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Access to and amendment of information procedure

Version: 3 | **Date effective**: 1 July 2025 | **Review date**: 1 July 2026

Audience

All staff, including contractors and volunteers.

Purpose

The purpose of this procedure is to outline the responsibilities and tasks to be undertaken by employees in discharging the Office's functions under the *Right to Information Act 2009* (RTI Act). This includes applications to access and amend information held by QO.

This procedure also sets out the actions and decisions required to give administrative access to documents.

Responsibilities

Officer	Responsibilities
General Counsel	• referral of internal review applications to delegated decision-maker • coordinate response to external reviews
Delegated decision-maker	• decide initial applications and/or internal reviews
Advisor, RTI/IP	• coordinate the receipt and processing of access and amendment applications • decision making on initial applications • annual statistical reporting
All employees	• refer any written request/application for information received to the Advisor, RTI/IP • conduct searches for responsive documents on request from the delegated decision-maker

Requirements

Administrative access

A person may apply for administrative access to documents they have previously supplied to or received from the Office. In particular:

- complainants are entitled to administrative access to documents relating to their complaint that they have provided and the responses from this Office
- applicants for vacancies are entitled to administrative access to the application and other documents they have submitted to the Office.

In most cases, there will be no charge for access to documents, but the Advisor, RTI/IP may decide to charge for photocopying if there are a large number of documents (charges will be consistent with the Right to Information Act).

An application for administrative access should be in writing and include:

- a description of the documents requested
- how the documents are to be provided (e.g. by email or post)
- a certified copy of a proof of identity document.

Responding to administrative access applications

Any officer that receives a verbal request from a person apparently seeking administrative access to any document/s of the Office should ask the person to put their request in writing to the Advisor, RTI/IP at RTIandPrivacy@ombudsman.qld.gov.au (or by post). Any officer who receives a written request from a person apparently seeking administrative access to any document/s of the Office must refer the request to the Advisor, RTI/IP.

The Advisor RTI/IP will acknowledge the request within five business days and where possible provide access to the requested documents within 28 business days.

Access applications

Any officer that receives a verbal request from a person apparently seeking access under the RTI Act to any document/s of the Office should advise the person that the application must be made in writing to RTIandPrivacy@ombudsman.qld.gov.au (or by post).

Any officer who receives an RTI application form, or a written request (including by email) from a person apparently seeking access under the RTI Act to any document/s of the Office must refer the request to the Advisor RTI/IP.

Responding to access applications

Under an instrument of delegation made pursuant to s 30(2) of the RTI Act, the Ombudsman has delegated the power to deal with applications to specified employees.

The Advisor, RTI/IP is a delegated decision maker. In the absence of the Advisor, RTI/IP, the General Counsel will allocate the application to another delegated decision maker.

The delegated decision maker is not subject to direction and is responsible for managing the response to the application referred to them. The decision maker may consult with General Counsel and/or Advisor RTI/IP about the interpretation and application of the RTI Act and the Access to and amendment of information policy and this procedure. The decision maker may also consult with staff, to seek to understand the background to documents, and any matters that may be relevant to balancing the public interest.

Assessing access applications

The decision-maker will conduct an initial assessment of all RTI applications, and written requests apparently seeking access under the RTI Act to any document/s of the Office.

The assessment will determine issues such as whether:

- the application is outside the scope of the RTI Act
- the application complies with the application requirements under s 24 of the RTI Act
- the application should be transferred to another agency.

After assessing that an access application, the decision-maker will contact the applicant to:

- acknowledge the application
- confirm the scope of the application
- outline the statutory processing timeframes.

Timeframes for responding to access applications

Upon receipt of an application, the delegated decision-maker should make a note of the relevant processing deadlines set out in the RTI Act. Even where a specific timeframe is provided for in the Act, decision-makers should endeavour to carry out the relevant activity as soon as practicable, and within the specified time limit.

