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| **Access and Amendment Application Policy**Right to Information and Privacy |

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# Policy Statement

This policy sets out how Queensland Corrective Services (QCS) complies with its access and amendment application obligations under the *Right to Information Act 2009* (RTI Act) and how an individual or organisation may exercise the right of access to information held by QCS.

The Queensland Government has established a regime for managing and accessing the information that Queensland Government agencies hold. The information held by Queensland Government agencies consists of information about an individual (personal information), or general, non-personal information.

Accessing information held by Queensland Government agencies is governed by the RTI Act. This Act establishes a right for persons to request access to information held by Queensland Government agencies and the processes and procedures which must be followed by an agency when responding to an access application.

If you have any questions regarding the application process, contact the Right to Information and Privacy Group on qcsrti@corrections.qld.gov.au .

# Principles

The RTI Act establishes a public right of access to documents in the possession of, or under, QCS's control. In establishing this right of access, the Act sets out specific processes and procedures that must be followed when requesting access to documents. The RTI Act outlines public interest factors for disclosure and non-disclosure and grounds of exemption which can be applied to refuse access to information contained within certain documents. The RTI Act also allows individuals to apply to amend their own personal information in the possession of, or under, QCS's control if it is inaccurate, incomplete, out of date or misleading. This policy describes the general processes and conditions for accessing and amending information and documents held by QCS under the RTI Act.

# Scope

This policy applies to all employees of QCS, contractors and volunteers employed by QCS and to documents of QCS.

The Minister has issued directions in relation to access applications made under the RTI Act relating to documents of the Minister. To the extent practicable, this policy also applies to QCS employees with respect to applications relating to documents of the Minister.

# Responsibility

While the QCS Commissioner is the Principal Officer and the person ultimately responsible for determining the outcome of RTI access applications, compliance with the requirements of the RTI Act is the responsibility of all QCS staff. The roles and responsibilities of QCS employees under the RTI Act and this policy include:

1. The Commissioner can delegate the authority of managing RTI access applications to officers within the Right to Information and Privacy Group.
2. The delegated officer is the primary officer responsible for making decisions regarding the release of documents within the timeframe stipulated in the RTI Act. In this function, the delegated officer manages applications and liaises with business units regarding access to documents.
3. Managers are responsible for establishing procedures to locate information held within their business units. In the event information cannot be located, a written statement must be provided to the delegated officer indicating the information cannot be located and what reasonable steps have been taken to locate the information.
4. Officers, at the delegated officer’s request, may be asked to provide information, such as background information, about a document or documents to assist the delegated officer in determining whether any public interest or exemption considerations are relevant to the document/s.
5. Organisational units complying with RTI document search requests and ensuring the return of information and/or document/s within required timeframes. Delays in search responses may result in non-compliance with statutory timeframes resulting in increased risk to QCS of not meeting its RTI responsibilities, or reduced consultation time available for internal and external reviews.
6. Right to Information and Privacy Group providing advice and direction to QCS officers in relation to obligations under the relevant legislation and in accordance with this policy.
7. Right to Information and Privacy Group decision makers complying with this policy and making decisions about access to information in accordance with their respective legislative delegations issued by the Commissioner under the RTI Act.
8. Right to Information and Privacy Group administration officers assist with the co-ordination of administration arrangements associated with applications received. Administration Officers also provide support to ensure the Right to Information and Privacy Group achieves its legislative responsibilities.

Where there is an internal review of a decision made on an RTI application, the Commissioner or nominated delegate (the delegate must be no less senior than the officer who made the original decision) will be responsible for determining the internal review.

# Definitions

**Compliant Application** – means an application which meets the requirements set out in section 24 of the RTI Act.

**Contractor** – a third-party independent agent or organisation employed by QCS.

**Disclosure log** – a list of applications made under the RTI Act relating to the release of non-personal documents following the decision which is published on QCS’s website.

**Documents** – means any record of information, and includes:

1. anything on which there is writing; and
2. anything on which there are marks, figures, symbols or perforations having a meaning for persons qualified to interpret them; and
3. anything from which sounds, images or writings can be reproduced with or without the aid of anything else; and
4. a map, plan, drawing or photograph.

Text messages, emails and messages sent and received using messaging apps (such as WhatsApp, Teams or Telegram) are documents. This includes information held on personal devices if pertinent to public business.

**Document of QCS** – means a document, other than a document to which the RTI Act does not apply, in the possession, or under the control, of QCS whether brought into existence or received in QCS, and includes:

1. a document to which QCS is entitled to access; and
2. a document in the possession, or under the control, of a QCS officer in the officer’s official capacity.

The definition captures documents in the possession of consultants or external service providers that are not physically in the possession of QCS.

**Document of the Minister** - means a document, other than a document of QCS or a document to which the RTI Act does not apply, in the possession, or under the control, of the Minister that relates to the affairs of an agency, and includes:

1. a document to which the Minister is entitled to access; and
2. a document in the possession, or under the control, of a member of the staff of, or a consultant to, the Minister in the person’s capacity as member or consultant.

**Employee** - A person employed by QCS under the *Public Sector Act 2022* as a permanent, fixed term temporary, full-time, part-time or casual employee and/or on secondment from another department. For the purposes of this document this also includes volunteers working on QCS operational sites.

**Manager** – an individual responsible for overseeing and coordinating specific functions, departments, teams or projects within QCS.

**Personal information** – means information or an opinion about an identified individual or an individual who is reasonably identifiable from the information or opinion-

1. whether the information or opinion is true or not; and
2. whether the information or opinion is recorded in a material form or not.

