information across phone calls, email, and webchat, which is an increase from 2.554 million in 2023-24
- the Participant Information Access scheme was created in 2020 to simplify and expedite the processing of routine requests being made under the FOI Act, and the NDIA additionally hopes to implement an additional scheme to access personal information based on the *Privacy Act 1988* (Cth)
- the NDIA recognises that its compliance with statutory timeframe requires attention and has maintained regular communication with the OAIC about the drivers of this including:
 - transitioning from a majority labour hire workforce to a majority permanent staffing workforce
 - implementation of a dedicated case management ICT system
 - continued growth of access requests
- the NDIA's compliance rate with statutory timeframes has declined over the past two financial years:
 - in the 2023-24 financial year the NDIA's compliance rate was:
 - 47% in Q1
 - 53% in Q2
 - 49% to Q3
 - 44% in Q4
 - in the 2024-25 financial year the NDIA's compliance rate was:

- 43% in Q1
 - 39% in Q2
 - 19% in Q3
 - 31% in Q4
- the number of s 15AA sought by the NDIA and agreed to by FOI applicants over the past two years has increased from:
 - 151 sought in 2023-24
 - 245 sought in 2024-25¹⁶
- the number of s 15AB and 15AC extensions sought over the past two years has decreased, from:
 - 18 sought in 2023-24
 - 8 sought in 2024-25¹⁷
- further drivers of non-compliance with statutory timeframes include:
 - in 2024-25 the NDIA received and finalised the highest volume of FOI matters in its history
 - staff retention challenges in 2023-24 and 2024-25 (noting also the transition in the make-up of the workforce from labour hire to permanent staff)
 - the volume of matters has generated a backlog and is a barrier to completing matters in time

¹⁶ In its submissions the NDIA confirmed that it does not comprehensively track this data. The OAIC's records demonstrate that the NDIA notified the OAIC of:

- 74 s 15AA extensions in 2023-24
- 522 s 15AA extensions in 2024-25.

¹⁷ In its submissions the NDIA confirmed that it does not comprehensively track this data. The OAIC's records demonstrate that the number of s 15AB and 15AC extensions sought over the past two years has decreased, from:

- 31 sought and 13 granted, in 2023-24
- 13 sought and 5 granted, in 2024-25.

- it has prioritised progressing to substantive decisions over seeking extensions of time under s 15AC of the FOI Act, where obtaining these extensions of time from the OAIC has traditionally been challenging
- the NDIA has commenced capability building initiatives¹⁸ including:
 - expanding the capacity of the Information Access team from 38 FTE to 73 FTE, noting that the newer staff without prior FOI experience need a higher level of support
 - improving triage and early resolution functions including increasing the size of the early resolution team
 - streamlining FOI processes by producing and updating a new suite of standard operating procedures and guidance material as well as authorising an additional 12 FOI decision makers
 - training packages to the FOI team and other staff including training from the Australian Government Solicitor in June 2025 and NDIS Business Systems training. The NDIA is also developing a FOI training page to be launched early 2026
 - improving reporting functions using the dedicated ICT platform (LEX) which has better reporting systems and assists with the proactive disclosure of operational documents with public interest
- the NDIA has also briefed its Board and Minister on its FOI workload, low statutory compliance, and the initiatives it has undertaken to improve its capability, capacity, and output noting that the average handling time of a matter has reduced from 78 days in 2023-24 to 68 days in 2024-25, and
- the NDIA continues to monitor OAIC complaint outcomes and implement the recommendations, including processes and training targeting the identification of personal information requests as recommended in 2024.

The NDIA also completed the OAIC's self-assessment tool.

¹⁸ It also provided the OAIC with its Capability and capacity action plan.

s22

From: foi <foi@ndis.gov.au>
Sent: Thursday, 18 December 2025 8:18 AM
To: OAIC - FOI DR; s22
Cc: foi
Subject: RE: Freedom of information complaint investigation – Notice on completion [SEC=OFFICIAL]
Attachments: s22 Signed response.pdf

CAUTION: This email originated from outside of the organisation. Do not click links or open attachments unless you recognise the sender and know the content is safe.

Good morning s22

Please find attached the response from the CEO, Mr Graeme Head.

Regards

s47F

s47F

Director, Information Access
 Information Access and Privacy Branch
National Disability Insurance Agency
 W s22 M s22 E s22 @ndis.gov.au

www.ndis.gov.au



The NDIA acknowledges the Traditional Custodians of Country throughout Australia and their continuing connection to land, sea and community. We pay our respects to them and their cultures and to Elders both past, present and emerging.



s22

FOIREQ0000054 210



OAIC references: s22 s22 s22 s22
s22 s22 Agency references: s22

GPO Box 700
Canberra ACT 2601
1800 800 110

ndis.gov.au

Ms Alice Linacre
FOI Commissioner
Office of the Australian Information Commissioner

By email to: s22 [@oaic.gov.au](mailto:s22@oaic.gov.au)

Dear Ms Linacre

FOI Complaint Investigation - Notice of completion

I refer to your letter of 28 November 2025, attaching your Complaint Investigation - Notice of completion, with accompanying recommendations and suggestions.

Please see below a table that summarises each of your recommendations and suggestions.

The National Disability Insurance Agency (NDIA) is committed to improving statutory compliance, particularly with respect to participant requests and lifting NDIA capability. I am pleased to acknowledge the alignment between your recommendations and the NDIA's current FOI practice build initiatives and to be able to advise you that several recommendations are completed or already commenced and having a positive impact on the NDIA's compliance to date.

The NDIA will continue to meet with the Office of the Information Commissioner on a regular basis to seek guidance and assistance as it implements the remaining initiatives yet to be completed.

Due to current peak work volumes the NDIA is currently experiencing, and to ensure that the NDIA can maintain the improvement of compliance rates, I request an extension to the implementation of the OAIC's remaining recommendations by 30 June 2026.

If your team would like to discuss this response in further detail, please pass on the contact details of the NDIA's Branch Manager, Information Access and Privacy Fiona Castles
s22 [@ndis.gov.au](mailto:s22@ndis.gov.au).

