

Papertrail # .....

Key Word

### David Dennis Policy Evidence Branch Manager Clearance Request

Routine       Information only       URGENT

Title:	PIC from National Disability Insurance Scheme (NDIS)		
Submission date/time:	16/1/17	Date/time required back:	17/1/17
Action Officer Name:	s22	Action officer Ph. Number:	s22
<p>For BM Clearance <input type="checkbox"/>             For BM Signature <input type="checkbox"/></p> <p><i>Please attach "Sign Here" flags in relevant areas in the document - where appropriate</i></p>			
Cleared by Section/Executive Manager <input type="checkbox"/>		Signed: .....Date: .....	

**Background/key issues (to be completed by submitter):**

NDIA have requested contact information from FOFMS under the National Disability Insurance Scheme Act 2013 (NDIS Act). Of the 17,000 records approximately 520 did not have telephone contact details listed. Australian Disability Enterprises are responsible for updating records and this is not a mandatory field. A PIC is required to extract the missing information from DHS (EDW).

The request has been made through <sup>s22</sup> in the Program Transition Branch (Australian Disability Enterprises Section).

Included

- Summary of Request forms (A)
- PIC instrument (B) and
- Customer Reference Numbers (CRNS) (C)

**Branch Manager Comments**

Approved       Noted       Please discuss

*Thanks,*

*[Signature]*      *16/1/17*



*Social Security (Administration) Act 1999*

**Public Interest Certificate**

I, David Dennis, Branch Manager, Policy Evidence Branch, Department of Social Services make this instrument under paragraph 208(1)(a) of the *Social Security (Administration) Act 1999*.

Dated 16 January 2017

Adam Rowland  
David Dennis

Acting Branch Manager, Policy Evidence Branch

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**Disclosure of information in the public interest**

**1 Commencement**

This instrument takes effect on the day it is signed.

**2 Certification**

In accordance with:

- (a) paragraph 208(1)(a) of the *Social Security (Administration) Act 1999*; and
- (b) sections 7(1)(a-c) and 18A of the *Social Security (Administration) Act 1999 (Public Interest Certificate Guidelines) (DSS) Determination 2015*,

I certify that it is necessary in the public interest to disclose the information mentioned in section 4 to a person mentioned in section 5 for the purpose mentioned in section 3.

### 3 Purpose for which information may be disclosed

To facilitate the transition of eligible participants into the National Disability Insurance Scheme (NDIS), DSS has been requested to provide the personal contact information of supported employees currently employed in Australian Disability Enterprises to the National Disability Insurance Agency (the Agency). The Agency intends to use this information to assess participant eligibility, to contact eligible participants and improve accessibility of the NDIS for individuals.

### 4 Information able to be disclosed

Approximately 520 records had missing telephone contact details in the DSS Online Funding Management System (known as FOFMs). Telephone contact details are not a mandatory field and when creating records, Australian Disability Enterprises (ADEs) omitted a percentage.

This information is now required through the Department of Human Services Enterprise Data Warehouse (EDW) data source.

A list of 517 CRNS are provided and the primary telephone numbers are required.

Mobile

If no Mobile - Home number

If no Home number - Work phone number

### 5 Recipients of the information

s22 , Assistant Director and Actuary

The Sustainability Team – Actuarial and Reporting, National Disability Insurance Agency

### 6 Persons authorised to disclose the information

A person engaged in the administration of the social security law on behalf of the Commonwealth is authorised to obtain, record, disclose or use the information in accordance with this instrument.