If a decision is not made in time, the Ombudsman is deemed to have made a decision refusing access to the documents. In this case, any application fee paid should be refunded.

Scope of the application

If there is any doubt about the types or categories of documents to which the applicant is seeking access, the decision-maker should contact the applicant, at the earliest possible opportunity, to discuss or clarify the terms of the application.

Searches for documents

It is the decision-maker's responsibility (along with staff who are asked to assist) to ensure that reasonable searches for all responsive documents are conducted. This includes:

- archival searching (if relevant)
- searches of relevant hard-copy files
- searches of relevant electronic files
- consulting with each employee involved in the matter to check whether they possess any other relevant records, including hard-copy documents, emails, file notes, diary entries, etc.

Searches may be conducted by the decision-maker, or by staff at the decision-maker's request. The decision-maker must keep a record on the RTI processing file of all locations and files that were identified and searched in response to the application.

Charges

If the applicant is applying only for their personal information, there is no application fee payable. If they are applying for non-personal information an application fee is payable and this cannot be waived.

If a processing charge or access charge is payable in relation to the application, the applicant is to be given a charges estimate notice before the end of the processing period for the application.

See fees-and-charges for further information

Examining and marking up documents

Once the responsive documents have been compiled, the decision-maker must examine them and identify whether any grounds of refusal apply under the RTI Act. Where information is to be removed from documents, redaction software should be used to remove the information electronically.

Consultation with third parties

The decision-maker must consult with a third party where the decision-maker is considering releasing all or part of a document that could reasonably be expected to be of concern to a person, agency or government.

The decision-maker does not need to consult where they have already formed the view that the relevant document will not be released.

If a third party, upon being consulted, objects to disclosure of the document, but the decision-maker decides to release the document, they must be provided with a decision notice. The third party has a right of review, and access to the document in question must be deferred under s 37(3)(d) of the RTI Act.

Decision-makers must take care about disclosing the identity of the applicant to the third party, for privacy reasons. The identity of the applicant may be disclosed to the third party where the applicant agrees, or the disclosure is authorised or required by law. The decision-maker should consult with General Counsel if they have any concerns about this.

Extension of time

If the decision-maker does not think that they will be able to make a decision by the end of the processing period, they can contact the applicant to request an extension of time. The decision-maker must make this request before the end of the processing period. The decision-maker can continue considering the application provided the following criteria are met:

- the applicant has not refused the request
- the Office has not received notice that the applicant has applied for a review of the deemed refusal.

Grounds for refusing access to documents

The grounds upon which access may be refused are to be interpreted narrowly. The RTI Act states that access should be given unless, on balance, it would be contrary to the public interest to do so. An agency may also give access even where there are grounds on which access may be refused.

The decision-maker may refuse access:

- to the extent the document comprises exempt information
- to the extent the document comprises information the disclosure of which would, on balance, be contrary to the public interest
- if the document is sought under an application made by or for a child, to the extent the document comprises the child's personal information and disclosure would not be in the child's best interests
- if the document comprises an applicant's healthcare information, the disclosure of which might be prejudicial to the physical or mental health or wellbeing of the applicant
- if the document is non-existent or unable to be located, or

- if other access to the document is available.

Decision-makers should be aware that under Schedule 3, s 12 of the RTI Act, information may be refused to the extent it comprises exempt information. This includes information disclosure of which is prohibited by s 92 of the Ombudsman Act 2001 (except information will not be exempt if it is only the personal information of the applicant).

Notice of decision

Before the end of the processing period, the decision-maker must provide the applicant with a 'prescribed written notice' which sets out:

- the decision and the reasons for the decision (including a decision to refuse to deal with the application)
- the name and designation of the officer who made the decision
- disclosure log requirements
- the date of the decision
- a description of the searches conducted and documents found
- any relevant legislation and caselaw
- an itemisation of any processing and access charges payable by the applicant
- the period within which the applicant may access the document
- details of review rights.