Yours sincerely

A handwritten signature in black ink, appearing to read 'Graeme Head', written over a large, light-colored triangular graphic element.

Graeme Head AO
Chief Executive Officer
National Disability Insurance Agency

15 December 2025

Attachment A

OAIC recommendation	OAIC due date	NDIA Response	NDIA commentary
1. The NDIA provide evidence that its information access Smartform has been implemented.	30 Jan 2026	Accepted	NDIA accepts this recommendation and implementation by the due date.
2. The NDIA provide an implementation report, including statistical evidence, to demonstrate the effectiveness of the strategies employed under the NDIA's 'FOI Practice Build'.	30 Jan 2026	Accepted	The NDIA's quarterly data will reflect a significant improvement statutory compliance. The NDIA will also share a more detailed analysis of this with OAIC, demonstrating improved statistical compliance and reduced work on hand prior to the due date.
<p>3. The NDIA review, and update, its FOI processing manual and ensure that, at a minimum, the manual:</p> <ul style="list-style-type: none"> a) addresses the steps that will be taken to ensure compliance with statutory processing timeframes, including the requirement for staff to conduct an early assessment of whether an extension of time is required b) provides guidance to staff on how and when to utilise the available extensions of time under ss 15AA, 15AB, and 15AC of the FOI Act¹⁴ to ensure concerted efforts in complying with statutory processing timeframes, consistent with OAIC guidance c) highlights the importance of keeping applicants informed of progress, and engaging with applicants to explore options for faster outcomes, and d) refers to relevant provisions of the FOI Guidelines. 	30 Jan 2026	Accepted, propose that an additional 3 months is required for implementation by 30 April 2026.	NDIA accepts this recommendation and notes that it is in the current FOI Practice Build to create this resource. Additional time is sought given the current high work volumes and focus on improving statutory compliance.
4. The NDIA ensure the FOI processing manual is publicly available on the NDIA's website, consistent with the requirements of the Information Publication Scheme.	30 Jan 26	Accepted, propose that an additional time is required for	As above.

Attachment A

OAIC recommendation	OAIC due date	NDIA Response	NDIA commentary
		implementation by 30 April 2026.	
<p>5. The NDIA review, and update (if necessary), internal policies that support the FOI processing manual, including training and guidance materials for FOI decision makers,15 to support decision makers to comply with statutory processing timeframes and make decisions independently.16 These internal policies should reflect current revisions to Part 3 of the FOI Guidelines and include references to relevant OAIC resources18 to support FOI processing officers and decision makers.</p>	30 Jan 26	Accepted	<p>Completed.</p> <p>The Information Access and Privacy Branch has developed a new suite of internal SOPs, process guides and templates that are internally published and available to the whole team to support them in their roles. These resources are aligned and embedded into our dedicated training program that is in development.</p>
<p>6. The NDIA enhance governance arrangements, promote proactive release of information and support compliance with IPS (Information Publication Scheme) and disclosure log requirements, by developing a process for identifying updates to the IPS entries on the NDIA's website, to support proactive release of information in accordance with the IPS.</p>	30 Jan 26	Accepted, propose that an additional time is required for implementation by 30 June 2026.	<p>Commenced.</p> <p>The Agency has commenced work to transition to making documents of new decisions directly downloadable on the disclosure log in early 2026. This will provide downloadable copies of suitable FOI requests. The Agency will also commence backdating previous decisions throughout 2026 to make sure they are also available by direct download.</p> <p>The Information and Access Branch will continue to work across the Agency to promote and support proactive release of information in accordance with the IPS.</p>
<p>7. The NDIA ensure that all FOI team staff and other relevant staff (including FOI decision makers) have received training in relation to the formal guidance referred to in recommendations (4) and (6), and that new staff joining the FOI Section are trained in relation to this formal FOI guidance within 2 weeks of commencing in the FOI team.</p>	30 Jan 26	Accepted; propose that an additional time is required for implementation by 30 June 2026.	<p>Partially complete.</p> <p>All existing staff have received comprehensive training to address recommendation 4 and 6. As these recommendations are implemented and further guidance material created; all staff will be trained accordingly.</p>

Attachment A

OAIC recommendation	OAIC due date	NDIA Response	NDIA commentary
8. The NDIA develop or update, and deliver, training to all business areas responsible for compliance with general FOI obligations, including IPS obligations, disclosure log requirements, and compliance with search and retrieval requests, including the statutory timeframes and the requirement to take all reasonable steps to find relevant documents under s 24A of the FOI Act. This training should be made broadly available to all staff, and ongoing refresher training completed at regular intervals.	30 Jan 26	Accepted, propose that an additional time is required for implementation by 30 June 2026.	Commenced. The NDIA employs a decentralised model in relation to the management of FOI responses. The Agency consists of 31 divisions across nine groups. A product is currently in development. Additional time is sought given the current high work volumes and the size and span of the Agency to finalise delivering the sessions.
9. The NDIA develop training for all relevant Senior Executive staff about the NDIA's general obligations under the FOI Act, which specifically addresses the requirements of the Information Publication Scheme under Part II of the FOI Act. This training should be delivered as part of the NDIA's induction process for new staff, and form part of any refresher training for SES employees.	30 Jan 26	Accepted, propose that an additional time is required for implementation by 30 June 2026.	As above.
10. The NDIA assess the impact of the potentially invalid s 15AA agreements on its FOI timeliness statistics as reported to the OAIC during the 2023-24 financial year and report back to the OAIC with adjusted FOI timeliness statistics and an explanation of the identified impact	30 Jan 26	Accepted, propose that an additional 3 months is required for implementation by 30 April 2026	The Agency proposes to review the matters that were recorded "in time" and that had a 15AA agreement. The Agency proposes to post pone reviewing matters that were deemed to have been refused, regardless of the 15AA in the current peak high work volume environment.

