



Accessing Government Information in Queensland

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Overview

The right to access to government (public) information is an important aspect of promoting open, accountable governments and government decision-making processes.

In Queensland, the *Right to Information Act 2009* (Qld) (**RTI Act**) and the *Information Privacy Act 2009* (Qld) (**IP Act**) operate to provide access to information held by the Queensland Government, unless it would be contrary to the public interest to disclose the information.

This factsheet focusses on the right to access government information under the RTI Act; however, it also briefly covers accessing information under the IP Act and the Administrative Access Scheme. In particular, this factsheet provides information about:

1. [making a request](#) for information under the RTI Act;
2. [what you can do if you don't agree with an agency's decision](#) in relation to a request for information; and
3. [further resources and information](#).

How to make an application to access information in Queensland

The RTI Act legislates how applications for access to information held by the Queensland Government can be made. Under the RTI Act, you have the right to request access to documents held by a Queensland Government agency or Minister.¹

Making an Access Application

An application for access to information must be:

- made in the approved form with the application fee;
- sufficiently identify the information or document that is being requested;
- provide an address for the information or documents to be sent to; and

¹ *Right to Information Act 2009* (Qld) (**RTI Act**), s 23.

- identify if the request is being made by the applicant or for another party who which the applicant is acting as agent and, if so, the authorisation for the applicant to act as agent.

N.B. Applications can be made online [here](#).

The printed application form is available [here](#).

The application fee is currently \$55.75.²

In addition to the application fee, the agency or Minister may also charge a processing fee, which depends on the time spent processing or attending to the RTI application. The agency or Minister may also impose access charges for the cost of providing copies of the document(s) and any other costs incurred as a result of obtaining the information requested.

Payment is required before the requested documents will be released to the applicant.³ Processing and access fees can be waived in certain circumstances, such as financial hardship.⁴ However, the application fee cannot be waived.

The easiest way to apply for a waiver of access and processing charges on financial hardship grounds is by including a copy of your concession card with your application and stating on your application '*I am requesting a waiver of all processing and access charges for my application.*'

Visit: More information about applying for financial hardship in relation to RTI applications is available [here](#).

Determining the Access Application (Access Decision)

Making an Access Decision

Applications must be processed within 25 business days from the date the application was received,⁵ unless the agency or Minister requests a further period to consider the application.

Once the agency or Minister has made a decision, they must give written notice of their decision to the applicant, including any fees that may apply before access can be granted.⁶ If the applicant is not given notice of the decision within 25 business days (or other longer agreed period), it is taken as a refusal by the agency or Minister ('deemed decision').⁷

² *Right to Information Regulation 2009* (Qld) r 4; *Acts Interpretation Act (Fee Unit) Regulation 2022* (Qld) r 2(b).

³ RTI Act s 60.

⁴ RTI Act Pt 6 Div 3.

⁵ RTI Act s 18.

⁶ RTI Act s 54.

⁷ RTI Act s 46.

Refusal to Deal with the Application

An agency or Minister may refuse to deal with an application where it:

- relates to exempt information;
- will affect the agency or Minister's functions by substantially or unreasonably diverting resources or otherwise interfering with their functions; or
- the applicant has already made an application for the requested documents and has not provided a reasonable basis for requesting the same documents.

Refusal to Provide Information

The agency or Minister may decide to refuse access to information where it is:⁸

- exempt information;
- contrary to the public interest to release the information;
- not in the child's interests to release (where the application relates to accessing a child's personal information);
- potentially prejudicial to release healthcare information to the applicant;
- not locatable or does not exist; or
- available or accessible by other means.

Exempt Information

Some information is exempt under the RTI Act and will not be released. Things that are considered exempt includes (among other things):

- Cabinet information and local government budgetary information;
- information subject to legal professional privilege;
- national or state security information;
- law enforcement or public safety information; or
- information disclosure prohibited by other Acts.

Read: The full list of exempt information is provided in [sch 3](#) of the RTI Act.

Public Interest Considerations

All government agencies must disclose or release information unless disclosing it would be contrary to the public interest (or another reason for refusal applies).⁹ When deciding whether to release information, staff must apply the public interest test, which involves weighing the factors in favour of disclosure against the public interest factors restricting disclosure.¹⁰

Factors that the agency or Minister will consider when undertaking the public interest test include whether (among other things):

⁸ RTI Act s 47.

⁹ RTI Act s 49(1).

¹⁰ RTI Act s 49(3).