The notice should address the matters set out in s 54 of the RTI Act.

If the decision is to release information contrary to the objections of a third party, the third party must also be given a decision notice and advised of their review rights.

Access to documents

Access to documents should be given only after the office receives payment for any processing or access charges that are payable by the applicant. Documents should be redacted (where appropriate, in accordance with the decision), sanitised and watermarked with 'Released under RTI' before being released.

Access should be provided in the form requested by the applicant, but that does not prevent the decision-maker from negotiating with the applicant to provide alternative forms of access. Applicants may choose a preferred access method, such as:

- inspect documents
- obtain photocopies of documents
- receive documents via email
- obtain documents on a DVD, CD or memory stick
- receive documents via a OneDrive link

If copies of documents are to be provided by email or saved to a CD, care must be taken to ensure that they cannot be altered nor their history interrogated.

Hard copies of documents or CDs must be sent to the applicant by 'person to person' tracked or registered mail with an acknowledgement receipt. If emailing documents to the applicant, access the 'Options' tab in Outlook and request a 'read receipt'.

Documents can also be made available for inspection (subject to the applicant providing an acceptable form of identification prior to inspecting). Applicants must be supervised at all times while undertaking the inspection.

Disclosure log

After an RTI decision is made, the decision-maker should consider whether to include a copy of the document or details identifying the document (and how it may be accessed) on the Office's disclosure log. In some cases, it may not be appropriate to publish information (for example, if it includes personal information of the applicant or information that would invade other individuals' privacy).

File closure

Upon finalisation of all steps in the decision-making process, the decision-maker must ensure that all documents are saved to eDOCS. The decision-maker must ensure that the file is ordered and contains all relevant documents and correspondence. The decision-maker must also ensure that a copy of the decision is on the file, as well as a copy of all documents dealt with in the application - clearly marked as exempt, released or partially released. Documents that have been partially released must clearly show where information has been deleted (a 'marked up' version, and a redacted version should be saved).

Upon completion of the file the Advisor, RTI/IP will enter the relevant information from the file into the Annual Report spreadsheet and check that all relevant steps have been completed.

Internal and external reviews

If an applicant is dissatisfied with the initial decision, they have the option of applying to the Office for internal review. The internal review decision-maker must not be the original decision-maker and must be no less senior than the original decision-maker. Under an instrument of delegation made pursuant to s.30(2) of the RTI Act, the Ombudsman has delegated the power to deal with internal review applications to specified officers.

Internal review applications are to be referred to the General Counsel who will either deal with the review or allocate to a delegated internal review decision-maker.

Alternatively, the applicant can apply to the Information Commissioner for external review. They may also apply for external review if they have applied for internal review and are dissatisfied with the internal review decision, or if no decision was made during the requisite period.

The Office's response to a review conducted by the Information Commissioner will be managed by General Counsel, with the assistance of the Advisor, RTI/IP.

Amendment applications

Where an individual raises concerns that information QO holds is inaccurate, incomplete, out of date or misleading, officers should consider whether this issue can be addressed informally. For example, this may include updating a phone number on a Resolve record. If there are concerns about this, the officer should consult with the Advisor, RTI/IP about whether a formal application is required.

Under the RTI Act an individual can apply to have their personal information amended if they believe it to be inaccurate, out of date, incomplete, irrelevant or misleading.

What should an employee do when they receive an application?

An employee who receives a letter or application requesting an amendment to personal information under the RTI Act, must forward it to the Advisor, RTI/IP within one working day of receipt.

Acknowledgement

Upon receipt of an amendment application, the Advisor, RTI/IP will:

- create a file in eDOCS
- send an acknowledgement (letter or email) to the applicant.

Who makes the decision?

Under an instrument of delegation made pursuant to s 78H of the RTI Act, the Ombudsman has delegated the power to deal with amendment applications to specified employees.