Attachment A

OAIC suggestion	OAIC due date	NDIA Response	NDIA commentary
1. The NDIA create a dedicated resourcing pool from across the agency (an FOI surge pool) to provide FOI processing support during peak periods, as well as to assist with higher volumes, or backlogs, to provide improved and more stable capacity to meet FOI processing demands where necessary.	Commencing 30 Jan 26	Completed	The Information Access and Privacy Branch has resourced the team with 35 additional staff in 2025 and is in the process of building structured training packages for FOI and Information Release functions.
2. The NDIA seek to more actively utilise the available extension of time provisions under ss 15AB and 15AC (in appropriate circumstances), to demonstrate increased attempts to comply with the statutory processing timeframe under the FOI Act.	Commencing 30 Jan 26	Accepted	The Agency notes our submission comments made in respect to the OAIC's approach to decisions and consideration of applications. Decisions to seek an extension under s 15AB or further time s 15AC, will be informed by the prospects of outcome.
3. The NDIA create an auto-acknowledgement to complement its Smartform and ensure compliance with s 15(5)(a) of the FOI Act.	Commencing 30 Jan 26	Accepted	The Agency will consider automation of acknowledgment for web form applications.
4. The NDIA mandate the attendance of at least one staff member from each of its FOI teams to attend the OAIC's online training webinars (as advertised through the OAIC's fortnightly 'ICON' newsletter).	Commencing 30 Jan 26	Accepted	Many staff in the Information Access are subscribed to the newsletter and a coordinated approach to attendance and sharing learning is adopted.
5. The NDIA review the OAIC's FOI complaint investigation outcomes at a minimum of every 12 months, to ensure that any learnings identified through those outcomes are incorporated into training for FOI staff, as well as the FOI processing manual and/or policies and guidance materials that support the processing manual.	Commencing 30 Jan 26	Accepted	The Agency will incorporate this suggestions into the policy, quality assurance and processed being developed over 2026.
6. The NDIA uplift the technical and administrative capability of its Disclosure Log to enable access to the documents in that log via download link.	Commencing 30 January 2026	Accepted	The Agency has commenced work to transition to making documents directly downloadable on the disclosure log.

From: LODGE,Justin s22 [redacted] [@oaic.gov.au](mailto:s22@oaic.gov.au)>
Sent: Wednesday, 7 January 2026 5:37 PM

To: CASTLES, Fiona <s22 [REDACTED]@ndis.gov.au>; Flowers, Daniel <s22 [REDACTED]@ndis.gov.au>

Cc: foi <foi@ndis.gov.au>

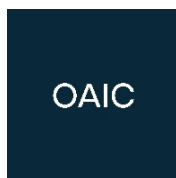
Subject: RE: Freedom of information complaint investigation – Notice on completion [SEC=OFFICIAL]

Dear Daniel and Fiona

I refer to the below response and NDIA's request for an extension of time for implementing our recommendations in s22 [REDACTED].

I'd appreciate an opportunity to discuss the NDIA's extension of time request. I am available tomorrow for a phone call between 10 - 10:30am, or 3 - 4pm, and on Friday 9:30am - 11am. If those times do not suit, please let me know your availability for a phone call.

Regards



Justin Lodge (he/him)

Acting General Manager

Freedom of information Case Management

Information Rights Division

Office of the Australian Information Commissioner

s22 [REDACTED] | s22 [REDACTED]@oaic.gov.au

From: CASTLES, Fiona <s22 [REDACTED]@ndis.gov.au>
Sent: Friday, 16 January 2026 12:01 PM
To: LODGE,Justin <s22 [REDACTED]@oaic.gov.au>
Cc: s47F [REDACTED] s22 [REDACTED]@ndis.gov.au>
Subject: OAIC Recommendation 2 - FOI Practice Build Implementation Report [SEC=OFFICIAL]

CAUTION: This email originated from outside of the organisation. Do not click links or open attachments unless you recognise the sender and know the content is safe.

Dear Justin,

It was a pleasure to meet you this week and discuss the Agency's FOI practice.

As discussed, I'm very pleased to submit to you the Agency's implementation report that includes statistical evidence to demonstrate the effectiveness of the strategies employed under the NDIA's 'FOI Practice Build'.

- **OAIC Recommendation 2:** The NDIA Provide an implementation report, including statistical evidence to demonstrate the effectiveness of the strategies employed under the NDIA's FOI Practice Build.
- **Due date:** 30 January 2026

I have also prepared a summary below of the highlights of our Practice Build in 2025 that we discussed and some of the initiatives we have planned in 2026, including the recommendations made by OAIC in the investigation.

2025 FOI Practice Build highlights:

The Agency has developed and been implementing a comprehensive Practice Build to address Agency compliance with statutory timeframes set out in the FOI Act. This has had a positive impact building the FOI team's capability and capacity and improving compliance, efficiency, quality and culture. Some highlights include:

- In June 2025 - the Agency onboarded 35 full-time APS staff increasing the size of the team from 38 to 73. This initiative included using merit-based processes to convert a proportion of labour hire staff to APS employment arrangements to assist with staff stability and retention.
- In June 2025 – all new and existing staff were provided with FOI training packages that were delivered both internally and by AGS. NDIA business systems training was also delivered to new and existing FOI staff. All EL1s and EL2s also completed leadership training.
- In July 2025 - the FOI team finalised their transition from an excel database to a dedicated FOI case management platform (LEX).
- In August 2025 – the FOI team finalised and internally published a suite of new SOPs, process guides and templates.
- In September 2025 - the FOI Authorisation Instrument was updated and the Agency commenced piloting a remodelling of staff roles and responsibilities to have more decision makers in October 2025. This has significantly increased productivity with further improvements expected in 2026.
- As at December 2025 the FOI team have increased statutory compliance to 51% for 2025-26, up from 33% in 2024–25 and have closed 1,758 FOI matters. This is a significant increase compared to 896 in the 6 months prior and close to matching the entire 2024–25 year of 1,763 closures.

