

RIGHT TO INFORMATION POLICY

MANAGEMENT DIRECTIVE



1 Scope

This policy applies to all Councillors, employees, contractors and volunteers of Rockhampton Regional Council, as well as members of the public seeking access to information held by Council. It governs the handling of both general and personal information, ensuring that access is managed in accordance with applicable statutory obligations and principles of transparency, accountability and privacy.

2 Purpose

The purpose of this policy is to support Council's commitment to openness and accountability by facilitating public access to Council-held information. It ensures that access to both general and personal information is managed in accordance with the *Right to Information Act 2009*, promoting proactive disclosure and enabling individuals to obtain information without the need for formal application processes wherever possible.

3 Related Documents

3.1 Primary

Nil

3.2 Secondary

Human Rights Act 2019

Information Privacy Act 2009

Local Government Act 2009

Public Records Act 2023

Right to Information Act 2009

Administrative Access Scheme Procedure

Privacy Policy

Right to Information Personal Information Amendment Application

4 Definitions

To assist in interpretation, the following definitions apply:

An Individual	Any living human being. That is, an individual is not a company, trust or deceased person.
Administrative Access	The release of information by means other than under an application under the RTI Act (or other statutory process or scheme for accessing documents or information).
CEO	Chief Executive Officer A person who holds an appointment under section 194 of the <i>Local Government Act 2009</i> . This includes a person acting in this position.

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Adopted/Approved:	Approved, 19 November 2025	Department:	Organisational Services
Version:	3	Section:	Corporate and Technology Services
Reviewed Date:		Page No:	Page 1 of 8

Contractor	A person, organisation or entity that performs a specific act or acts including the provision of services and/or materials to another person, organisation or entity under an agreement enforceable by law.
Coordinator	An employee appointed to a position with a corporate band 4 delegated in line with the Delegation and Authorisation Policy and detailed in the Delegations Corporate Register.
Council	Rockhampton Regional Council
Councillor/s	The Mayor and Councillors of Council, within the meaning of the <i>Local Government Act 2009</i> .
Disclosure Log	A list of documents released following a decision about an application for access under the <i>RTI Act</i> , which is published on the Council's website or in hardcopy upon request.
Employee	Local government employee: (a) The CEO; or (b) A person holding an appointment under section 196 of the <i>Local Government Act 2009</i> .
General Manager	An employee appointed to a position with a corporate band 2 delegated in line with the Delegation and Authorisation Policy and detailed in the Delegations Corporate Register.
IP	Information Privacy
IP Act	<i>Information Privacy Act 2009</i>
Manager	An employee appointed to a position with a corporate band 3 delegated in line with the Delegation and Authorisation Policy and detailed in the Delegations Corporate Register.
Personal Information	As defined in the IP Act, information or an opinion about an identified individual or an individual who is reasonably identifiable from the information or opinion: (a) Whether the information is true or not; and (b) Whether the information or opinion is recorded in material form or not.
Publication Scheme	Information Council makes routinely available for public access, refer to paragraph 5.3.
RTI	Right to Information
RTI Act	<i>Right to Information Act 2009</i>
Volunteer	Any person, who of their own free will, offers to undertake unpaid work for Council and is accepted as a volunteer by the CEO and/or their authorised delegates.

5 Policy Statement

Council is committed to fostering an open and transparent environment that enables members of the public to access Council-held information wherever practicable, without the need for formal application process.

Where formal access applications are necessary or appropriate – such as in cases involving sensitive non-personal information or third-party content – requests are assessed with consideration to both the nature of the information and the context in which access is sought.

This policy should be read in conjunction with Council's Privacy Policy to ensure a consistent approach to the management of personal information.

LEGAL AND GOVERNANCE USE ONLY			
Adopted/Approved:	Approved, 19 November 2025	Department:	Organisational Services
Version:	3	Section:	Corporate and Technology Services
Reviewed Date:		Page No:	Page 2 of 8

5.1 Legislative Obligations

Under the RTI Act Council is required to:

- (a) Make information about its policies, structure and activities publicly available;
- (b) Provide access to documents upon request, subject to limited exceptions where disclosure could be contrary to the public interest; and
- (c) Proactively release information administratively, wherever appropriate, with formal applications used only where necessary.

