

# Information Sheet

## Processing Access Applications

### Under the *Right to Information Act*

The *Right to Information Act 2009 (Qld)* (RTI Act) should be used as a last resort if there are no other mechanisms under which applicants can apply to access information held by GCHHS.

The most common applications received by GCHHS under the RTI Act are:

- Requests for information in relation to deceased patients;
- Requests from insurance companies for children's records;
- Requests from the general public, including the media, for corporate records and statistics; and
- Requests from third parties where the information is not the personal information of the requestor.

### Valid Application

A valid application must:

- Be made in the approved form, (see [www.rti.qld.gov.au](http://www.rti.qld.gov.au) for a copy of the approved application form), alternatively a written request which includes all of the below information.
- Be accompanied by the application fee as prescribed by the [Right to Information Regulation 2009 \(Qld\)](#).
- If an agent is acting for an applicant seeking personal information, include evidence of the agent's authority. The agent is also required to supply a certified copy of their ID.
- Give sufficient information to enable an officer to identify the document(s) (for example, full name, date of birth, details of the records they require).
- State an address to which notices may be sent.
- State whether the documents are sought for the benefit of, or use of another entity, and if so, the name of that entity.
- If seeking access to a document containing the applicant's personal information, must provide certified evidence of identity with the application or within 10 business days after making the application.

It is advisable, but not mandatory, that the application is accompanied by supporting documentation to assist the responsible officer in determining whether it is in the public interest for the information to be released:

- Original or certified copy of evidence of identity for the person to whom the information relates:
  - If the individual is deceased, a death certificate is suitable evidence of identity.

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- If the information relates to a request by an insurance company for information relating to an insurance claim involving a child, it is advisable to provide the following documentation:
    - Evidence of identity of the parent who provided the authority to the insurance company;
    - The child's birth certificate naming the parent who provided the authority to the insurance company. Alternatively, the parent may provide evidence of identity of the child and further supporting documentation to satisfy the responsible officer of the relationship between the parent and child (for example, Court Order or Parenting Plan).
    - Additional supporting documentation to assist making the public interest decision can also include: -
      - Last will and testimony;
      - Marriage certificate;
      - Notice of Claim for Damages; or
      - Insurance policy documentation or Insurance Claim Form.

## Timeframe for Compliance

- Within 25 business days, or longer if provided for under the RTI Act.

## Access Charges

- Application, Processing and Access Charges are payable in accordance with the [Right to Information Regulation 2009 \(Qld\)](#).
- The responsible officer must issue a Charges Estimate Notice (CEN) as soon as reasonably practicable after the conclusion of conducting searches for documents relevant to the application.

## Acknowledgement Letter

Within 15 business days of receiving an application, whether compliant or not, the responsible officer is to send out an acknowledgment letter using the applicant's preferred method of contact.

- If compliant, an acknowledgement letter can be sent confirming the details of the requested information and due date.
- If non-compliant, an acknowledgement letter should be sent to the applicant confirming what steps they need to take to make their application compliant and the timeframe within which they must comply.

## Request for Documents

- If there are documents that may be held in a staff members specific directorate or personal filing system, the responsible officer is to send a Request for Documents form and specify a return date.
- The responsible officer must ensure the staff member returns a signed Request for Document form regardless of documents being located.
- The responsible officer must review the Request for Document form to ensure that all sections are completed and if not, follow up with the staff member.
- The completed Request for Document form must be retained with the RTI internal file.

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## Disclosure Log

Upon releasing the documents approved for release, the responsible officer is required to update RTIPs to reflect the decision made in relation to publishing the documents on the GCHHS Disclosure Log.

Documents containing personal information cannot be published on the Disclosure Log.

For documents not containing personal information, the responsible officer is to update the Disclosure Log and forward a copy to [GCHWeb@health.qld.gov.au](mailto:GCHWeb@health.qld.gov.au) for publishing on the GCHHS internet page.

## Key contacts

**Right to Information and Privacy** [GC-RTIP@health.qld.gov.au](mailto:GC-RTIP@health.qld.gov.au) **Phone** | +61 7 5687 3849

*Please note that the information contained in this Legal Information Sheet is provided to GCHHS staff for general information only. It is not legal advice and should not be relied upon as if it was legal advice. If you require specific legal advice about an issue, please contact Legal Services.*