2026 FOI Practice Build focus areas:

The Information Access and Privacy team will continue implementing their FOI Practice build, incorporating the OAIC recommendations from the recent complaint investigation. Some highlights include:

- **Expanded Training:** A dedicated Job Skills training package is being developed, with a new dedicated FOI training page being launched for all FOI staff. The training package will focus on statutory compliance, extension of time provisions, and proactive communication with applicants during the processing of requests. The training will be delivered routinely to all new and current staff and will continually be refreshed and updated.
- **Agency training:** The IAP Branch is developing Agency wide training to uplift Agency Business area knowledge and compliance with the FOI Act. This will be delivered Agency wide with an online training module, and dedicated training packages for SES, support staff and all other relevant staff who interact with FOI as part of their role at the Agency. The package will cover compliance with general FOI obligations, including IPS obligations, disclosure log requirements, and compliance with search and retrieval requests, including the statutory timeframes and the requirement to take all reasonable steps to find relevant documents under s 24A of the FOI Act. This training will be made available centrally to all staff.
- The NDIA disclosure log will be upgraded to allow for downloadable decisions for suitable matters. The Agency is on track with this commitment.
- The FOI Authorisation Instrument update and remodelling of staff roles will be finalised, further increasing decision maker capacity and improving statutory compliance.
- The NDIA website will be updated to publish our FOI Manual, increasing transparency and supporting decision makers to make timely, independent and quality decisions under the FOI Act.
- The Agency will be implementing an FOI Smart form to assist applicants in making targeted FOI requests, and will consider ICT enhancements in our roles.

- There will be a continued focus on statutory compliance with planned decision maker working groups, training targeting case management skills and an emphasis on utilising extension of time provisions under the FOI Act.

Please reach out at your convenience if there is anything further the Agency can provide OAIC on this item.

As promised, I will write to you on a separate email thread providing you with some more commentary and context of the extended timeframes we have sought on OAIC recommendations to the NDIA to assist your consideration.

Many thanks, Fiona

Fiona Castles
Branch Manager
Information Access & Privacy
Reviews & Information Release Division
National Disability Insurance Agency

Phone: s22
Email s22 @ndis.gov.au
EA: s4/r s22 @ndis.gov.au

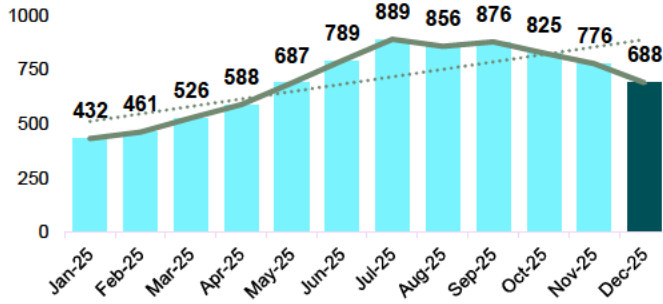




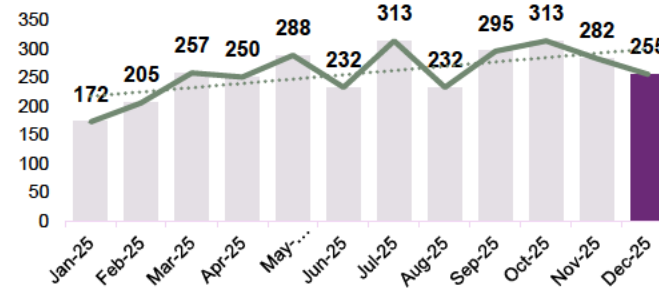
Freedom of Information (FOI): Monthly Data Snapshot (as at 31 December 2025)

Report generated on 13 January 2026

FOI MATTERS ON HAND

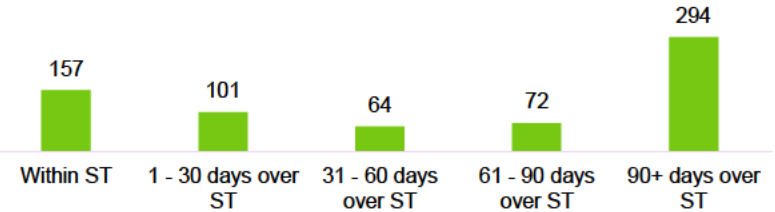


FOI MATTERS RECEIVED

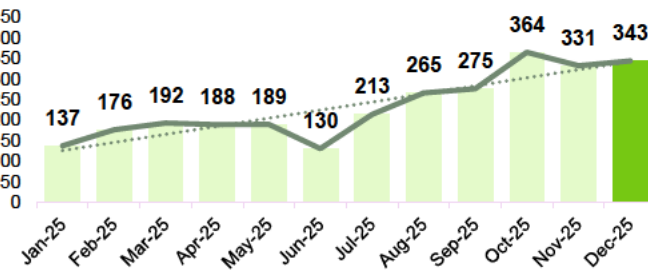


FOI AGED MATTERS ON HAND

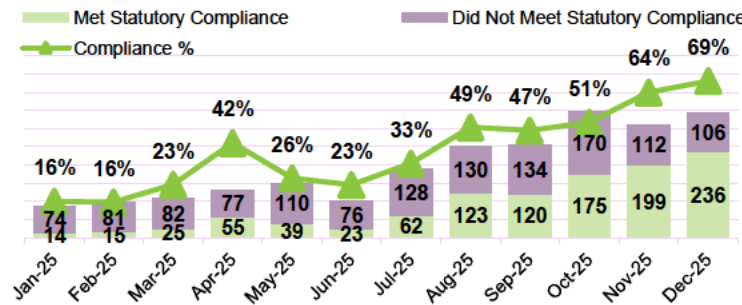
FOI matters on hand & age (as at 31 December 2025)



FOI MATTERS CLOSED ¹



FOI STATUTORY COMPLIANCE ²



SUPPORTING INFORMATION & DETAIL

The Agency has developed and been implementing comprehensive Practice Build to address Agency compliance with statutory timeframes set out in the FOI Act.

This has had a positive impact building the FOI team's capability and capacity and improving compliance, efficiency, quality and culture.