**Publication scheme** – the type of information QCS has available and the terms on which it will make the information available, including any charges that may be necessary.

**RTI Act** - the *Right to Information Act 2009*, a Queensland Act.

# Policy

QCS is committed to providing access to documents in accordance with legislative requirements prescribed under the RTI Act.

QCS information and documents are available to the public via:

* QCS website
* QCS’s Publication Scheme
* Queensland State Archives
* QCS’s Disclosure Log.

Where a document is not routinely available to the public, an individual or organisation may apply to access documents held by QCS in accordance with the provisions of the RTI Act.

## 6.1 Publication Scheme

The publication scheme is a collection of information published on QCS’s website and includes information about:

* the agency’s structure and functions
* how the agency’s functions affect members of the public
* any arrangements that enable members of the public to engage with the agency’s functions
* the types of information held by the agency
* the types of information the agency makes publicly available and how that information is made available
* procedures for asking for information, including, for example, any fee or charges that may be applicable.

## 6.2 Access Applications under RTI

If a QCS document is not publicly available an individual or organisation can make a formal application to access QCS documents under the provisions of the RTI Act.

The requirements of an access application are:

* must be submitted in writing
* may use the approved form, which is no longer mandatory, however QCS may still provide the form for convenience
* provide payment of the current application fee for non-personal applications
* provide sufficient detail to enable accurate identification of the requested documents
* provide an address to which written notices may be sent
* for personal information access applications, applicants must provide a certified copy of their identification within 10 business days of the initial application
* the provision by an agent of an authority to act, where the application is being made by an agent on behalf of the applicant and the application is for personal information of the applicant.

The access application applies only to documents that are, or may be, in existence on the day the application is received.

Access application forms are available from the QCS website, the whole of government RTI site at [www.rti.qld.gov.au](http://www.rti.qld.gov.au), or by requesting a copy to be emailed or posted.

The RTI Act provides a 25 business day processing period from the receipt of a valid application to provide a written decision. Day one of the processing period starts on the next business day after a valid application is received.

When an applicant makes an access application that is not compliant with legislative requirements, QCS must take reasonable steps to contact the applicant to give them a reasonable opportunity to submit a compliant application. Once a compliant application is received, the 25 business day processing period commences.

At any time before the processing period expires, QCS may request an extension of the processing period from the applicant with a view to making a considered decision.

If an access application is outside the scope of the legislative provisions, QCS will advise the applicant within 10 business days after receiving the application.

There is a fee for requesting access to non-personal documents. The legislation states the application fee is unable to be waived. Processing and access costs may be incurred for printing documents and/or the time taken to process an access application. For requests to access non-personal information the fees and charges specified in the *Right to Information Regulation 2009* (the Regulation) will be applied. Information relating to the processing and access costs associated with the RTI Act are available on the Information Commissioner's website: [www.oic.qld.gov.au](http://www.oic.qld.gov.au).

When processing an application under the RTI Act, before the end of the processing period QCS will provide the applicant with a Charges Estimate Notice (CEN) outlining the approximate access and process charges, if applicable. An applicant who receives a CEN may consult with QCS with a view to amending the application to reduce approximate charges.

The delegated officer assesses each application in accordance with the public interest balancing test and/or exemptions prescribed by the RTI Act. If the delegate considers the information is exempt or on balance, disclosure of the information would be contrary to the public interest, the information will not be released.

QCS may refuse to deal with an access application if it would substantially and unreasonably divert the resources of the Right to Information and Privacy Group. QCS can also refuse to deal with an access application if the application was previously made for access to the same documents.

Once an access application has been assessed, the delegate provides the applicant with a written notice of their decision and, if access to certain information is refused, a statement of reasons in accordance with the RTI Act.

## 6.3 Amendment of Personal Information

Individuals have the right to seek amendment of personal information held about them where the information is considered to be inaccurate, incomplete, out-of-date or misleading. Amendment of information does not extend to deletion or destruction of records.

## 6.4 Disclosure Log

QCS has a publicly available disclosure log, which contains non-personal information released under the RTI Act.

## 6.5 Internal and External Review

The delegated officer will provide the applicant reasons for decisions not to release documents, to give only partial access to documents, or to refuse to amend personal information. The applicant can request an internal review which will be undertaken by an internal review officer. The applicant can also request an external review which will be undertaken by the Queensland Information Commissioner. It is not necessary to have an internal review before applying for an external review.

# Related legislation, procedures and guidelines

[*Acts Interpretation Act 1954*](https://www.legislation.qld.gov.au/view/html/inforce/current/act-1954-003)

[*Human Rights Act 2019*](https://www.legislation.qld.gov.au/view/html/inforce/current/act-2019-005)

[*Information Privacy Act 2009*](https://www.legislation.qld.gov.au/view/html/inforce/current/act-2009-014)

*I*[*nformation Privacy Regulation 2009*](https://www.legislation.qld.gov.au/view/html/inforce/current/sl-2009-0135)

*Corrective Services Act 2006*

[*Public Records Act 2023*](https://www.legislation.qld.gov.au/view/html/inforce/current/act-2023-033)

[*Right to Information Act 2009*](https://www.legislation.qld.gov.au/view/html/inforce/current/act-2009-013)

*Right to Information Regulation 2009*

Detailed procedures are outlined in the Right to Information and Privacy Access and Amendment Application Procedure.

# Policy Management

**8.1. Policy Owner:** Deputy Commissioner, Workforce Culture, Integrity and Capability

**8.2. Policy Implementer:** Assistant Commissioner – General Counsel, Policy and Legal Command

# Document Control

**Document information and review**

A review of this document will be conducted every three years or at times of critical incident changes.

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