- disclosing the information could promote discussion of, and improve, the Government's accountability, without prejudicing their responsibility;
- disclosure could contribute to the protection of the environment, reveal public health or environmental risks or innovation and facilitation of research without prejudicing commercial activities, intergovernmental relations, or investigative and management functions of agencies;
- disclosing the information may affect relationship with other governments, or investigations being undertaken.

A factor favouring non-disclosure that is commonly relied upon is disclosing trade secrets, business affairs or research, or where disclosure may prejudice commercial affairs, often referred to as 'commercial in confidence' as it is viewed that disclosing the information would affect the commercial value of the information. This is outlined in [sch 4, pt 4, s 7](#) of the RTI Act. As the Office of the Information Commissioner [website](#) explains, where a document is labelled 'commercial in confidence' this doesn't necessarily mean that it should be considered confidential – this must be properly considered by the decision maker.

Read: The full list of public interest considerations is provided in [sch 4](#) of the RTI Act.

Reviewing an Access Decision

If you are not satisfied with the decision made in relation to your access application, you can request an internal review (performed by the agency you requested the information from) or an external review (performed by the Information Commissioner).

N.B. Applications for internal review of access decisions must be made within **20 business days** from receiving notice of the decision.¹¹

Applications for external review of access decisions must be made within **20 business days** from received either the notice of the decision or the outcome of the internal review.¹²

Internal Review

Where the access decision was made by an agency, you can request an internal review of the decision by the agency or Minister. Reviewable decisions include:¹³

- The access application is outside the scope of RTI Act or doesn't comply with the requirements;
- Refusal to deal with the application or to refuse part or all access to the information requested; or
- Deemed decisions.

¹¹ RTI Act s 80.

¹² RTI Act s 88.

¹³ RTI Act sch 5, see definition of 'reviewable decision'.

However, you cannot seek internal reviews of decisions:¹⁴

- Made by the Minister or agency's principal officer personally;
- Made in relation to an internal review for the same request; or
- Relating to charges on an estimate notice (i.e. processing or access charges).

Applications for internal review must be in writing and lodged at the agency or Minister's office within 20 business days of the date written notice of the access decision was received (or as the agency or Minister allows).¹⁵

There is no fee for internal review applications.

A decision must be made within 20 business days after the internal review application was made. Where a decision has not been made within 20 business days, the original decision is taken to have been affirmed (i.e. the original decision stands).

External Review

Where you are not satisfied with the outcome of an internal review, or where the original decision was made by the Minister or agency's principal officer personally, you can request an external review of the decision by the Information Commissioner.¹⁶ For external reviews, the agency or Minister must demonstrate why they made the original decision.¹⁷

Applications for external reviews must be made in writing, provide details about the decision for review and be lodged with the OICQ within 20 business days from the date notice of the decision was received (or longer as allowed by the OICQ).¹⁸ Applicants do not need to have made an internal review in order to apply for external review.¹⁹

There is no fee for making an external review application.

The Information Commissioner can conduct preliminary inquiries, require the Minister or agency to conduct further searches, examine witnesses to aid in their review.²⁰ The Information Commissioner can decide to affirm, vary or set aside the decision under review and may substitute in their decision.²¹

Visit: The OICQ has information about review rights for access decisions [here](#).

Information Privacy Act

The IP Act gives you the right to apply to access and amend your own personal information that is held by the Queensland Government. The IP Act also outlines how your

¹⁴ RTI Act s 81.

¹⁵ RTI Act s 82.

¹⁶ RTI Act s 85.

¹⁷ RTI Act s 87.

¹⁸ RTI Act s 88.

¹⁹ RTI Act s 85.

²⁰ RTI Act Pt 9 Div 5.

²¹ RTI Act s 110.

personal information that is held by the Queensland Government will be stored and protected.

The IP Act operates in conjunction with the RTI Act and, where an application that was made under the RTI Act could have been made under the IP Act, the Minister or agency must give the applicant the opportunity to have their application dealt with under the IP Act and their application fee refunded.²²

Privacy Principles

The IP Act establishes two sets of Privacy Principles:

1. Information Privacy Principles; and
2. National Privacy Principles.

Information Privacy Principles (IPPs)

There are 11 IPPs that apply to the Queensland public sector. The IPPs outline how personal information is to be collected and stored, accessing and amending personal information, and how stored personal information can be used and disclosed.

Read: The full list of IPPs is provided in [sch 3](#) of the IP Act.