Comparison of Last 6 Months (Jul 2025 – Dec 2025) vs Previous 6 Months (Jan 2025 – Jun 2025)

FOI Matters Received

- 20% increase in the number of FOI requests received.

FOI Matters Closed

- 77% increase in the number of FOI requests closed.

Statutory Compliance

- Compliance improved from 25% of processed FOI requests to 54%.
- The last two months recorded compliance rates of 64% and 69%, the highest in over 12 months.

¹ includes all FOI Outcomes (including withdrawn and transferred)

² Withdrawn and transferred outcomes are not included in Statutory Compliance figures.

HIGH-LEVEL OVERVIEW: COMPARISON OF THE LAST 6 MONTHS (JUL 2025 – DEC 2025) WITH THE PREVIOUS 6 MONTHS (JAN 2025 – JUN 2025)

Matters On Hand	Matters Received	Matters Closed	Compliance Rate
688	1,690	1,791	54%
Change from prev. 6 mths. ▼ 13%	▲ 20%	▲ 77%	▲ 28%

Disclaimer - Data is extracted from a LEX FOI, so is subject to variation over time if entries are updated or backdated. This means data referencing a specific date in this data request may change in a later data export.

Data Source - LEX Matter Management System with data valid on 7 January 2026

From: CASTLES, Fiona <s22 [REDACTED]@ndis.gov.au>
Sent: Monday, 19 January 2026 1:07 PM
To: LODGE,Justin s22 [REDACTED]@oaic.gov.au>
Cc: s47F [REDACTED] s22 [REDACTED]@ndis.gov.au>
Subject: s22 [REDACTED] Freedom of information complaint investigation – Notice on completion [SEC=OFFICIAL]

CAUTION: This email originated from outside of the organisation. Do not click links or open attachments unless you recognise the sender and know the content is safe.

Dear Justin,

Thank you for meeting with me last week to discuss the NDIA's request for an extension of time for implementing our recommendations in s22

As we discussed, to assist your consideration and advice to the Commissioner, I have inserted some additional context and commentary on why the Agency is seeking these extensions. I have used the same table that we submitted with our response so you have all of the information in one place and headed the additional information under 'January 2026 commentary' in a different shade text.

If there is any aspect that you would like to discuss or require more information, please reach out at your convenience.

OAIC recommendation	OAIC due date	NDIA Response	NDIA commentary
1. The NDIA provide evidence that its information access Smartform has been implemented.	30 Jan 2026	Accepted June 2026 (TBC pending website functionality).	NDIA accepts this recommendation and implementation by the due date. January 2026 commentary: The Agency has prepared an FOI Webform and sought legal advice on it to ensure that it is compliant with the requirements of the legislation and would be very happy to provide the OAIC with a copy of the design of this form to show our progress on this item. However, in early January 2026 the Information Access and Privacy Branch has been informed that the NDIS website is being redeveloped and there are technical issues with forms, particularly those that require document upload that inhibit them from being implemented on the NDIS website at this time. There are limited resources allocated to this fix, and where there are, it is for prioritised New Framework Planning and not website functionality for corporate functions. The Agency doesn't have a set timeframe when this will be made possible but will continue to monitor and advise OAIC.

OAIC recommendation	OAIC due date	NDIA Response	NDIA commentary
<p>2. The NDIA provide an implementation report, including statistical evidence, to demonstrate the effectiveness of the strategies employed under the NDIA's 'FOI Practice Build'.</p>	30 Jan 2026	<p>Accepted</p> <p>Completed</p>	<p>The NDIA's quarterly data will reflect a significant improvement statutory compliance. The NDIA will also share a more detailed analysis of this with OAIC, demonstrating improved statistical compliance and reduced work on hand prior to the due date.</p> <p>January 2026 commentary: The Agency has completed this item and submitted to OAIC on 16/01/2026. We are pleased to demonstrate with statistical evidence the success of the Agency's focus on building the FOI function and improved compliance with the FOI Act over the last 6 months.</p>
<p>3. The NDIA review, and update, its FOI processing manual and ensure that, at a minimum, the manual:</p> <ul style="list-style-type: none"> a) addresses the steps that will be taken to ensure compliance with statutory processing timeframes, including the requirement for staff to conduct an early assessment of whether an extension of time is required b) provides guidance to staff on how and when to utilise the available extensions of time under ss 15AA, 15AB, and 15AC of the FOI Act¹⁴ to ensure concerted efforts in complying with statutory processing timeframes, consistent with OAIC guidance c) highlights the importance of keeping applicants informed of progress, and engaging with applicants to explore options for faster outcomes, and d) refers to relevant provisions of the FOI Guidelines. 	30 Jan 2026	<p>Accepted, propose that an additional 3 months is required for implementation by 30 April 2026.</p>	<p>NDIA accepts this recommendation and notes that it is in the current FOI Practice Build to create this resource.</p> <p>January 2026 commentary: We are seeking this additional time to develop and implement a participant-centric FOI processing manual that is fit for purpose of the NDIA. The additional time to sought to ensure that we draft and consult this artefact in alignment with our other planned FOI Practice Build initiatives in 2026. It is our intention that the publishing and implementation of the manual will be aligned with the training packages, SOPs, Guides, internal and external webpages and a range of templates that are concurrently being produced in FOI Practice Build initiatives.</p> <p>The policy team that will be responsible for developing the new FOI processing manual has been reallocated from other duties in the division to focus on the FOI Practice Build and is working on internal SOPs, Guides, Templates and Work flows that are essential for the success of the FOI team's capability uplift and will be critical for the FOI practice manual.</p> <p>Additionally, the Agency has the added commitment to ensure that all documents published by the NDIA are accessible and are written in plain English. The Agency will consider accessible formats, easy read formats and all of the associated web pages when finalising this recommendation.</p>