## SUMMARY OF REQUEST

Who has made the request?	National Disability Insurance Agency
Title/brief description:	<p>To facilitate the transition of eligible participants into the National Disability Insurance Scheme (NDIS), DSS has been requested to provide the personal information of supported employees currently employed in Australian Disability Enterprises to the National Disability Insurance Agency (the Agency). The Agency intends to use this information to assess participant eligibility, to contact eligible participants and to improve the accessibility of the NDIS for individuals. This information is requested and required in accordance with sections 55 to 57 of the National Disability Insurance Scheme Act 2013 (NDIS Act).</p> <p>While DSS has been able to acquire the majority of this information through FOFMS, we have identified a percentage of clients that have not had telephone contact details entered into FOFMS by ADEs. We have been advised by the Agency that telephone details are critical to the access process and due to the number of ADEs and the limited time window we would like to explore the feasibility of acquiring this contact information through DHS.</p>
<p>Is the information "protected information" i.e.</p> <ul style="list-style-type: none"> <li>• Is the information "about a person"?</li> <li>• Was the information involved "obtained by an officer under the family assistance law"?</li> <li>• Is or was the information involved "held in the records of the DSS or the Human Services Department"?</li> </ul>	<p>NDIA is seeking from Department of Human Services the telephone contact details of current clients receiving support in ADEs.</p> <p>The primary telephone contact details are required;</p> <p>First preference Mobile number,          If no Mobile number, Home number,          If no Home number, Work number.          Source: Enterprise Data Warehouse (EDW)</p>
What protected information is required?	The telephone contact details of individuals receiving a service with an Australian Disability Enterprise (ADE). g a service in an ADE.
What is/are the relevant section(s) of the Social Security (Public Interest Certificate Guidelines) (DSS) Determination 2015?	<p>Section 7(1)(a-c) – When A Public Interest Certificate may be given</p> <p>Section 18A(a-b) – Research and statistical analysis – social security law and related purposes</p>
What is the protected information required for?	To facilitate the transition of eligible participants into the National Disability Insurance Scheme (NDIS), DSS has been requested to provide the personal information of supported

<p><b>What is the purpose for the disclosure of the information?</b></p>	<p>employees currently employed in Australian Disability Enterprises to the National Disability Insurance Agency (the Agency). The Agency intends to use this information to assess participant eligibility, to contact eligible participants and to improve the accessibility of the NDIS for individuals. This information is requested and required in accordance with sections 55 to 57 of the National Disability Insurance Scheme Act 2013 (NDIS Act).</p>
<p><b>Who will be the recipient(s) of the protected information?</b></p>	<p><sup>22</sup> Assistant Director and Actuary The Sustainability Team – Actuarial and Reporting, National Disability Insurance Agency</p>

**ABSOLUTE TESTS**

Necessary Issues to Consider	Yes/No	Notes
<p><b>Guidelines Section 7(1) (a)</b> The information cannot reasonably be obtained from a source other than the Department of Human Services Department; <b>and</b></p>	<p>Yes</p>	
<p><b>Guidelines Section 7(1) (b)</b> The person to whom the information will be disclosed has sufficient interest in the information (i.e. genuine and legitimate interest); <b>and</b></p>	<p>Yes</p>	
<p><b>Section 7(1) (c)</b> The Secretary (Delegate) is satisfied that the disclosure is for the purpose of the relevant section(s) of the guidelines.</p>	<p>Yes</p>	

**KEY QUESTIONS**

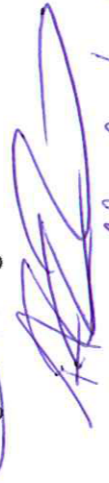
Important Issues to Consider	Yes/No	Notes <i>(Guidance: The making of a decision about a certificate is a discretionary power and there needs to be flexibility to consider and weigh up all relevant matters in making a policy decision to exercise power to give a certificate. The intention is that the decision maker retains the right to look at all relevant factors).</i>
Is the request consistent with the policy directions of Government?	Yes	This will facilitate access to and improve services for eligible participants under the NDIS
Is the request consistent with the policy intent of the Act?	Yes	Information will be used to ensure the integrity of the National Disability Insurance Scheme by assisting the agency to meet the deadlines of phasing set by Government under the relevant bilateral agreements.
Does the information release have implications for other people, groups or entities? If so, for whom?	Yes	Participants eligible under the NDIS
What are those implications?	Yes	This will facilitate access to and improve services for eligible participants under the NDIS

Public interest is ultimately a broad concept which requires a discretionary decision of the delegate after a thorough consideration of all the relevant circumstances. The discretion, however, is not absolutely unconstrained. The decision maker should:

- ensure that they have undergone a process of identifying all the relevant public interest factors at play in the circumstances and
- should consider the weight which may be accorded to each in the process of finding the balance of where the public interest lies to satisfy the courts that there is no error of law.

