

Making a Right to Information / Information Privacy Access Application

Overview

Your application for seeking access to documents under the Right to Information Act 2009 (Qld) (RTI Act) or the Information Privacy Act 2009 (Qld) (IP Act) must meet certain requirements before the Council can begin processing it.

Application form

The RTI Act states that you should make your access application on the approved application form.

You can download and print a copy of the approved application form from the Council's website. Once you have completed the application form, you can either post, fax or email it to the Council.

OR

You can ask the Council to send you a paper copy of the application form which can then be returned to the Council once you have completed it.

How to fill out the application form

The application form must provide an address to which the Council can send written correspondence. The address can either be a postal address or an email address.

The application form must also contain enough details about the documents being requested to enable the Council to identify the documents. By being as clear as possible about the documents you are seeking, you will be helping the Council to quickly locate the documents.

It may help to speak with Council's Right to Information Unit before you make an application. The Right to Information officers should be able to advise you whether the information you are seeking can be obtained without making a formal application under the RTI Act or IP Act. They may also be able to provide advice on how to word the application to ensure it describes the documents you are seeking to access.

The application form indicates which sections on the form must be completed.

Application fee

There is an application fee for RTI applications which must be provided with the application form. This fee cannot be waived.

There is no application fee for applications made under the IP Act. However, you may be required to pay access charges before you are given access to any documents.

Identification

If you are seeking access to documents that contain your own personal information, a certified copy of your identification must be provided with the application form or within 10 business days after submitting your application. This process helps the Council protect your personal information from being disclosed to persons other than yourself.

If someone (including a legal representative) is acting on your behalf or as your agent, they must also provide evidence that they have authority to act on your behalf and also provide a certified copy of their identification.

Your identification (and that of your agent, if applicable) must be certified by a justice of the peace, commissioner of declarations or a lawyer.

Contact from the Council

If your application does not comply with the requirements set out above then the Council will contact you within 15 business days of receiving your application. Council will tell you why your application does not comply and what steps you must take to make it compliant.

If you are contacted, you must provide the information the Council has requested (for example, make payment of the application fee) within the timeframe given by the Council. If you don't respond within that timeframe, the Council may consider that your application is noncompliant and may refuse to process it.

The Council will provide you with a written notice of the decision within 10 business days if it decides to refuse to deal with your application because it is noncompliant. You have the right to apply for a review if the Council makes the decision not to process your application.

How long will it take to process your application?

The standard time for Council to process your application is 25 business days from the date we receive a valid application.

However, this processing period can be extended in some circumstances, for example:

- If Council needs to consult with a relevant third party, 10 business days will be added to the processing period.
- If a charges estimate notice is provided, the time taken for you to respond does not count as part of the processing period.
- Council may ask you for an extension of time if we need longer to process your application.

How much will it cost?

Access charges

There is no charge if you chose to receive the documents in electronic form (such as by email or on CD). If you chose to receive a photocopy of the documents, the cost is 25 cents per black and white A4 page.

Processing charges

If your application is made under the RTI Act, you may have to pay processing charges. There are no processing charges for applications made under the IP Act, ie where you are applying for your own personal information.

Processing charges include the time taken for Council to process your application, for example, searching for or retrieving the documents and making a decision on the application. For documents that do not contain your personal information, processing charges are calculated on a per 15 minutes basis (or part thereof) for time spent dealing with your application.

Financial hardship

You may request that the processing and/or access charges be waived if you are the holder of a Health Care Card or Pensioner Concession Card issued by the Department of Human Services or a Pensioner Concession Card issued by the Department of Veterans' Affairs.

Charges estimate notice (CEN)

If your application has been made under the RTI Act, Council will provide you with a written estimate of how much the processing of your application is likely to cost. This is called a 'charges estimate notice' or CEN.

If the time taken to process your application is less than 5 hours there are no processing charges; however, you may still have to pay access charges.

Consulting with third parties

Based on the content of the documents being considered as part of your application, Council will determine whether it is necessary to consult with any third parties (such as another person or agency) to obtain their views on releasing the document/s. Council is required to consult with third parties if it is considering releasing a document that contains information which may reasonably be expected to be of concern to a third party. If Council needs to consult with a third party, 10 business days will be added to the processing period.

Will you get access to the documents?

You may not get full access to all the documents you have requested. The RTI Act and IP Act set out certain types of information that Council may decide not to release to an applicant, either because Parliament has decided that it is exempt information or because releasing it would be contrary to the public interest.

Council's decision on your application

When Council has finished processing your application, we will send you a letter setting out our decision. Generally speaking, if a decision refuses access to a document in full or in part, the decision notice must state the reasons for the decision to refuse access and set out your rights to seek a review of the decision.