
RIGHT TO INFORMATION

APPROVALS

POLICY NUMBER	CORP-STAT-049	DOC.ID	4570028
CATEGORY	Statutory Policy		
POLICY OWNER	Governance and Corporate Services		
APPROVAL DATE	28 October 2021	RESOLUTION NUMBER	7552

OBJECTIVE

The *Right to Information Act 2009* (RTI Act) provides a legal right of access to non-personal information held by state and local government agencies unless on balance it is contrary to the public interest to give the access.

SCOPE

The scope of this policy is to set out how IRC addresses the requirements of the RTI Act.

- This policy applies to all Councillors and Council staff, consultants and contractors engaged by Council
- It is the responsibility of the Chief Executive Officer and the delegated officers for communicating, implementing, and enforcing the Policy, with any breaches dealing with this policy being the responsibility of the Director of Corporate Governance and Financial Services.

DEFINITIONS

TERM / ACRONYM	MEANING
Access Application	Application for access to information made under the <i>Right to Information Act 2009 Qld</i> .
Administrative Delegation	The Officer who holds the power to sign correspondence under delegation.
Decision Maker	Council's principal officer who holds the power to decide an access application.
Delegated Decision Maker	The Officer who holds the power to decide an access application under a delegation from Council's principal officer.
Documents	As defined by the RTI Act, means documents in the possession of, or under the control of, the IRC whether created or received by the Council. Documents may be in the possession of, or under the control of, a staff member of the IRC in that person's official capacity. Documents may be items in hard copy or electronic format, including files, reports, emails or other correspondence, computer printouts, maps, plans, photographs, and recordings.
IRC	Isaac Regional Council
RTI	Right to Information
RTI Act	<i>Right to Information Act 2009 Qld</i>
RTI Officer	The Decision Maker or Delegated Decision Maker

POLICY STATEMENT

Availability of Information

As required by s.21 of the *RTI Act* Council has in place a publication scheme which provides access to various documents relating to Council and Council activities. The Publication Scheme is accessible on Council's website.

IRC is committed to providing, as far as practicable, an open environment enabling members of the public to access non-personal IRC documents without recourse to formal RTI applications. Considerable IRC information is already made readily available via the website and IRC offices. Information may also be released administratively upon request.

Guiding principles

- Decisions as to the release of requested information, not available on IRC's website or in other publications, are made within the requirements of the RTI Act, taking into consideration the factors relating to exemptions and public interest.
- Requests for personal information are processed according to IRC's Information Privacy Policy, in accordance with the *Information Privacy Act 2009*.

Roles, responsibilities, accountabilities and consequences related to delivery of the policy

As the principal officer under the RTI Act, the Chief Executive Officer is responsible for determining the outcome of RTI applications.

The Legal and Governance Officer (Position Number 45,002.00) [Delegated Decision Maker], and in the absence of the Legal and Governance Officer, the Senior Governance Officer (Position Number 45,003.00), acting as RTI and Information Privacy Officer, is responsible for making initial decisions regarding the release of documents within the timeframe stipulated in the RTI Act. In this function, the Legal and Governance Officer, may discuss with prospective applicants and liaise with staff and IRC directorates regarding access to documents.

All staff, particularly the Team Leader Records and Information Management Officers may be required to assist the Legal and Governance Officer, in the above duties.

IRC Officers in charge of individual directorates are responsible for establishing procedures to locate information held in their areas and are also responsible for providing updated information relating to their areas under the Publication Scheme.

To protect personal information of the RTI applicant and to fulfil IRC's obligations under the *Information Privacy Act 2009*, all applications and information requests are to be treated as confidential.

Fees and Charges

Fees and charges for formal applications, processing and access provision are allowed by the RTI Act and Regulation. The fees and charges are set by the Department of Justice and Attorney General and reviewed annually.

The application fee must be paid when an RTI application is made under the *RTI Act 2009* and an application will not be properly made until the correct fee is paid.

The processing charges will only be applied if the total time taken to process the application is more than five hours. Once an application exceeds 5 hours process, a charge will apply for each 15 minute period, including the initial 5 hours.

No charges are incurred for access to documents or parts of documents that relate to an individual's personal information (see definition in IRC's Information Privacy Policy).

However, documents which contain both personal information and non- personal information will incur an application fee and processing charges as detailed above.

Under the *RTI Act* IRC may also impose a processing charge (calculated at the rates as notified by the Officer of the Information Commissioner) on an application where the processing of an application takes over 5 hours. The RTI Officer may also impose an access charge where access to documents is in hardcopy or requires additional resources including, but not limited to, duplication of original documents or preparing documents in a form that requires the use of specialised programs (e.g. databases). If the RTI Officer intends to impose a processing charge and/or access charge, the RTI Officer will issue a Charge Estimate Notice (CEN) which is an estimate of the total processing and access charges for the application prior to proceeding with the application. An applicant may decide to reject the charges and not proceed or advise the RTI Officer verbally or in writing that the charges are acceptable. If an applicant decides to accept the CEN the processing and/or access charges may not exceed the estimated charges in the CEN unless a further CEN is issued.

Processing and Deciding an RTI Application

The RTI Officer will decide an access application in accordance with the relevant considerations outlines in the *RTI Act*. The RTI Officer may decide to allow full access or partial access or may decide to refuse access to the requested documents. The *RTI Act* outlines instances where an RTI Officer may refuse access to documents including where dealing with an access application would substantially or unreasonably divert the resources of the agency (IRC).

Review and Appeal

The Legal and Governance Officer, acting as IRC's RTI and Privacy Officer, must provide to the applicant written decision notice detailing reasons for a decision not to release documents or to give only partial access to documents.

The Chief Executive Officer, acting as Internal Review Officer, will internally review such decisions upon appeal by an applicant. Further review by the Queensland Right to Information Commissioner is also available.

Record Keeping

IRC must maintain a discreet electronic and physical record for each RTI request.

It is important the RTI file records IRC's actions and decision-making in detail in dealing with each request. The records need to be sufficient to allow reviewers to understand the process and reasons for RTI determinations. In all cases, IRC has the onus of justifying its actions under the Act.

LEGISLATIONS AND RELATED GUIDELINES

- *Right to Information Act 2009*
- *Information Privacy Act 2009*
- *Human Rights Act 2019*
- Office of the Information Commissioner

REFERENCES

ID	NAME
CORP-POL-106	Information Privacy Policy
CORP-PRO-082	Right to Information Procedure
N/A	RTI Access Application Form (IRIS)