OAIC recommendation	OAIC due date	NDIA Response	NDIA commentary
4. The NDIA ensure the FOI processing manual is publicly available on the NDIA's website, consistent with the requirements of the Information Publication Scheme.	30 Jan 26	Accepted, propose that an additional time is required for implementation by 30 April 2026.	As above. January 2026 commentary: The FOI Practice Manual will be published and made publicly available when it is finalised. The Agency will consider and work across Agency business areas to ensure that it is published in an accessible format, easy read format and all of the associated web pages are aligned and updated in alignment with the manual when finalising this recommendation.
5. The NDIA review, and update (if necessary), internal policies that support the FOI processing manual, including training and guidance materials for FOI decision makers,15 to support decision makers to comply with statutory processing timeframes and make decisions independently.16 These internal policies should reflect current revisions to Part 3 of the FOI Guidelines and include references to relevant OAIC resources18 to support FOI processing officers and decision makers.	30 Jan 26	Accepted Completed.	Completed. The Information Access and Privacy Branch has developed a new suite of internal SOPs, process guides and templates that are internally published and available to the whole team to support them in their roles. These resources are aligned and embedded into our dedicated training program that is in development.
6. The NDIA enhance governance arrangements, promote proactive release of information and support compliance with IPS (Information Publication Scheme) and disclosure log requirements, by developing a process for identifying updates to the IPS entries on the NDIA's website, to support proactive release of information in accordance with the IPS.	30 Jan 26	Accepted, propose that an additional time is required for implementation by 30 June 2026. The Agency will have the disclosure log component commenced by 27th February 2026.	Commenced. The Agency has commenced work to transition to making documents of new decisions directly downloadable on the disclosure log in early 2026. This will provide downloadable copies of suitable FOI requests. The Agency will also commence backdating previous decisions throughout 2026 to make sure they are also available by direct download. January 2026 commentary: This is on track to commence in February 2026. The Information and Access Branch will continue to work across the Agency to promote and support proactive release of information in accordance with the IPS.

OAIC recommendation	OAIC due date	NDIA Response	NDIA commentary
			<p>January 2026 commentary: The IAP Branch is underway designing and implementing Agency training packages that will include the IPS to enhance awareness and engagements with the Agency's IPS requirements. The Branch intends on aligning governance arrangements with other functions of the Agency and will require support from various business areas in the Agency whereby delay may be incurred with current transform initiatives. There are also known technical issues and resource constraints in some of these areas.</p>
<p>7. The NDIA ensure that all FOI team staff and other relevant staff (ie. FOI decision makers) have received training in relation to the formal guidance referred to in recommendations (4) and (6), and that new staff joining the FOI Section are trained in relation to this formal FOI guidance within 2 weeks of commencing in the FOI team.</p>	30 Jan 26	<p>Accepted; propose that an additional time is required for implementation by 30 June 2026.</p> <p>Could be 'marked as 'Complete' with minor update of wording, please see proposed revision in purple text for consideration.</p>	<p>Partially complete.</p> <p>All existing staff have received comprehensive training to address recommendation 4 and 6. As these recommendations are implemented and further guidance material created; all staff will be trained accordingly.</p> <p>January 2026 commentary: If 'all other relevant staff' could be removed from this recommendation this recommendation could be marked as complete and will be considered an ongoing BAU initiative for the FOI team. Therefore, a request for extension would not be required. 'All other relevant staff' are covered in the Agency's business areas (as per Recommendation 8) and support staff which we are proposing to add to Recommendation 9. All staff will be suitably trained with various training products that the IAP Branch has in development.</p>
<p>8. The NDIA develop or update and deliver, training to all business areas responsible for compliance with general FOI obligations, including IPS obligations, disclosure log requirements, and compliance with search and retrieval requests, including the statutory timeframes and the requirement to take all reasonable steps to find relevant documents under s 24A of the FOI Act. This training should be made broadly available to all staff, and ongoing refresher training completed at regular intervals.</p>	30 Jan 26	<p>Accepted, propose that an additional time is required for implementation by 30 June 2026.</p> <p>30 March 2026,</p>	<p>Commenced.</p> <p>The NDIA employs a decentralised model in relation to the management of FOI responses. The Agency consists of 31 divisions across nine groups. A product is currently in development. Additional time is sought given the current high work volumes and the size and span of the Agency to finalise delivering the sessions.</p> <p>January 2026 commentary: The Information Access & Privacy Branch is developing an online training module that will be available Agency wide via it's centralised learning ICT platform 'LEAP'. A copy of this product can be provided to OAIC for</p>

OAIC recommendation	OAIC due date	NDIA Response	NDIA commentary
			visibility, and it is highly likely this module will be rolled out ahead of the requested extension. However, the branch must engage with the Agency's national Learning & Development team for this to occur. Their current priorities include New Framework Planning, and this could impact delivery dates. The Agency is comfortable in agreeing to a date of 30 March 2026, on the understanding that there may be a delay beyond the developing branch's immediate control.
9. The NDIA develop training for all relevant Senior Executive staff and their support staff about the NDIA's general obligations under the FOI Act, which specifically addresses the requirements of the Information Publication Scheme under Part II of the FOI Act. This training should be delivered as part of the NDIA's induction process for new staff, and form part of any refresher training for SES employees.	30 Jan 26	Accepted, propose that an additional time is required for implementation by 30 June 2026.	<p>As above</p> <p>January 2026 commentary: The Agency has approximately 125 SES level staff and employs a decentralised model in relation to collating documents sought under FOI.</p> <p>A specific product will be developed for SES and their relevant support staff. It will be aligned with the all-staff training product and is due for completion at the end of March 2026. The Agency is happy to provide a copy of that product, once cleared, but note the size of the Agency and number of SES staff means a practical roll out and uptake is more realistically achieved by 30 June 2026.</p> <p>For clarity we have included 'relevant support staff' in this response to allow for Recommendation 7 to be closed.</p>
10. The NDIA assess the impact of the potentially invalid s 15AA agreements on its FOI timeliness statistics as reported to the OAIC during one quarter or a sample set of data in the 2023-24 financial year and report back to the OAIC with adjusted FOI timeliness statistics and an explanation of the identified impact.	30 Jan 26	Accepted, propose that an additional 3 months is required for implementation by 30 April 2026	<p>The Agency proposes to review the matters that were recorded "in time" and that had a 15AA agreement. The Agency proposes to post pone reviewing matters that were deemed to have been refused, regardless of the 15AA in the current peak high work volume environment.</p> <p>January 2026 commentary: The IAP Branch could finalise with a shorter extension if OAIC could consider providing the Agency with a data set, or preferably consider requesting a much smaller data sample from within the year to enable us to do a deep dive of this work and to address potential continuous improvement reflections of work done in 23-24. The IAP Branch is very focused on reducing the highest workloads in the Agency's history and is prioritising resources on implementing</p>

OAIC recommendation	OAIC due date	NDIA Response	NDIA commentary
			capability and capacity uplift programs in the FOI Practice Build. Deploying staff without more time available to this work may cause delays in others priority areas. Please see proposed revised wording in purple for your consideration.