The Advisor, RTI/IP is a delegated decision maker. In the absence of the Advisor, RTI/IP, the General Counsel will allocate the application to a delegated decision maker.

The delegated decision maker is not subject to direction and is responsible for managing the response to the application referred to them. The decision maker may consult with General Counsel and/or Advisor RTI/IP about the interpretation and application of the RTI Act and the Access to and amendment of information policy and this procedure. The decision maker may also informally consult with staff, to seek to understand any issues that are relevant to the amendment application.

Initial assessment

The decision-maker will conduct an initial assessment of the application, to determine such issues as whether:

- the application is outside the scope of the RTI Act
- the application complies with the application requirements under s 78E(4) of the RTI Act
- the application should be transferred to another agency.

After assessing that an access application, the decision-maker will contact the applicant to:

- acknowledge the application
- confirm the scope of the application
- outline the statutory processing timeframes.

Timeframes

Upon receipt of an application, the delegated decision maker should make a note of the relevant processing deadlines set out in the RTI Act. Even where a specific timeframe is provided for in the Act, decision-makers should endeavour to carry out the relevant activity as soon as practicable, and within the specified time limit.

If a decision is not made in time, the Ombudsman is deemed to have made a decision refusing the amendment.

Decision and notice of decision

The decision maker must make a considered decision about whether the amendment should be permitted or refused (or, if QO should refuse to deal with the application). In making a decision, the decision maker should consider Chapter 3A of the RTI Act.

Then, before the end of the processing period, the decision-maker must provide the applicant with a ‘prescribed written notice’ which sets out:

- the decision
- if the amendment is not permitted, the reasons for the decision
- the day on which the decision is made
- the name and designation of the person making the decision
- any rights of review available, including timeframes for seeking review.

Form of amendment

If the decision-maker decides to grant the amendment, they may do so by:

- altering the personal information
- adding an appropriate notation to the personal information.

When making an alteration it is usually sufficient to strike through the words to be amended, add a side note indicating the nature of the defect, and insert the correct details or a note of where the correct details are to be found. It is also possible to include a copy of more accurate or up to date information on the file.

Any notation must:

- state how the information is inaccurate, incomplete, out of date or misleading
- if the information is claimed to be incomplete or out of date, set out the information required to complete the information or bring it up to date.

The existence of the notation should be clearly indicated on the cover of each of the applicant's files and the amendment itself should include a reference to the fact that the record was amended under the RTI Act.

Associated statement if amendment refused

If the decision-maker refuses to amend the applicant's personal information, then the applicant may require QO to add to the personal information included in the document a notation that:

- states the way the applicant claims the information to be inaccurate, incomplete, out of date or misleading
- if the applicant claims the information is inaccurate or misleading – set out the amendments the applicant claims are necessary for the information to be accurate or not misleading
- if the applicant claims the information to be incomplete or out of date – set out the information the applicant claims is necessary to complete the information or to bring it up to date.

The decision-maker is not required to use the applicant's exact wording in any statement.

Internal and external reviews

If an applicant is dissatisfied with the decision, they have the option of applying to the Office for internal review or to the Office of the Information Commissioner for external review.

Definitions

Term / Acronym	Definition
Advisor, RTI/IP	Advisor, Right to Information and Privacy
CEN	Charges estimate notice
Office	Office of the Queensland Ombudsman
Ombudsman	Queensland Ombudsman and Inspector of Detention Services
RTI	Right to Information

RTI Act	*Right to Information Act 2009*

Policy documents

Related policy documents:

- GOV-006 2024 P Access to and amendment of information policy
- GOV-005 2024 PR1 QPP Privacy Policy

Related documents

- RTI Instrument of delegation

Policy owner

General Counsel

Approval

Action	Officer	Date
Author	Alex Andrews Advisor, Right to Information and Privacy	19 / 02 / 2025
Endorsed	Christine Jones General Counsel	25 / 02 / 2025
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Document control

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