The RTI Act also provides individuals with the right to access and request amendment of their personal information held by Council.

5.2 Roles and Responsibilities

5.2.1 Principal Officer

As defined in Schedule 5 of the RTI Act the CEO is the Principal Officer and is responsible for ensuring Council's compliance with its obligations under the RTI Act.

5.2.2 RTI Coordinator

The Records Supervisor is appointed as the RTI Coordinator and is responsible for coordinating all requests for access to information and administering the key provisions under the RTI Act and the IP Act.

The RTI Coordinator:

- (a) Liaises with and advises the Decision Maker and the Action Officer on RTI matters;
- (b) Liaises with Council's legal representative when legal advice is required;
- (c) Coordinates RTI and IP training for employees; and
- (d) Coordinates updates to the Disclosure Log, Publication Scheme and Administrative Access Scheme as required. Links to documents published to the Disclosure Log are considered where it is reasonably practicable to do so.

5.2.3 RTI and Privacy Officer

The RTI and Privacy Officer is responsible for managing the administrative aspects of access applications. This includes:

- (a) Receiving and registering applications;
- (b) Assigning applications to decision makers based on application subject and availability;
- (c) Liaising with applicants, decision makers and relevant Council departments;
- (d) Undertaking initial redaction of documents; and
- (e) Drafting correspondence and coordinating communication throughout the application process.

This role ensures that applications are processed efficiently, within legislative timeframes and in accordance with Council's obligations under the RTI Act.

5.2.4 RTI Decision Maker

The CEO may sub-delegate the authority to deal with applications to other employees. A designated group of appropriately qualified senior employees from each department are sub-delegated to act as Decision Makers for access applications primarily relevant to their department.

Decision makers are responsible for determining whether documents should be released or exempted from access under the RTI Act.

LEGAL AND GOVERNANCE USE ONLY			
Adopted/Approved:	Approved, 19 November 2025	Department:	Organisational Services
Version:	3	Section:	Corporate and Technology Services
Reviewed Date:		Page No:	Page 3 of 8

5.2.5 RTI Action Officer

The RTI Action Officer is a departmental representative nominated by the relevant business unit. They are responsible for identifying, locating and collating documents held by their department that are relevant to an access application.

The Action Officer works closely with the decision maker and RTI and Privacy Officer to ensure timely provision of documents for assessment and inclusion in the RTI file.

5.2.6 RTI Internal Review Officer

The Internal Review Officer is a Decision Maker of equal or greater seniority to the initial Decision Maker. When a request for a review is received from an applicant the internal review officer is responsible for reviewing decisions to refuse access to documents (or part thereof) in response to an access application.

5.2.7 Heads of Department/Section/Unit

General managers, managers and coordinators are responsible for ensuring that administrative practices within their areas support Council's obligations under the RTI Act.

They should liaise with the RTI Coordinator to develop appropriate procedures and are responsible for maintaining up-to-date information relevant to their units under the publication scheme.

5.2.8 Information Systems Unit

The Coordinator Information Systems is responsible for providing and supporting the digital infrastructure required to maintain Council's RTI presence online, including the publication scheme, disclosure logs and administrative access scheme.

5.3 Publication Scheme

Council is required under the RTI Act to maintain a Publication Scheme that outlines the classes of information routinely available to the public and the terms under which that information is provided, including any applicable charges. The content of the Publication Scheme must comply with the guidelines issued by the Minister responsible for the RTI Act.

Managers are responsible for ensuring that information relevant to their units is kept up to date within the Publication Scheme.