Again, I am very happy to discuss any of these items with you in more detail and provide ongoing updates to ensure OAIC is comfortable with our progress.

We look forward to keeping you informed of our progress in building the FOI capability and capacity.

Kind regards, Fiona

Fiona Castles
 Branch Manager
 Information Access & Privacy
 Reviews & Information Release Division
 National Disability Insurance Agency

Phone: s22
 Email s22 @ndis.gov.au
 EA: s4/r s22 @ndis.gov.au



s22

From: s22
Sent: Friday, 30 January 2026 4:36 PM
To: CASTLES, Fiona
Cc: s47F; WAVAMUNNO,Sandra; LODGE,Justin; s47F
Subject: RE: FOI request webform for visibility - s22 Freedom of information complaint investigation – Notice on completion [SEC=OFFICIAL]

Hi Fiona

It was lovely to meet with you also, and thank you for sharing a copy of the webform with us, it looks great!


As discussed, we have agreed to provide a 3 month extension to the NDIA to **30 April 2026** for implementation of the following recommendations, to ensure that the NDIA is able to operationalise those improvements in alignment with the NDIA's broader reform work initiatives across the agency:

- **Recommendation 1.** As implementation of the webform is subject to website redevelopment, an update by this date will be sufficient, if unable to be implemented by this time.
- **Recommendations 3, 4 and 6- 10.** We would also be glad to receive copies of the policy and training documents that have already been developed in response to these recommendations ahead of this date. I will also get back to you with regards to the 15AA data we hold for the relevant period soon to assist with Recommendation [10].

Please don't hesitate to contact us should you have any questions at all in the interim.

Kind regards

s22

 s22
 Director, Reviews and Investigations
 Office of the Australian Information Commissioner
 Sydney | Box 5288 Sydney NSW 2001
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From: CASTLES, Fiona s22@ndis.gov.au
Sent: Friday, 30 January 2026 2:18 PM
To: s22 <s22@oaic.gov.au>
Cc: s47F s22@ndis.gov.au; WAVAMUNNO,Sandra s22@oaic.gov.au; LODGE,Justin <s22@oaic.gov.au>; s47F s22@ndis.gov.au
Subject: FOI request webform for visibility - s22. Freedom of information complaint investigation – Notice on completion [SEC=OFFICIAL]

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Hi s22 ,

It was great to meet you both this morning to discuss the OAIC recommendations received by the Agency.

As discussed, I'm very pleased to share with you the Agency's draft FOI webform (as per rec 1) for your review and feedback. The Agency has drafted this form in line with the OAIC Recommendations and OAIC Guideline 3.21 to increase the timely and efficient processing of FOI requests.

As you are aware, the NDIS website is being redeveloped and there are some technical issues with forms that have delayed the publication of the webform. We will continue to monitor and inform OAIC on the progress of the Agency's new website, however, your feedback on the draft webform is greatly appreciated while we work on these issues.

Please reach out at your convenience if there is anything further the Agency can provide OAIC on this item.

Many thanks, Fiona

Fiona Castles
Branch Manager
Information Access & Privacy
Reviews & Information Release Division
National Disability Insurance Agency

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EA: s4/r s22 @ndis.gov.au



From: s22 <s22@oaic.gov.au>
Sent: Thursday, 29 January 2026 11:53 AM
To: CASTLES, Fiona <s22@ndis.gov.au>
Cc: s47F s22 @ndis.gov.au; s22 <s22@oaic.gov.au>;
LODGE,Justin s22 @oaic.gov.au
Subject: RE: s22 . Freedom of information complaint investigation – Notice on completion [SEC=OFFICIAL]

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Hi Fiona

Thank you for the update, that's wonderful news!

I will send through an invite for us to discuss further at 9.30am Syd time tomorrow- im not sure where you are based though, so if that is too early please let me know and I will reschedule to the afternoon or another time.

Kind regards

s22

OAIC

s22

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Sydney | Box 5288 Sydney NSW 2001
P s22 E s22 [oaic.gov.au](mailto:s22@oaic.gov.au)

From: CASTLES, Fiona <s22@ndis.gov.au>
Sent: Thursday, 29 January 2026 10:49 AM
To: s22 <s22@oaic.gov.au>
Cc: s47F s22 @ndis.gov.au; WAVAMUNNO, Sandra s22 @oaic.gov.au;
LODGE, Justin s22 @oaic.gov.au
Subject: RE: s22 . Freedom of information complaint investigation – Notice on completion [SEC=OFFICIAL]

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Thank you for your email s22

I am available to discuss these recommendations and extension requests, might tomorrow morning be suitable for you?

I understand the need to have this important work implemented in a timely manner and I am pleased to share that all of these recommendations and suggestions have been embedded into our FOI Practice Build initiative. Wwe have had some great progress in the last fortnight, especially in our Agency training initiative, disclosure log improvements and ongoing week on week improvement in compliance rates which we are monitoring very closely. I suspect we can shorten these timeframe requests in some of the items given the success of the last fortnight.

I look forward to discussing with you.

Fiona.

