

RIGHTS OF REVIEW

Section 80 of the *Right to Information Act 2009 (RTI Act)* provides that a person affected by a “reviewable decision” is entitled to apply for an internal review of my decision.

WHAT ARE MY REVIEW RIGHTS?

You may apply for either internal review or external review of certain decisions made by an agency under the *Right to Information Act* or *Information Privacy Act*. An agency must notify applicants of their review rights in writing. This will usually be contained in a letter advising you of the decision.

The Office of the Information Commissioner’s (OIC) Enquiries Service can provide general guidance on reviewable decisions but may not be able to advise definitively whether you have a right of review as this can depend on the specific circumstances of your application.

WHAT IS AN INTERNAL REVIEW?

An internal review is a process conducted by another officer within the agency who is no less senior than the original decision-maker. The internal review officer is required to consider your application and relevant documents and make a new decision as if the original decision had not been made.

There is no fee for internal review applications.

HOW DO I APPLY FOR AN INTERNAL REVIEW?

An application for internal review must:

- be in writing
- provide an address where correspondence can be sent (this can be an email or a postal address)
- be made within 20 business days from the date stated on the decision notice, not from when you receive the notice (unless the agency allows further time); and
- be lodged at the office of the agency. If you are unsure where to submit your internal review application, contact the relevant agency that made the decision.

WHAT CANNOT BE REVIEWED?

Section 81 of the RTI Act states that the following are not reviewable decisions for internal review:

- a decision made on an internal review application;
- a decision made by the agency’s principal officer;
- a decision about the amount of a charge stated in a charges estimate notice.

WHAT IS AN EXTERNAL REVIEW?

External review is a process which allows certain decisions made by agencies under the RTI Act and IP Act to be independently reviewed by the Information Commissioner. You can seek an external review if you are not happy with the first decision made by the agency or if you had an internal review and are not satisfied with that decision.

Section 85 of the RTI Act provides that an affected person is also entitled to apply for an external review of a “reviewable decision” by the Information Commissioner. An external review reconsiders all aspects of the original decision including questions of law, questions of fact, discretion and policy.

It is not necessary for an applicant to have an internal review before applying for external review.

HOW DO I APPLY FOR AN EXTERNAL REVIEW?

If you are not satisfied with the decision made by the agency, either on your original RTI or IP application or at internal review, or the agency did not make a decision within the required timeframe, you may apply to have the decision externally reviewed by the Information Commissioner.

An application for external review must:

- be in writing
- be made within 20 business days from the date stated on the decision notice
- provide an address
- give details of the decision for review; and
- be lodged with the OIC by one of the following methods:

In person: Level 8, 160 Mary St, Brisbane

Post: PO Box 10143, Adelaide Street, Brisbane, Qld, 4000

Fax: 07 3405 1122

Email: administration@oic.qld.gov.au

Online: www.oic.qld.gov.au

There is no fee associated with making an external review application.