



**LIFE  
HERITAGE  
IDENTITY  
FAMILY  
COMMUNITY  
MEMORIES**

## **RBDM Information Access Policy**



**Queensland  
Government**

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## PURPOSE

The purpose of this policy is to outline the criteria and eligibility, for an entity, to enter into an arrangement with the Registrar of Births, Deaths and Marriages (Registrar) to obtain information contained in a register under the Registrar's control.

## INTRODUCTION

The core functions of the Registry of Births, Deaths and Marriages (RBDM) are to:

- collect and maintain information about key life events that occur in Queensland (i.e. births, deaths, marriages, adoptions, surrogacy arrangements, civil partnerships, and changes of name and sex) in registers;
- provide access in appropriate cases to information in these registers, including issuing official life event certificates; and
- disseminate statistical information.

Recording important events in people's lives such as births, deaths, and marriages, provides individuals with the official recognition and documentation necessary to establish identity, family relationships and civil status.

Life event information held by RBDM also contributes significantly to Australia's and Queensland's vital statistics, which are used for research, planning and the formulation of effective and efficient evidence-based policy across multiple sectors.

The use and disclosure of personal information is closely controlled under the *Births, Deaths and Marriages Registration Act 2003* (BDMR Act) to protect the privacy of individuals and protect against the risk that information will be misused.

The BDMR Act provides that the Registrar may release information:

- in response to a request, made in writing, by a person or other entity, to access a certificate or document related to a **particular** life event (section 44);
- under an arrangement with an entity for the provision of information in a register (section 48);
- under an agreement with particular agencies such as the Queensland Families and Child Commission, and the Health Ombudsman in relation to specific functions undertaken by those agencies (sections 48A-48D);
- under a reciprocal administrative arrangement with another Australian RBDM (section 39).

The framework for entities to enter into an arrangement for access to information in life event registers is outlined in section 48 of the BDMR Act and enables the sharing of information when it is in the public interest, noting that one of the objects of the BDMR Act is the collection and dissemination of statistical information.

## SCOPE

This policy relates to the access to information by an entity pursuant to section 48 of the BDMR Act, i.e. where the Registrar may enter a public interest arrangement with an entry for the provision of information.

This policy does not address the criteria or process for an individual or entity seeking information or a certificate in relation to a specific life event. The framework for this type of access is outlined in the RBDM Certificate Access Policy and Certificate

Access Policy Administrative Requirements, and is based on an assessment of whether the applicant has an adequate reason for obtaining the information or certificate, or whether the information being sought has become publicly available historical information.

## LEGISLATION

Legislation	Section
Births, Deaths and Marriages Registration Act 2003 (Qld)	3 Objects (of the Act)
	45 Information policies
	46 Protection of privacy
	48 Additional services
	48A Registrar to give notice of registration of child death to family and child commissioner
	48B Registrar may enter into arrangement with family and child commissioner
	48C Registrar may enter into arrangement with health ombudsman
	48D Arrangement for giving information about persons for particular purposes under Adoption Act

## INFORMATION SHARING ARRANGEMENTS

The Registrar is permitted to enter into arrangements to provide registered information to an entity where the arrangement is in the public interest. (Section 48, BDMR Act). In entering these arrangements, the Registrar must protect the persons to whom the information relates as far as practicable, from unjustified intrusion on their privacy (Section 46, BDMR Act).

Specific arrangements between RBDM and other entities are negotiated and formalised under specific agreements signed by the parties. Each agreement is constructed to ensure that all the relevant details, including fee arrangements, obligations to ensure data security and privacy, and outlining the purpose for the agreement, meet the legislative requirements.

The framework for the Registrar to enter into information provision arrangements is also subject to the range of relevant legislative requirements that apply to all Queensland government agencies. When releasing information under agreements with other agencies the Registrar is also required to comply with the *Information Privacy Act 2009* (Qld) (IP Act) and the Information Privacy Principles (IPPs). The IPPs require the Registrar to take all reasonable steps to ensure the entity will not use or disclose the information for a purpose other than the purpose for which it was shared information was shared.

RBDM is committed to respecting, protecting and promoting human rights. Under the *Human Rights Act 2019*, RBDM has an obligation to act and make decisions in a way that is compatible with human rights and when making a decision, to give proper

consideration to human rights. When deciding whether to enter an arrangement for the provision of information, the Registrar must comply with these obligations.

## WHO MAY OBTAIN INFORMATION UNDER AN AGREEMENT

Entities seeking to obtain information under section 48 of the BDMR Act must meet key criteria, to be considered for an arrangement:

1. The entity must meet good standing 'due diligence' requirements, as assessed by RBDM;
2. The entity must commit to information privacy and security standards appropriate to the information sought, as outlined in the RBDM Data Access Principles;
3. The purpose and use for which the entity seeks the information must demonstrate that the arrangement is in the public interest; and
4. The entity must enter into an appropriate agreement, the essential terms and conditions of the arrangement, as assessed by RBDM.

## PUBLIC INTEREST TEST

The [Office of the Information Commissioner Queensland](#) (OICQ) describes the term 'public interest' as referring to considerations affecting the good order and functioning of the community and government affairs for the well-being of citizens. Public interest considerations are generally common to all members of, or a substantial segment of, the community, as distinct from matters that concern private or personal interests.

The BDMR Act does not define or set out the specific arrangements that will be in the public interest. 'Public interest' must be interpreted in a way that will best achieve the purpose of the BDMR Act<sup>1</sup>, and the subject matter, scope and purpose of the Act is relevant to determining its meaning<sup>2</sup>.

The power to enter public interest arrangements with entities recognises the significant community value of the information RBDM holds for statistical, research, policy development and planning purposes relating to population, fertility, health, mortality and other matters. The power also recognises the value of the information for other public purposes, such as improving the quality of data held by government agencies.

RBDM works closely with the OICQ to ensure that our data management policies and procedures effectively and appropriately balance individual rights to privacy with public interest purposes for making information available to other agencies.

There's no set list of 'public interest' objectives, however the RBDM approach and relevant examples are outlined within the RBDM Data Access Principles (which are available to entities interested in entering an arrangement). In every case, the specific requests and the privacy principles that apply are evaluated following the data access principles when considering a new arrangement.

RBDM will be as transparent as possible about the public interest purpose for an agreement, while safeguarding registered information from being obtained fraudulently or improperly.

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<sup>1</sup> Section 14A *Acts Interpretation Act 1954*.

<sup>2</sup> See *Hogan v Hinch* (2011) 243 CLR 506, [31].

## REVIEW OF A DECISION

Section 49 of the BDMR Act enables a person who is dissatisfied with a decision of the Registrar (including a decision under section 48) to apply, as provided under the [Queensland Civil and Administrative Tribunal Act 2009](#), to the Queensland Civil and Administrative Tribunal for a review of the decision.

## VERSION

Commencement date: 22 May 2020

Version: 1.0

Approved: Registrar-General, Registry of Births, Deaths and Marriages