Fiona Castles
Branch Manager
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Reviews & Information Release Division
National Disability Insurance Agency

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 Delivered by the
National Disability
Insurance Agency

From: s22 <s22@oaic.gov.au>
 Sent: Wednesday, 28 January 2026 1:07 PM
 To: CASTLES, Fiona <s22@ndis.gov.au>
 Cc: s47F s22 @ndis.gov.au; WAVAMUNNO, Sandra s22 @oaic.gov.au;
 LODGE, Justin s22 @oaic.gov.au
 Subject: RE: s22 . Freedom of information complaint investigation – Notice on completion [SEC=OFFICIAL]

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Dear Ms Castles

Further to Justin's email below, would you be available to discuss the NDIA's extension of time request with us this week?


We would like to accommodate reasonable extensions of time where necessary to ensure that implementation is achievable for the NDIA by those dates, but we also need to ensure timely implementation of recommendations.

I have copied in Sandra Wavamunno- acting General Manager of FOI Case Management this week, with s47F

We appreciate the NDIA's active engagement with our recommendations, and we look forward to hearing from you soon.

Kind regards

s22

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From: LODGE, Justin s22 @oaic.gov.au
 Sent: Thursday, 22 January 2026 8:13 AM
 To: CASTLES, Fiona s22 @ndis.gov.au
 Cc: s47F s22 @ndis.gov.au; s22 s22 @oaic.gov.au
 Subject: RE: s22 . Freedom of information complaint investigation – Notice on completion [SEC=OFFICIAL]

Dear Fiona

Thank you very much for your recent emails and our phone call last week.

It was great to meet you and to hear about NDIA's progress and the positive outcomes, as well to read the additional information you have sent through. We are considering the additional information you have provided below and will get back to you shortly.

Regards

OAIC

Justin Lodge (he/him)
Acting General Manager
Freedom of information Case Management
Information Rights Division
Office of the Australian Information Commissioner
s22 [REDACTED] | s22 [REDACTED] [@oaic.gov.au](mailto:[REDACTED]@oaic.gov.au)

s22

From: CASTLES, Fiona s22 @ndis.gov.au >
Sent: Monday, 2 February 2026 5:36 PM
To: s22
Cc: s47F; s22; LODGE, Justin; s47F
Subject: RE: FOI request webform for visibility - s22. Freedom of information complaint investigation – Notice on completion [SEC=OFFICIAL]
Attachments: freedom-of-information-N2Y1W2rq.pdf

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Hi s22

Thank you for confirming the extensions on our recommendations. We have included these in our FOI practice build and will closely monitor our progress. Might you be able to please advise a timeframe that the outcomes of the investigations will be published?

I'm pleased to share with you a pdf version of our FOI training module that will be launched shortly. This module is intended to become part of mandatory induction training for all new staff. It is also intended to be re-completed by all staff every 12 months as part of the Agency's mandatory annual training program. We are going through final clearances and hope to have it published in the coming weeks.

Please let me know if you have feedback for us to consider in the module.

Many thanks, Fiona

Fiona Castles
 Branch Manager
 Information Access & Privacy
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 National Disability Insurance Agency

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s22

From: s22
Sent: Tuesday, 3 February 2026 11:19 AM
To: 'CASTLES, Fiona'
Cc: s47F; s22; LODGE,Justin; s47F
Subject: RE: FOI request webform for visibility - s22 Freedom of information complaint investigation – Notice on completion [SEC=OFFICIAL]

Hi Fiona

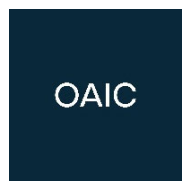
Thank you for sharing a copy of the FOI training module, it looks great! Its comprehensive and clearly written, and the interactive elements make it very engaging.

The investigation outcomes were published shortly after they were issued, and can be found here: [Freedom of information investigation outcomes](#).

We look forward to receiving further updates from the NDIA in due course.

Kind regards

s22



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s22

From: s22
Sent: Friday, 6 February 2026 5:09 PM
To: 'CASTLES, Fiona'
Cc: s47F; s22; s47F; s22
Subject: 15AA data- s22. Freedom of information complaint investigation – Notice on completion [SEC=OFFICIAL]
Attachments: NDIA 15AA 23-24.xlsx

Dear Fiona

Further to our recent correspondence, and to assist the NDIA with implementation of recommendation 10, we have identified 128 section 15AA notifications received from the NDIA in the 2023-24 financial year.

54 of those matters experienced webform issues, and so they are not clearly identified as NDIA matters in our system, but they do appear to have NDIA reference numbers. Given this, the total number may not be entirely accurate.


We have listed these matters in the [attached](#) spreadsheet, and sorted them into 2 tabs to distinguish those that were clearly NDIA notifications from the suspected NDIA notifications.

I hope this is of assistance, and please don't hesitate to contact me should you have any questions at all.

Have a great weekend!

Kind regards

s22

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s22

From: CASTLES, Fiona <s22@ndis.gov.au>
Sent: Tuesday, 24 February 2026 6:09 PM
To: s22
Cc: s47F; s22; s47F; s22; s47F
Subject: RE: 15AA data- s22. Freedom of information complaint investigation – Notice on completion [SEC=OFFICIAL]

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Hi s22

Thank you again for sending this through, it has assisted us commence the work on our Recommendation 10.

We are expecting to have this item finalised in the coming weeks. We will email you to provide our findings, potential adjusted timeliness statistics, and our explanation.

I also wanted to let you know that I am commencing leave on Friday, returning 13th of April 2026. Shea Hanson will be acting in the BM Information Access & Privacy role and will be the point of contact for the OAIC recommendations and associated work during this time.

Please feel free to reach out as required.

Fiona.

Fiona Castles
 Branch Manager
 Information Access & Privacy
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 National Disability Insurance Agency

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s22

From: s22
Sent: Wednesday, 25 February 2026 12:20 PM
To: 'CASTLES, Fiona'
Cc: s47F s22 ; s47F s22 s47F
s47
F
Subject: RE: 15AA data- s22 . Freedom of information complaint investigation –
Notice on completion [SEC=OFFICIAL]

Dear Fiona

Thank you for the update and we hope you enjoy your leave.

We look forward to hearing back from the NDIA over the next couple of months.

Kind regards

s22



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