

From: s22 [redacted] <[redacted]@ndis.gov.au>
Sent: Thursday, November 16, 2023 3:54 PM
To: HAMPTON,Elizabeth <s22 [redacted]@oaic.gov.au>
Cc: s22 [redacted] <[redacted]@ndis.gov.au>
Subject: Notification of eligible data breach - NDIA - Operation Royal - LEX41978
[SEC=OFFICIAL:Sensitive]
Importance: High

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Dear Deputy Commissioner

I'm writing to you in relation to an eligible data breach involving the National Disability Insurance Agency (NDIA).

We are sending you the NDIA's notification in accordance with s 26WK of the *Privacy Act 1988* (Cth) of an eligible data breach given certain sensitivities which are apparent in the **attached** notification.

The NDIA is providing the information in the attached notification in confidence and requests that you consult us before publishing any details about this eligible data breach.

Please do not hesitate to contact me should you have any questions or otherwise wish to discuss.

Yours sincerely,

s22

A/g Deputy Chief Counsel
Legal Services
National Disability Insurance Agency

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E [ndis.gov.au](mailto:s22@ndis.gov.au)



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

16 November 2023

Elizabeth Hampton
Deputy Commissioner
Office of the Australian Information
Commissioner
GPO Box 5288
Sydney NSW 2001

Dear Deputy Commissioner

Eligible Data Breach - National Disability Insurance Agency (Ref: LEX 41978)

The National Disability Insurance Agency (**NDIA**) writes to the Information Commissioner (**Commissioner**) in accordance with s 26WK of the *Privacy Act 1988* (Cth) (**Act**) to notify the Commissioner of an eligible data breach (as defined at s 26WE(2) of the Act).

We note that this matter is also the subject of an NDIA investigation (assisted by the Australian Federal Police) and related court proceedings. Accordingly, this information is provided in confidence. We appreciate the Commissioner maintaining confidentiality in relation to this matter at this time.

Details of the breach

The breach concerns unauthorised access to, and disclosure of, the personal information of National Disability Insurance Scheme (**NDIS**) participants and connected individuals.

The NDIA became aware of the circumstances on 17 October 2023 and has since worked to investigate the extent and nature of the breach and support the Australian Federal Police investigation.

On 9 November 2023, enforcement action was taken by the Australian Federal Police with respect to this matter. While the matter is now before the courts, we understand that the investigation is ongoing. The NDIA remains in regular communication with the Australian Federal Police about this matter.

The NDIA's work to investigate the nature and extent of the breach remains ongoing. It is presently understood that:

- The breach occurred as a result of alleged criminal activity of an APS employee of the NDIA who accessed the personal information of approximately 41,780 individuals and the disclosure of the personal information of at least 13,000 individuals.
- The information of at least 13,000 individuals has been disclosed to a person associated with a number of disability service provider companies, whose activities are also currently being investigated.

- Based on available information, the following personal information was accessed and disclosed to the person: full name; date of birth; gender; address; postcode.
- The person has allegedly used the personal information of participants to "door knock" participants and offer "kickbacks" (such as cash or mobile phones) to sign on with the person to receive NDIS services.

This information, including the number of impacted individuals and information the subject of the breach, is current at the time of this notification but may change as the NDIA's investigation progresses.

Notification of eligible data breach

Considering the above information, the NDIA has reasonable grounds to believe that it has experienced an eligible data breach. The NDIA notifies the Commissioner, accordingly, in accordance with s 26WK of the Act.

The NDIA acknowledges that it must also, in due course and to the extent practicable, notify individuals affected by the breach in accordance with s 26WL of the Act, including in regard to the steps that individuals should take in response to the eligible data breach which has occurred. In this context, the NDIA is preparing to notify affected individuals, and publish a statement about the breach on its website, as soon as practicable, having regard to:

- The sensitivities of the NDIA's investigation and the need to avoid prejudice to that investigation, which is understood to be ongoing; and
- The need for further time for the NDIA to investigate the circumstances of the breach, including its scope, nature and those impacted. This is being done as expeditiously as possible.

We note that some of the recommended steps we anticipate informing affected individuals of include:

- not to engage with any NDIS provider who "door knocks" and offers incentives and to inform the NDIA if such a "door knock" occurs;
- that all affected individuals will be placed on the Agency's fraud monitoring list in order to afford them financial protection should fraudulent activity be identified in association with their participant plans;
- referring affected individuals to scam watch for information on how to limit exposure to scam related harm, including by changing passwords to online accounts;
- possibly provide assistance through identify protection products (e.g., IDCARE, Equifax monitoring);
- to call police if individuals' health or safety are at risk.

The NDIA also intends to apologise to the affected individuals.

Next steps

The NDIA will provide further information to the Commissioner in relation to the nature and extent of the breach as it becomes available.

Finally, I would like to assure you that the NDIA is taking this breach very seriously and is continuing to liaise with police and other relevant authorities. The NDIA is continuing to

conduct its internal investigation of this matter with a view to taking steps to ensure such a breach does not occur again. Please contact me on s22 if you wish to discuss.

Yours sincerely

s22

A large grey rectangular redaction box covers the signature area, with the text 's22' positioned at the top left corner of the box.

**A/g Deputy Chief Counsel, Legal Services
National Disability Insurance Agency**