National Privacy Principles (NPPs)

There are 9 NPPs that apply to Queensland Health. The NPPs outlines how public health agencies can collect, use, disclose, amend or provide access to personal information. The NPPs also contains additional principles relating to anonymity and collection of sensitive information.

Read: The full list of NPPs is provided in [sch 4](#) of the IP Act.

Accessing Your Personal Information

You have the right make an application under the IP Act to access documents held by the Queensland Government that contain your personal information.²³ Information can also be accessed through the Administrative Access Scheme or where is it commercially available.²⁴

To apply to access your personal information, you must make an application in writing, using the correct form (available online), identify the agency or Minister that holds the information and, within 10 business days of making the application, provide the agency or Minister with evidence of their identity (or authorisation and identity where the applicant is an agent).

The application form and process is the same as the process outlined above under the RTI Act, although there is no application fee.

²² *Information Privacy Act 2009* (Qld) (**IP Act**) s 9; RTI Act s 34.

²³ IP Act s 40.

²⁴ IP Act s 42.

Amending Your Personal Information

If, after accessing your personal information, the details are incorrect or out of date, you can make an application to amend your information.²⁵

Visit: The Queensland Government has more information about amendment application under the IP Act [here](#).

Administrative Access Scheme

The Administrative Access Scheme (**AAS**) provides an informal, streamlined process by which people can access information. It is less formal than making applications under the RTI Act or IP Act. Generally, people should make applications under the RTI Act or IP Act as a last resort, where administrative access is not available, to reduce the burden on the system.

Visit: The OICQ has information about the Administrative Access Scheme [here](#).

How does the AAS differ from making applications under the RTI Act or IP Act?

Where applications under the RTI Act or IP Act are legislated, with the agency or Minister required to address mandatory considerations when determining access, accessing information under the AAS is a discretionary process.

As it is not a legislated process, there are no application fees or mandated timeframes to respond. There are also no appeal or review rights should the agency or Minister refuse to release the information. In such circumstances, you would then be able to make an application under the RTI Act or IP Act.

What information can be accessed under the AAS?

While it is designed to give individuals access to their own personal information, other information can also be accessed under the AAS. Generally, whether the information can be released under the AAS will depend on the sensitivity of the information requested and the person making the request for access. Where information is not available under the AAS, the person should be informed by the agency or Minister to make an application under the RTI Act or IP Act.

Access under the AAS may be appropriate if:

- there is significant demand for certain information (the agency or Minister may also choose to proactively release information to pre-empt demand);
- there are no risks or adverse effects if the information were to be released;
- the person seeking the information is the one who sent it to the agency/Minister;
- the agency or Minister has previously sent the information to the person requesting access; or

²⁵ IP Act s 44.

- the documents are publicly available or generally made available.

Open Data Strategy and Right to Request Information

The rights to request information of all kinds²⁶ and to participate in the conduct of public affairs²⁷ are protected rights under the *Human Rights Act 2019* (Qld) (**HR Act**). This aligns with the preamble and primary objective of the RTI Act, which is to give right of access to information held or controlled by the government, unless it not it in the public interest to disclose.

The purpose of these rights under the HR Act and the object of the RTI Act and IP Act are ultimately to promote the principle of open and open and transparent government. The Queensland Government has an ‘Open Data Strategy’ to foster transparency, and adhere to six key principles:

1. open by default;
2. timely and comprehensive;
3. accessible and usable;
4. comparable and interoperable;
5. for improved governance and citizen engagement; and
6. for inclusive development and innovation.

Visit: The Queensland Open Data Policy Statement is available [here](#).

The Queensland Open Data Strategy is available [here](#).

Glossary and Resources

RTI Act means the [Right to Information Act 2009 \(Qld\)](#)

IP Act means the [Information Privacy Act 2009 \(Qld\)](#)

OICQ means the [Office of the Information Commissioner Queensland](#)

QCAT means the [Queensland Civil and Administrative Tribunal](#)

Other Useful Resources

Read: EDO has also published factsheets on accessing information in other jurisdictions. See our factsheets on:

- [Access to information in NSW](#)
- [Freedom of Information in the ACT](#)
- [Accessing information held by the NT government](#)
- [Freedom of information in SA](#)
- [Access to government documents in SA](#)
- [Accessing government information in Tasmania](#)
- [Freedom of information in WA](#)

²⁶ *Human Rights Act 2019* (Qld) (**HR Act**) s 21(2).

²⁷ HR Act s 23(1).

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