5.3.1 Council Publication Scheme

Council's Publication Scheme categorises information that is routinely available to the community. Information is grouped and into seven classes:

- (a) About Council – who we are and what we do, including our:
 - (i) Organisational structure;
 - (ii) Role, mandate, mission and business activities;
 - (iii) Locations and contacts; and
 - (iv) Relevant legislation.
- (b) Council services – Information about the services provided by Council.
- (c) Council finances – Budgetary information and financial performance.
- (d) Council priorities – Strategic priorities and progress updates.
- (e) Council decisions – Information about Council's decision-making processes.
- (f) Council policies – Current written policies and procedures.

LEGAL AND GOVERNANCE USE ONLY			
Adopted/Approved:	Approved, 19 November 2025	Department:	Organisational Services
Version:	3	Section:	Corporate and Technology Services
Reviewed Date:		Page No:	Page 4 of 8

- (g) Council lists, includes:
 - (i) Registers Council is legally required to maintain; and
 - (ii) Other lists and registers relevant to Council's business functions.

The Publication Scheme does not generally include information that is:

- (a) Prohibited from disclosure by law or exempt under the RTI Act;
- (b) In draft form;
- (c) In a format that is not easily accessible; or
- (d) No longer readily available due to transfer to Queensland State Archives.

5.4 Administrative Access

Administrative access refers to the release of information held by Council through informal means, without requiring a formal application under the RTI Act. Administrative access focuses on the reactive release of information and demonstrates a commitment to openness, accountability and transparency. The Administrative Access Scheme Procedure provides further guidance on public access to information.

An Administrative Access Scheme is maintained to provide an overview of the types of information available for release into the community administratively when requested.

5.5 Requests for Access to Personal Information or Amendment of Personal Information – IP Act

The IP Act gives individuals the right to seek access to documents containing personal information about them. It also gives them the right to seek amendment of personal information held about them, where it is considered to be inaccurate, incomplete, out-of-date or misleading. In simple cases, an appropriate officer of the Council may alter the record without using the formal IP mechanisms. In more complex cases (for example, where opinion or other interpretative information is involved), it is necessary to make an application to the RTI Coordinator.

Amendment of information does not extend to deletion or destruction of records.

5.6 RTI/IP Access Applications

Where information is not publicly available or accessible through administrative access, individuals may apply formally to access documents held by Council under the RTI Act.

To be a valid, an application must:

- (a) Be in writing;
- (b) Provide sufficient detail to identify the documents requested;
- (c) Include the prescribed application fees (unless the application relates solely to the applicant's personal information); and
- (d) State an address for correspondence under the RTI Act.

If the application relates to the applicant's personal information, it must also include:

- (a) Evidence of the applicant's identity; and
- (b) If submitted by an agent, certified identification and written authority to act on the applicant's behalf.

Authority documents must clearly outline the scope of representation and must not be older than six months unless verified as current.

Access applications apply only to documents that are, or may be, in existence on the day the application is received. Council is not required to create new documents or respond to questions through this process.

LEGAL AND GOVERNANCE USE ONLY			
Adopted/Approved:	Approved, 19 November 2025	Department:	Organisational Services
Version:	3	Section:	Corporate and Technology Services
Reviewed Date:		Page No:	Page 5 of 8

Charges for access are applied as follows:

- (a) No application fee is payable for requests relating solely to the applicant's personal information;
- (b) Actual costs incurred in providing access (for example reproduction of non-paper records) may be recovered; and
- (c) For all other applications, a prescribed application fee is payable, and processing or access charges may apply.

5.6.1 Processing Period and Requirements

Council is required to provide a written decision within 25 business days from the date a compliant access application is received. The processing period begins on the next business day following receipt of a valid application.

If an application is incomplete or non-compliant, Council makes reasonable efforts to contact the applicant and provides an opportunity to rectify the application. The processing period commences only once the application becomes compliant.

Council may request an extension to the processing period at any time before it ends, with the applicant's agreement, to allow for a considered decision.

If an application falls outside the scope of the RTI Act, Council notifies the applicant within 10 business days of receipt.