**Recommendation:** That after considering the relevant circumstances of this Request for a Public Interest Certificate (PIC) paragraph 208(1)(a) of the *Social Security (Administration) Act 1999*, you agree with the release of the protected and sign the attached PIC Instrument at **Attachment B**.

~~Agreed/Not agreed~~



~~David Dennis Adam Rowland~~  
 Delegate - Paragraph 208(1)(a) of the *Social Security (Administration) Act 1999*  
 Branch Manager (As)  
 Policy Evidence Branch

January 2017

**Policy Case Background**

**Attachment A**

To facilitate the transition of eligible participants into the National Disability Insurance Scheme (NDIS), DSS has been requested to provide the personal information of supported employees currently employed in Australian Disability Enterprises to the National Disability Insurance Agency (the Agency). The Agency intends to use this information to assess participant eligibility, to contact eligible participants and to improve the accessibility of the NDIS for individuals. This information is requested and required in accordance with sections 55 to 57 of the *National Disability Insurance Scheme Act 2013* (NDIS Act).

While DSS has been able to acquire the majority of this information through FOFMS, we have identified a percentage of clients that have not had telephone contact details entered into FOFMS by ADEs. We have been advised by the Agency that telephone details are critical to the access process and due to the number of ADEs and the limited time window we would like to explore the feasibility of acquiring this contact information through DHS.

ATTACHMENT C

Customer Reference Number List (CRN)														ATTACHMENT C			
1	s47F	61	s47F	121	s47F	181	s47F	241	s47F	301	s47F	361	s47F	421	s47F	481	s47F
2		62		122		182		242		302		362		422		482	
3		63		123		183		243		303		363		423		483	
4		64		124		184		244		304		364		424		484	
5		65		125		185		245		305		365		425		485	
6		66		126		186		246		306		366		426		486	
7		67		127		187		247		307		367		427		487	
8		68		128		188		248		308		368		428		488	
9		69		129		189		249		309		369		429		489	
10		70		130		190		250		310		370		430		490	
11		71		131		191		251		311		371		431		491	
12		72		132		192		252		312		372		432		492	
13		73		133		193		253		313		373		433		493	
14		74		134		194		254		314		374		434		494	
15		75		135		195		255		315		375		435		495	
16		76		136		196		256		316		376		436		496	
17		77		137		197		257		317		377		437		497	
18		78		138		198		258		318		378		438		498	
19		79		139		199		259		319		379		439		499	
20		80		140		200		260		320		380		440		500	
21		81		141		201		261		321		381		441		501	
22		82		142		202		262		322		382		442		502	
23		83		143		203		263		323		383		443		503	
24		84		144		204		264		324		384		444		504	
25		85		145		205		265		325		385		445		505	
26		86		146		206		266		326		386		446		506	
27		87		147		207		267		327		387		447		507	
28		88		148		208		268		328		388		448		508	
29		89		149		209		269		329		389		449		509	
30		90		150		210		270		330		390		450		510	
31		91		151		211		271		331		391		451		511	
32		92		152		212		272		332		392		452		512	
33		93		153		213		273		333		393		453		513	
34		94		154		214		274		334		394		454		514	
35		95		155		215		275		335		395		455		515	
36		96		156		216		276		336		396		456		516	
37		97		157		217		277		337		397		457		517	
38		98		158		218		278		338		398		458			
39		99		159		219		279		339		399		459			
40		100		160		220		280		340		400		460			
41		101		161		221		281		341		401		461			
42		102		162		222		282		342		402		462			
43		103		163		223		283		343		403		463			
44		104		164		224		284		344		404		464			
45		105		165		225		285		345		405		465			
46		106		166		226		286		346		406		466			
47		107		167		227		287		347		407		467			
48		108		168		228		288		348		408		468			
49		109		169		229		289		349		409		469			
50		110		170		230		290		350		410		470			
51		111		171		231		291		351		411		471			
52		112		172		232		292		352		412		472			
53		113		173		233		293		353		413		473			
54		114		174		234		294		354		414		474			
55		115		175		235		295		355		415		475			
56		116		176		236		296		356		416		476			
57		117		177		237		297		357		417		477			
58		118		178		238		298		358		418		478			
59		119		179		239		299		359		419		479			
60		120		180		240		300		360		420		480			