During the processing period, Council may provide the applicant with:

- (a) A schedule of relevant documents;
- (b) A Charges Estimate Notice, if applicable; and
- (c) An opportunity to consult with Council to refine the scope of the application and reduce potential charges.

Council is committed to ensuring applications are processed efficiently and in accordance with statutory obligations.

5.6.2 Assessment and Decision

Access applications are assessed by a decision maker in accordance with the RTI Act. Each application is considered on its own merits, with regard to the nature of the information requested and the public interest considerations outlined in the RTI Act.

Where information is subject to an exemption or its release would, on balance, be contrary to the public interest, access may be refused. Council may also refuse to deal with an application if it would substantially and unreasonably divert Council's resources, or if the same application has previously been made and decided.

Following assessment, Council issues a written notice of decision to the applicant. If access is refused in full or in part, the notice includes the reasons for refusal and information about the applicant's rights of review.

5.6.3 RTI Review and Appeal

Where Council decides not to release documents, provide only partial access, or refuses to amend personal information, the applicant is provided with written reasons for the decision in accordance with the RTI Act.

Applicants have the right to seek review of the decision. Council offers an internal review process, where a Decision Maker of equal or greater seniority who was not involved in the original decision reassesses the decision.

In addition to internal review, applicants may seek an independent external review by the Office of the Information Commissioner (Queensland). Information about how to request a review, including timeframes and contact details, is included in the written notice of decision.

LEGAL AND GOVERNANCE USE ONLY			
Adopted/Approved:	Approved, 19 November 2025	Department:	Organisational Services
Version:	3	Section:	Corporate and Technology Services
Reviewed Date:		Page No:	Page 6 of 8

5.7 Amendment of Personal Information

Individuals have the right to request the amendment of their personal information held by Council where they believe the information is inaccurate, incomplete, out-of-date or misleading. This right is provided under the RTI Act and supports the integrity and accuracy of Council records.

Requests for amendment must clearly identify the information to be corrected and provide evidence to support the claim. Council may contact the applicant to clarify the request or seek further information if required.

Amendment does not include the deletion or destruction of records. The management and disposal of public records is governed by the *Public Records Act 2023* and relevant retention and disposal schedules.

5.8 Disclosure Log

Council maintains a Disclosure Log in accordance with the RTI Act. The log provides details of access applications that have been decided and where the released information may be of broader public interest.

The disclosure log supports Council's commitment to transparency by making previously released documents available to the community, unless publication is unreasonable or the information is exempt from release.

Information about how to access documents listed in the Disclosure Log is available on Council's website. The log is updated regularly and managed in accordance with Council's administrative procedures and privacy obligations.

5.9 Recordkeeping Requirements

Council is required to maintain a dedicated electronic record for each access application. These records must document the actions taken and decisions made throughout the processing of the request, ensuring transparency and accountability.

Each RTI file must contain sufficient detail to allow internal and external reviewers to understand the basis for Council's decision and the process followed. This includes correspondence, document assessments, redactions and any consultation undertaken.

Council bears the responsibility for justifying its decisions under the RTI Act and must ensure records are complete, accurate and maintained in accordance with requirements under *Public Records Act 2023*.

6 Review Timelines

This policy is reviewed when any of the following occur:

- (a) The related information is amended or replaced; or
- (b) Other circumstances as determined from time to time by the CEO.

LEGAL AND GOVERNANCE USE ONLY			
Adopted/Approved:	Approved, 19 November 2025	Department:	Organisational Services
Version:	3	Section:	Corporate and Technology Services
Reviewed Date:		Page No:	Page 7 of 8

7 Document Management

Sponsor	Chief Executive Officer
Business Owner	General Manager Organisational Services
Policy Owner	Manager Corporate and Technology Services
Policy Quality Control	Legal and Governance



LEGAL AND GOVERNANCE USE ONLY			
Adopted/Approved:	Approved, 19 November 2025	Department:	Organisational Services
Version:	3	Section:	Corporate and Technology Services
Reviewed Date:		Page No:	Page 8 of 8